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federal register

Thursday
September 5, 1985

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Federal Energy Regulatory Commission
Federal Trade Commission
Land Management Bureau

Air Pollution Control
Environmental Protection Agency

Authority Delegations (Government Agencies)
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Aviation Safety
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Agricultural Marketing Service

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Agricultural Marketing Service

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Presidential Documents

Title 3—

The President

Executive Order 12530 of August 29, 1985

Establishment of Nicaraguan Humanitarian Assistance Office

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 722 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83) (the Act), Chapter V of the Supplemental Appropriations Act, 1985 (Public Law 99–88) (the Supplemental Act), the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et. seq.*) (the FAA), including but not limited to sections 621, 632, and 633 thereof (22 U.S.C. 2381, 2392, 2393), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is hereby established the Nicaraguan Humanitarian Assistance Office (the Office).

(b) The Office shall, unless otherwise extended, terminate on April 1, 1986, or one week following completion of disbursement of the funds made available under section 722(g) of the Act by Chapter V of the Supplemental Act, whichever date is later.

Sec. 2. *Functions.* The Office shall, in accordance with the FAA, section 722(g) of the Act, Chapter V of the Supplemental Act, and the provisions of this Order, administer the program of humanitarian assistance to the Nicaraguan democratic resistance authorized thereunder. The Office may, to the extent permitted by law and the provisions of this Order, enter into such grant agreements and contracts and take such other actions as may be necessary to implement the program effectively.

Sec. 3. *Policy guidance.* In accordance with the FAA, and to the end that such programs and activities are effectively integrated with and supportive of the foreign policy of the United States, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs and activities carried out by the Office.

Sec. 4. *Administration.* (a) At the head of the Office there shall be a Director, who shall be an officer of the United States designated by the President. The Director shall exercise immediate supervision and direction over the Office.

(b) The Director may, to the extent permitted by law, including but not limited to section 621 of the FAA (22 U.S.C. 2381), employ such staff from Federal agencies as may be necessary, except that the staff shall be limited to twelve supervisory personnel, plus appropriate support personnel. No personnel from the Department of Defense or the Central Intelligence Agency may be detailed or otherwise assigned to the Office.

(c) The Secretary of State shall provide the Office with such administrative services, facilities, and other support as may be necessary for the performance of its functions. Funds made available under section 722(g) of the Act by Chapter V of the Supplemental Act shall be provided to the Office through the Department of State.

(d) At the request of the Director, and to the extent otherwise permitted by law, the agencies of the Executive Branch shall provide such information, advice, additional administrative services, and facilities as may be necessary for the fulfillment of the Office's functions under this Order.

Sec. 5. *Classification Authority.* In accordance with section 1.2(a)(2) of Executive Order No. 12356 of April 2, 1982, the Director is hereby designated as an

agency official with authority to classify information originally as Top Secret. The Director shall ensure that the Office establishes and maintains controls for the safeguarding of classified information as provided in part 4 of that Order.

Sec. 6. *Delegation of Functions.* Subject to the provisions of this Order and Executive Order No. 12163 of September 29, 1979, as amended, and to the extent necessary to the efficient and effective implementation of this Order, there are hereby delegated to the Director the functions conferred upon the President (and not reserved to him) by sections 632(a) and 635(b) of the FAA and other provisions of that Act (including but not limited to those set forth in Part III of the FAA) that relate directly and necessarily to the conduct of the programs and activities vested in or delegated to the Director.

Sec. 7. *Procurement.* (a) In accordance with the provisions of section 633 of the FAA (22 U.S.C. 2393), it is hereby determined to be in furtherance of the purposes of the FAA that the functions authorized thereunder, as set forth in section 2 of this Order, may be performed by the Director without regard to the provisions of law and limitations of authority specified in Executive Order No. 11223 of May 12, 1965, as amended.

(b) It is directed that each specific use of the waivers of statutes and limitations of authority authorized by this section shall be made only when determined in writing by the Director that such use is necessary to the efficient and effective implementation and in furtherance of the purposes of this Order and in the interest of the United States.

Sec. 8. *Reports.* The Director shall assist the President in preparing the reports required by section 722(j)(2) of the Act, including a detailed accounting of the disbursements made to provide humanitarian assistance with the funds provided pursuant to section 722(g) of the Act. The Director shall keep the President informed about the implementation of the program.

Ronald Reagan

THE WHITE HOUSE,
August 29, 1985.

[FR Doc. 85-21299
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Editorial note: For the President's statement of Aug. 29 on the establishment of the Nicaraguan Humanitarian Assistance Office, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 1015).

Presidential Documents

Executive Order 12531 of August 30, 1985

Establishing an Emergency Board To Investigate a Dispute Between the United Transportation Union and Certain Railroads Represented by the National Carriers' Conference Committee of the National Railway Labor Conference

A dispute exists between the United Transportation Union and certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference designated on the list attached hereto and made a part hereof.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended ("the Act").

This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me by Section 10 of the Act, as amended (45 U.S.C. 160), it is hereby ordered as follows:

Section 1. *Establishment of Board.* There is hereby established, effective August 30, 1985, a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The board shall report its findings to the President with respect to the dispute within 30 days from the date of its creation.

Sec. 3. *Maintaining Conditions.* As provided by Section 10 of the Act, as amended, from the date of the creation of the board and for 30 days after the board has made its report to the President, no change, except by agreement of the parties, shall be made by the carriers or the employees in the conditions out of which the dispute arose.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in Section 2 of this Order.

Ronald Reagan

THE WHITE HOUSE,
August 30, 1985.

RAILROADS

Akron & Barberton Belt Railroad Company
Alameda Belt Line Railway
Alton & Southern Railway Company
Atchinson, Topeka and Santa Fe Railway Company
Atlanta & Saint Andrews Bay Railway Company

Bessemer and Lake Erie Railroad Company
Burlington Northern Railroad Company
Canadian National Railways—St. Lawrence Region, Lines in the United States
Canadian Pacific Limited
Central of Georgia Railroad Company

The Chessie System:
Baltimore and Ohio Railroad Company
Baltimore and Ohio Chicago Terminal Railroad Company
Chesapeake and Ohio Railway Company
Toledo Terminal Railroad Company

Chicago & Illinois Midland Railway Company
Chicago and North Western Transportation Company
Chicago and Western Indiana Railroad Company
Chicago South Shore and South Bend Railroad
Chicago Union Station Company
Columbia & Cowlitz Railway Company
Davenport, Rock Island and North Western Railway Company
Denver and Rio Grande Western Railroad Company
Des Moines Union Railway Company
Duluth, Missabe and Iron Range Railway Company
Duluth, Winnipeg & Pacific Railway Company
Elgin, Joliet and Eastern Railway Company
Galveston, Houston and Henderson Railroad Company
Grand Trunk Western Railroad Company
Houston Belt and Terminal Railway Company
Illinois Central Gulf Railroad
Kansas City Southern Railway Company
Louisiana & Arkansas Railway Company
Kansas City Terminal Railway Company
Lake Superior Terminal & Transfer Railway Company
Lake Terminal Railroad Company
Los Angeles Junction Railway Company
Manufacturers Railway Company
McKeesport Connecting Railroad Company
Meridian & Bigbee Railroad
Milwaukee Road Inc., The
Minnesota, Dakota & Western Railway Company
Minnesota Transfer Railway Company
Mississippi Export Railroad Company
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad Company
Monogahela Railway Company
Montour Railroad Company
Newburgh and South Shore Railway Company
New Orleans Public Belt Railroad
Norfolk and Portsmouth Belt Line Railroad Company
Norfolk and Western Railway Company
Oakland Terminal Railway
Ogden Union Railway and Depot Company
Oklahoma, Kansas and Texas Railroad Company
Peoria and Pekin Union Railway Company
Pittsburgh and Lake Erie Railroad
Pittsburgh, Chartiers & Youghiogheny Railway Company
Portland Terminal Railroad Company
Port Terminal Railroad Association
Richmond, Fredericksburg and Potomac Railroad Company

Sacramento Northern Railway Company
St. Joseph Terminal Railroad Company
St. Louis Southwestern Railway Company

Seaboard System:

Seaboard System Railroad:
Seaboard Coast Line Railroad (former)
Louisville and Nashville Railroad (former)
Georgia Railroad (former)
Clinchfield Railroad
Atlanta and West Point Railroad—Western Railway of Alabama

Soo Line Railroad Company
Southern Pacific Transportation Company—
Western Lines
Eastern Lines
Southern Railway Company—
Alabama Great Southern Railroad Company
Atlantic East Carolina Railway Company
Cincinnati, New Orleans and Texas Pacific Railway Company
Georgia Southern and Florida Railway Company
New Orleans Terminal Company
St. Johns River Terminal Company
Spokane International Railroad Company
Terminal Railroad Association of St. Louis
Texas Mexican Railway Company
Union Pacific Railroad Company
Western Pacific Railroad Company
Wichita Terminal Association
Yakima Valley Transportation Company
Youngstown & Southern Railway Company

[FR Doc. 85-21298
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Billing code 3195-01-M

Editorial note: For the White House announcement of Aug. 30 on the establishment of the emergency board, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 1017).

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Licenses for Importation of Sugar To Be Re-Exported in Refined Form

AGENCY: Office of the Secretary, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the regulations which govern the licensing of sugars which are imported exempt from the import quotas on sugars, sirups, and molasses as modified by Presidential Proclamation No. 4941 of May 5, 1982, in order to be re-exported in refined form. License holders will be required to submit additional proof of export documentation; to certify that the sugar they are seeking credit for has in fact been exported; to designate third parties who act as exporting agents; and to increase the liquidated damages that may be assessed for failure to re-export sugar. The amendments are necessary to provide additional safeguards in the administration of the sugar re-export program.

DATE: Effective on October 7, 1985.

FOR FURTHER INFORMATION CONTACT: John Nuttall, Chief, Sugar Group, Room 6091, South Building, Foreign Agricultural Service, Department of Agriculture, 12th & Independence Avenue, SW., Washington, D.C. 20250. Telephone: (202) 447–2916.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" since the final rule will not have any of the effects specified in those documents.

The Administrator, Foreign Agricultural Service (FAS), certifies that this final rule will not have a significant economic impact on a substantial number of small entities. There are not a substantial number of small entity participants in the program. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

An assessment of the impact on the enviroment of this final rule has been completed. It has been determined that this action will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this final rule. An environmental assessment is available for review in Room 6091, South Building, USDA, during normal business hours.

The paperwork requirements imposed by this rule have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and have been given OMB approval number 0551–0015.

Imports of sugar are currently subject to quotas, determined in accordance with Presidential Proclamation No. 4941, which limit the amount of sugar which may be entered, or withdrawn from warehouse, for consumption into the customs territory of the United States. Presidential Proclamation No. 5002 of November 30, 1982, in part, authorizes the Secretary of Agriculture to issue licenses for the entry of sugar exempt from these quotas on the condition that the sugar be re-exported in refined form.

On June 28, 1983, the Department of Agriculture published "Regulations Governing Licenses for Importation of Sugar to be Re-exported in Refined Form," 7 CFR 6.100–6.112 (48 FR 29824), which implement this provision of Presidential Proclamation No. 5002. The regulations established procedures and requirements designed to ensure that the quantity of sugar which is imported into the customs territory of the United States free of quota does not exceed the equivalent adjusted quantity of refined sugar which is exported from the customs territory of the United States pursuant to the regulations. Proposed amendments to these regulations were published in the **Federal Register** on July 24, 1984 (49 FR 29801).

Generally, the proposed amendments are intended to cover the use of agents to export refined sugar and to increase the amount of liquidated damages that may be assessed against the license holder and/or the license holder's agent in the event of the license holder's failure to export refined sugar as required. One proposed amendment would add a new paragraph (b) to § 6.105 to prohibit the license holder from using a third party to export refined sugar under the program unless the license holder designates this third party as the license holder's agent for the purposes of exporting that sugar

A second proposed amendment would amend § 6.106(a)(1)(iv) by adding a requirement that the license holder certify to the Licensing Authority that the quantity of refined sugar for which the license holder is seeking credit has been exported from the customs territory of the United States. It should be noted that, where an agent is used to export sugar under the program, the license holder is liable for the actions of the agent and is responsible for ensuring that the entire export transaction occurs properly.

A third proposed amendment would amend § 6.106(a)(2) to require that, in order for the license holder to establish proof of export, the license holder must submit a U.S. Customs document bearing an original certification by a U.S. Customs official at the port of export, which identifies the license holder and which states that the quantity of refined sugar specified on the document is being exported from the customs territory of the United States. It is expected that exporters will use U.S. Customs form 7512 "Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit" for this purpose. Additional documentation would be required if the license holder uses an agent to export the refined sugar. This would include a letter from the license holder to the Licensing Authority stating that the license holder has designated such person as the license holder's agent for purposes of exporting that sugar and a certification by the agent to the Licensing Authority stating that the agent has exported the sugar from the U.S. customs territory on behalf of the particular license holder.

A fourth amendment would amend § 6.107 by adjusting the amount of the bond required for the entry of sugar exempt from quota. The use of the Number 12 price in calculating the amount of the bond has been eliminated because the New York Coffee, Sugar

and Cocoa Exchange is discontinuing its reporting of the Number 12 price. Therefore, it is necessary to substitute the Market Stabilization Price (MSP) (as announced by the Secretary for that fiscal year under §§ 6.300—6.302 of this title) for the Number 12 price. The bond requirement will be three times the difference between the Market Stabilization Price and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar and Cocoa Exchange.

A fifth amendment would amend § 6.110(a) to provide that when a license holder designates an agent to export refined sugar under the program, both the license holder and the agent may be held liable for the failure to export refined sugar. The Licensing Authority could assess the license holder and/or the agent designated by the license holder under the program liquidated damages up to three times the difference, in cents per pound, between the Market Stabilization Price and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar and Cocoa Exchange, times the quantity of sugar, raw value, determined by the Licensing Authority that should have been, but was not, exported under the program if the bond had been released under § 6.107. The Licensing Authority could, under a new § 6.110(b)(2), deny credit to a license holder for exports made by an agent if the Licensing Authority determines that the agent had rendered a false or incorrect certification (under § 6.106(a)) that sugar had in fact been exported from the U.S. customs territory.

A sixth amendment would add a new § 6.110(d), which makes it explicit that false, fictitious or fraudulent certifications by license holders or agents would be subject to civil and criminal laws of the United States, including fines of up to $10,000 and imprisonment of up to 5 years, or both, as provided under 18 U.S.C. 1001.

The Administrator, FAS, has found that there is good cause for not delaying the effective date of §§ 6.107 and 6.110 because the New York Coffee, Sugar & Cocoa Exchange has discontinued its reporting of the Number 12 contract price.

Discussion of Comments and Proposed Revisions

Six written comments from five refiners participating in the program were submitted in response to the proposed amendments and are available for inspection. All of the comments were considered in preparing the final rule. The written comments of four refiners supported stricter requirements for the re-export of sugar. Comments focused on several provisions of the proposed amendment, including: additional documentation required for proof of export; the time required for submitting proof of export documentation; the amount of the liquidated damages for failure to export a quantity of sugar corresponding to an import; the liability of persons for wrong-doing under the program and the additional certification required for use of an agent to export.

Specific Comments To Proposed Amendments

Section 6.106(a): Proof of Export.

One comment suggested an additional requirement specifying that the U.S. Customs document identify the license holder who will receive credit for the export covered by the document. It is felt that this suggestion will provide an additional safeguard against duplication of documents. Thus, we have adopted this suggestion by revising § 6.106(a)(2)(ii) to require that the license holder be identified on the U.S. Customs document.

One comment suggested that the license holder should not be placed in a position to certify that refined sugar has, in fact, been exported. This suggestion was not adopted. The intent of the program is to ensure that non-quota sugar entering the United States is re-exported. Whenever a license holder imports a quantity of sugar into the United States, the license holder must be responsible for the re-export of refined sugar even if an agent is designated to re-export the refined sugar.

Another comment suggested that the U.S. Customs document become the sole documentation necessary to receive credit under the program. This suggestion was not adopted. It is felt that a U.S. Customs document of the type required in § 6.106(a)(2)(ii) is necessary to supplement information found in proof of export documentation currently required by the regulation. It is not intended to replace that documentation.

One comment noted that U.S. Customs Form 7512 is not always the form used to verify an export. The regulations do not specifically require use of U.S. Customs Form 7512. However, arrangements have been made with the U.S. Customs Service to have U.S. Customs Form 7512 available for use with all exports under this program.

One comment suggested "the grandfathering through the end of 1985 of all existing contracts between license holders/refiners and their customers calling for export of sugar from the United States." This suggestion was not adopted. Credit will be granted only to refiners and agents able to comply with the regulations. It is felt adequate adjustment time is provided before the regulation becomes effective, and therefore it should not unduly interfere with the business proceedings of refiners and agents. Further, Customs agents are prepared for the additional documentation required.

Time Requirement Within Which Proof of Export Must Be Submitted

Three comments suggested an extension of the 30 working day time limit within which proof of export must be submitted. Two comments suggested an extension to 60 working days and the third comment did not specify the length of the extension.

In reviewing this suggestion, we were assured by U.S. Customs officials that 30 working days is a reasonable amount of time within which to submit a Customs document. It is the responsibility of the exporter to present the form to the U.S. Customs Service and the exporter may do so any time after an export. U.S. Customs agents have been instructed to certify the form at the time it is presented. Thus, these suggestions were not adopted.

Section 6.110: Enforcement.

Two comments suggested that the proposed amendment be amended to clarify that the liquidated damages which would be assessed for failure to export refined sugar corresponding to the sugar imported will be up to three times the difference in price on whichever of the eligible days for determining the difference between the daily "spot" price of the Number 11 contract and the MSP produces the greatest differential. These comments have been adopted in the revised § 6.110(a).

One comment suggested that the regulation should state "that the Licensing Authority may hold the license holder and/or such agent liable for any amount it determines appropriate, not to exceed the 'treble damage amount'." The comment also suggested that the regulation "should at least state that the Licensing Authority is not required to impose any penalty if, in his opinion, the violation is not intentional." It is believed that the language of the regulation is sufficiently flexible to allow the Licensing Authority to determine the amount of the liquidated damages. The regulations state that the Licensing Authority may assess the license holder and/or agent

"up to three times the difference" between the Market Stabilization Price and the daily "spot" price of the Number 11 contract on either of the designated days. Thus this suggestion was not adopted.

One comment suggested imposing "criminal penalties on any party directly responsible for the preparation of false, fictitious or fraudulent documents . . . in connection with the re-export program." This comment was not adopted because criminal penalties are provided by statute, not by these regulations. These regulations do not in any way alter the scope or application of the existing criminal laws of the United States.

Three comments suggested that the agent should post a performance bond to safeguard against an agent's failure to adhere to the regulations. It is felt that this matter should be between the license holder and the party designated as the license holder's agent. Individual license holders are free to require their agents to post performance bonds. However, the Department of Agriculture will not do so. Agents are not licensed under the program and their involvement is strictly on behalf of the license holder. Thus, these suggestions were not adopted.

List of Subjects in 7 CFR Part 6

Documentation, Exports, Foreign trade, Imports, Licenses, Quotas, Sugar.

Accordingly, 7 CFR Part 6 is amended as follows:

1. The authority citation for §§ 6.100–6.113 continues to read as follows:

Authority: Presidential Proclamation No. 5002, 47 FR 54269.

2. The table of contents for §§ 6.100 through 6.112 is amended by:

(a) Revising the entry for § 6.105 to read as follows:

§ 6.105 Use of an agent.

(b) Adding at the end a new entry to read as follows:

§ 6.113 Paperwork Reduction Act Assigned Number.

3. Section 6.105 is revised to read as follows:

§ 6.105 Use of an Agent.

(a) In those cases where entry of sugar is made by an agent of the license holder, the agent shall produce for inspection by the appropriate U.S. Customs official a written authorization by the license holder designating such person to act as an agent for the license holder for the purpose of entering sugar.

(b) The license holder may not use a third party to export the refined sugar under this program unless the license holder designates the third party as the license holder's agent for purposes of exporting that sugar.

4. Section 6.106 is amended by revising paragraph (a)(1)(iv) and paragraph (a)(2) to read as follows:

§ 6.106 Proof of Export.

(a) * * *

(1) * * *

(iv) The date of exports, point of export, identification of the vessel, railroad or other means of export, and a statement by the license holder that such sugar has been exported from the customs territory of the United States;

* * * * *

(2) *Documentation.* (i) A copy of the on-board bill of lading or intermodal bill of lading with an on-board date or, if exported by land, an authenticated landing certificate or similar document issued by an official of the importing country. The document could include a foreign official's stamp and/or certification on a U.S. document.

(ii) A copy of a U.S. Customs Service document acceptable to the Licensing Authority, bearing an original certification by a U.S. Customs Service official at the port of export, on which it is stated that the quantity of refined sugar specified thereon is being exported from the customs territory of the United States. The license holder making the export must be identified on the U.S. Customs Service document.

(iii) If the license holder has used an agent to export the refined sugar, a letter from the license holder to the Licensing Authority stating that the license holder has designated such person as the license holder's agent for that export, and a certification from the agent to the Licensing Authority stating that the agent has exported the quantity of sugar from the customs territory of the United States on behalf of the license holder.

* * * * *

5. Section 6.107, paragraph (c) is revised to read as follows:

§ 6.107 Bond requirements.

* * * * *

(c) The amount of the bond for the entry of sugar exempt from quota shall be equal to three times the difference between the Market Stabilization Price in effect for the appropriate period as announced by the Secretary under §§ 6.300–6.302 of this title and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar and Cocoa Exchange, multiplied by the weight of the sugar entered under license. If no daily "spot" price of the Number 11 contract is recorded for one or more of these market days, then the Licensing Authority may use such price as he/she deems appropriate. In the case of a single entry bond, the difference between the Market Stabilization Price and the daily "spot" price of the Number 11 contract shall be computed as of the last market day before the execution of the bond. In the case of term bonds, the difference between the Market Stabilization Price and the daily "spot" price of the Number 11 contract shall be computed quarterly based on the average price difference during the 20 consecutive market days preceding the 20th day of the month preceding the calendar quarter.

* * * * *

6. Section 6.110 is revised to read as follows:

§ 6.110 Enforcement.

(a) If at any time after receiving the proof of export described in § 6.106 of this subpart, the Licensing Authority determines that an export of refined sugar corresponding to the amount of sugar entered under the license did not occur, and if the bond has been released under § 6.107, the Licensing Authority may assess liquidated damages against the license holder or, where the license holder has designated an agent to export such sugar under the program, against the license holder and/or such agent. The liquidated damages may be up to three times the difference between the Market Stabilization Price announced by the Secretary for that fiscal year under §§ 6.300–6.302 of this title and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar and Cocoa Exchange times the amount of sugar, raw value, that should have been, but was not, exported. For the purposes of determining that daily "spot" Number 11 contract price, the Licensing Authority may select either the last market day before the entry of the corresponding sugar or the last market day before the end of the three month period, whichever results in the greatest differential between the two prices. If no "spot" Number 11 contract price is reported by the New York Coffee, Sugar and Cocoa Exchange for the relevant market day, then the Licensing Authority may use such price as he or she deems appropriate.

(b)(1) If at any time the Licensing Authority determines that a license holder has failed to comply with the requirements of this subpart, the Licensing Authority may, after notice to the license holder, suspend for up to two years or revoke the license issued to the license holder pursuant to this subpart and/or refuse to issue future licenses to that license holder for a length of time not to exceed two years.

(2) If at any time the Licensing Authority determines, after notice and opportunity for an informal hearing, that an agent designated by a license holder to export a quantity of refined sugar under this program has rendered false or incorrect certification under § 6.106(a)(2)(iii), the Licensing Authority may refuse to grant credits to the license holder for exports made through that agent subsequent to the date of such determination for a length of time not to exceed two years.

(c) The determination of the Licensing Authority under paragraphs (a) and (b) may be appealed to the Director, Horticultural and Tropical Products Division, Foreign Agricultural Service (FAS), U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of notification. The appeal shall be presented in writing specifically stating any reason as to why such determination should not stand. The Director, Horticultural and Tropical Products Division, FAS, U.S. Department of Agriculture, Washington, D.C. 20250, will provide such person with an opportunity for an informal hearing on such matter. An appeal may be made from the decision of the Director, Horticultural and Tropical Products Division, FAS, to the Administrator, FAS, U.S. Department of Agriculture, Washington, D.C. 20250, within five working days of receipt of the notification of the Director's decision. The Licensing Authority may take action under subsection (b) during the pendency of any appeal.

(d) False, fictitious or fraudulent certifications submitted to the Licensing Authority by either license holders or agents designated by license holders to participate in this program may subject the license holders or the agents to penalties and sanctions under the civil and criminal laws of the United States.

7. Section 6.111 is revised to read as follows:

§ 6.111 Waiver.

Under unusual, unforeseen or extraordinary circumstances, the Secretary may extend the three month period for the re-export of sugar or may temporarily increase the maximum amount of the license.

8. A new § 6.113 is added which reads as follows:

§ 6.113 Paperwork Reduction Act Assigned Number.

The Office of Management and Budget has approved the information collection requirements contained in these regulations in accordance with 44 U.S.C. Chapter 25 and OMB Number 0551–0015 has been assigned.

Signed at Washington, D.C., on August 28, 1985.

Leo V. Mayer,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 85–21070 Filed 8–30–85; 2:14 pm]

BILLING CODE 3410-10-M

7 CFR Part 6

Calculation of the Market Stabilization Price

AGENCY: Office of the Secretary, USDA.

ACTION: Interim rule.

SUMMARY: This rule sets forth terms and conditions for calculating a market stabilization price for sales of raw sugar. A market stabilization price is needed in administering various licensing programs for the entry of sugar exempt from import quotas.

EFFECTIVE DATE: September 5, 1985. In order to be assured of consideration, comments must be received no later than November 4, 1985.

ADDRESS: Mail comments to Chief, Sugar Group, Horticultural and Tropical Products Division, Foreign Agricultural Service, Room 6093, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John Nuttall, Telephone (202) 447–2916.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" since the final rule will not have any of the effects specified in those documents.

The Secretary of Agriculture certifies that this interim rule will not have a significant economic impact on a substantial number of the small entities involved. The economic impact will be minimal because the current procedure for program administration remains unchanged. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

An assessment of the impact on the environment of this interim rule has been completed. It has been determined that this action will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this interim rule. An environmental assessment is available for review in Room 6091, South Building, USDA, during normal business hours.

The Department of Agriculture currently operates several programs to license the importation of sugar exempt from the import quota for sugar under Presidential Proclamation No. 5002 (47 FR 54269). Under those programs, license holders are required to post a bond in connection with use of their licenses. The amount of that bond in some cases is determined in part by a price called the Market Stabilization Price.

Presidential Proclamation No. 5164 of March 21, 1984, in part established the terms and conditions for calculating and using the market stabilization price (MSP). Since the MSP provisions of Proclamation No. 5164 have been suspended by Presidential Proclamation No. 5313 of March 29, 1985, it is necessary to make other arrangements for calculating the MSP. This rule provides for the calculation of the MSP by the Secretary of Agriculture. The MSP calculation under this rule is the same as the MSP calculation under Proclamation No. 5164.

Since this rule is needed immediately to calculate the amount of the bond required for entry of sugar under license and liquidated damages under the several programs, the Secretary of Agriculture has determined that there is good cause not to apply the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date. However, any comments received within 60 days after the date of publication of this rule will be considered in adopting a final rule.

List of Subjects in 7 CFR Part 6

Bonds, Exports, Foreign trade, Imports, Licenses, Quotas, Sugar.

Accordingly, 7 CFR Part 6 is amended by adding the following center heading and §§ 6.300, 6.301 and 6.302:

PART 6—IMPORT QUOTAS AND FEES

Calculation of Market Stabilization Price

Sec.

6.300 Definitions.
6.301 Applicability.
6.302 Adjustments.

Authority: Presidential Proclamation No. 5002, 47 FR 54269.

Calculation of Market Stabilization Price

§ 6.300 Definitions.

(a) "Market Stabilization Price" (MSP) means the sum of (1) the price support level for the applicable fiscal year, expressed in cents per pound of raw cane sugar; (2) adjusted average

transportation costs; (3) interest costs, if applicable, and (4) 0.2 cent. The adjusted average transportation costs shall be the weighted average cost of handling and transporting domestically produced raw cane sugar from Hawaii to Gulf and Atlantic Coast points, as determined by the Secretary. Interest costs are the amount of interest, as determined and estimated by the Secretary, that would be required to be paid by a recipient of a price support loan for raw cane sugar upon repayment of the loan at full maturity. Interest costs shall only be applicable if a price support loan recipient is not required to pay interest upon forfeiture of the loan collateral.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the U.S. Department of Agriculture to whom the Secretary has delegated the authority or to whom the authority may hereafter be delegated to act in the Secretary's place.

§ 6.301 Applicability.

Any Market Stabilization Price calculated by the Secretary shall be published in the **Federal Register** and shall be effective no earlier than the date of publication. A Market Stabilization Price so published will remain effective until terminated, suspended or modified by the Secretary in a subsequent publication in the **Federal Register.**

§ 6.302 Adjustments.

If the Secretary determines that there is a significant change in any one or more of the elements comprising the Market Stabilization Price then in effect, the Secretary shall adjust the Market Stabilization Price to reflect that change.

Signed at Washington, D.C., on July 11, 1985.

John R. Block,

Secretary of Agriculture.

[FR Doc. 85-20720 Filed 8-30-85; 2:14 pm]

BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Greenhouse Cucumbers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the voluntary U.S. Standards for Grades of Greenhouse Cucumbers. Industry requested that the standards be revised to bring them in line with current cultural and marketing practices. The Agricultural Marketing Service has the responsibility, in cooperation with industry, to maintain current grade standards.

EFFECTIVE DATE: September 5, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Mizelle, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2188.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA Procedures and Executive Order 12291 and has been designated as "nonmajor." It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers, individual industries, Federal, State and local government agencies or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

This revision makes the following changes and additions:

—Deletes maturity requirements from all grades. The original standards required the cucumbers to be sufficiently mature for slicing purposes but not full-grown or ripe. Hybridization has eliminated the need for this requirement.

—Establishes a definition for "Injury" by specific defects for the U.S. Fancy grade.

—Includes "Clean," defined as "practically free from dirt or other foreign material," as the minimum cleanness requirement for all grades. The original standards required the U.S. Fancy and U.S. No. 1 grades to be free from "Damage" caused by dirt and U.S. No. 2 free from "Serious Damage."

—U.S. Fancy grade cucumbers will be required to be free from cuts and the U.S. No. 1 and U.S. No. 2 grades to be free from unhealed cuts. The original standards required cucumbers to be "free from unhealed cuts" in the U.S. Fancy and U.S. No. 1 grades and the U.S. No. 2 grade to be free from serious damage by cuts.

—The minimum length, unless otherwise specified, will be not less than 11 inches for all grades. The minimum length in the original standards was 5½ inches for the U.S. Fancy grade and, unless otherwise specified, 5½ inches for the U.S. No. 1 grade.

—The "Standard Pack" section will be redefined to reflect current packing practices.

—Includes definitions for "Permanent defects" and "Condition defects."

—Updates the format of the standards.

A proposal to revise these standards was published in the **Federal Register** on July 1, 1985 (50 FR 27004-27006). Copies were widely distributed to interested growers and industry organizations for review and comment.

Written comments were received from eighteen industry members during the comment period which ended on July 31, 1985. All respondents agreed with the proposal and urged its adoption as a final rule.

After careful review of comments presented by interested persons, the U.S. Department of Agriculture has determined that these revised standards will be more in line with current industry cultural and marketing practices.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the **Federal Register**, in that: (1) The packing season for greenhouse cucumbers is continuous and it is in the interest of the public and industry that this revision be placed in effect at the earliest date; and (2) no special preparation is required for compliance with this revision on the part of members of the greenhouse cucumber industry or others.

Accordingly this revision shall become effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 51

Agricultural commodities.

PART 51—[AMENDED]

Accordingly, 7 CFR Part 51 shall be amended as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended as 1090, amended, 7 U.S.C. 1622-1624.

2. Subpart—United States Standards for Grades of Greenhouse Cucumbers and the table of contents thereof are revised to read as follows:

Sec.

51.3855 General.

51.3856 Grades.

51.3857 Tolerances.

Sec.
51.3858 Application of tolerances.
51.3859 Standard pack.
51.3860 Definitions.
51.3861 Permanent defects.
51.3862 Conditions defects.
51.3863 Classification of defects.

§ 51.3588 General.

Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

§ 51.3856 Grades.

(a) "U.S. Fancy" consists of cucumbers which meet the following requirements:

(1) Basic requirements:
(i) Clean;
(ii) Well formed;
(iii) Well colored;
(iv) Fresh; and,
(v) Firm.

(2) Free from: Decay, cuts or mechanical injury.

(3) Free from injury by:
(i) Scars;
(ii) Freezing;
(iii) Mosaic or other diseases; and,
(iv) Insects or other means.

(4) Size: Unless otherwise specified, the minimum length shall be not less than 11 inches.

(5) Tolerances: (See § 51.3857)

(b) "U.S. No. 1" consists of cucumbers which meet the following requirements:

(1) Basic requirements:
(i) Clean;
(ii) Fairly well formed;
(iii) Fairly well colored;
(iv) Fresh; and,
(v) Firm.

(2) Free from: Decay and unhealed cuts.

(3) Free from damage by:
(i) Scars;
(ii) Freezing;
(iii) Mosaic or other diseases;
(iv) Insects; and,
(v) Mechanical or other means.

(4) Size: Unless otherwise specified, the minimum length shall be not less than 11 inches.

(5) Tolerances: (See § 51.3857)

(c) "U.S. No. 2" consists of cucumbers which meet the following requirements:

(1) Basic requirements:
(i) Clean;
(ii) Not badly deformed;
(iii) Fairly well colored;
(iv) Fresh; and,
(v) Firm.

(2) Free from: Decay and unhealed cuts.

(3) Free from serious damage by:
(i) Scars;
(ii) Freezing;
(iii) Mosaic or other diseases;
(iv) Insects; and,
(v) Mechanical or other means.

(4) Size: Unless otherwise specified, the minimum length shall be not less than 11 inches.

(5) Tolerances: (See § 51.3857)

§ 51.3857 Tolerances.

In order to allow for variations incident to proper grading and handling in the foregoing grades the following tolerances, by count, shall be permitted in any lot:

(a) *For defects.* Ten percent for cucumbers in any lot which fail to meet the requirements of the specified grade: Provided, that included in this amount not more than 1 percent for decay.

(b) *For off-size.* Five percent for cucumbers in any lot which are below a specified minimum length and 5 percent for cucumbers longer than a specified maximum length.

§ 51.3858 Application of tolerances.

When packed in containers the contents shall be the sample, when in bulk or bulk bins the sample shall consist of at least 25 cucumbers. Individual samples are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual samples may contain not more than one and one-half times the tolerance specified except that when the lot consists of containers with 18 cucumbers or less, individual containers may contain not more than double the tolerance specified: and provided, that the average is within the specified lot tolerance.

(b) For a tolerance of less than 10 percent, individual samples may contain not more than double the tolerance specified: Provided, that at least one defective and one off-size cucumber may be permitted in any sample: and provided further, that the average is within the specified lot tolerance.

§ 51.3859 Standard pack.

(a) Each cucumber shall be completely enclosed in a shrink wrapper.

(b) Cucumbers shall be fairly uniform in size and packed fairly tight in layers in containers according to approved and recognized methods.

(1) Fairly uniform in size means that not more than 10 percent, by count, of the cucumbers in any container shall vary more than 2 inches in length.

(2) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet these requirements.

§ 51.3860 Definitions.

(a) "Clean" means practically free from dirt or other foreign material.

(b) "Fresh" means bright, not wilted, yellow or exhibiting other symptoms of aging.

(c) "Well formed" means that the shape shall be fairly straight and not more than slightly tapered at one or both ends.

(d) "Fairly well formed" means not materially curved, constricted, or pointed at one or both ends, or otherwise materially misshapen.

(e) "Badly deformed" means badly curved, beaked, bottlenecked, constricted, or otherwise so badly misshapen that the appearance is seriously affected.

(f) "Well colored" means a characteristic green color over practically the entire surface.

(g) "Fairly well colored" means a characteristic green color over two-thirds or more of the surface except for areas affected by foliage shading.

(h) "Injury" means any defect described in § 51.3863 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality.

(i) "Damage" means any defect described in § 51.3863 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality.

(j) "Serious damage" means any defect described in § 51.3863 or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality.

§ 51.3861 Permanent defects.

"Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, scars, or growth cracks and cuts which are so located as to indicate that they occurred prior to packing.

§ 51.3862 Condition defects.

"Condition defects" means defects which may develop or change during shipment or storage; including, but not limited to decay, soft or yellowing and bruises which are so located as to indicate that they occurred after packing.

§ 51.3863 Classification of defects.

Defects	Injury[1]	Damage[1]	Serious damage[1]
Bruises	When any indentation is more than 1/16 inch (1.6mm) in depth or exceeds an area of a circle 1/2 inch (12.7mm) in diameter.	When any indentation is more than 1/8 inch (3.2mm) in depth or exceeds an area of a circle 3/4 inch (19.1mm) in diameter.	When any indentation is more than 1/4 inch (6.4mm) in depth or exceeds an area of a circle 1 inch (25.4mm) in diameter.
Insects	When feeding injury is evident or any insect is present.	When feeding injury materially detracts from appearance or any insect is present.	When feeding injury seriously detracts from appearance or any insect is present.
Scars	When not smooth, or not light colored, and aggregating more than the area of a circle 3/8 inch (9.5mm) in diameter; or smooth and light colored and aggregating more than the area of a circle 3/4 inch (19.1mm) in diameter.	When not smooth, or not light colored, and aggregating more than the area of a circle 1/2 inch (12.7mm) in diameter; or smooth and light colored and aggregating more than the area of a circle 1 1/2 inch (38.1mm) in diameter.	When dark or slightly rough or barklike scars aggregate more than a circle 3/4 inch (19.1mm) in diameter; or smooth and light colored and aggregating more than the area of a circle 2 inches (50.8mm) in diameter.

[1] Defect classifications are based on a cucumber 11 inches in length. Correspondingly larger areas are permitted on longer cucumbers and smaller areas on shorter cucumbers.

Done in Washington, D.C. on: August 30, 1985.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 85-21218 Filed 9-4-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends, for the months of September 1985 through February 1986, provisions of the Southwestern Idaho-Eastern Oregon Federal milk order relating to the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Also suspended is the requirement that one day's production of each producer be received at a pool plant in the months of September through February. The suspension was requested by a cooperative association representing most of the producers supplying the market to prevent uneconomic movements of milk.

EFFECTIVE DATE: September 5, 1985.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 2, 1985; published August 8, 1985. (50 FR 32085).

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 action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on August 8, 1985 (50 FR 32085) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of September 1985 through February 1986 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1135.13, paragraphs (f)(2) and (f)(3).

Statement of Consideration

This action removes for the months of September 1985 through February 1986 the limit on the amount of producer milk that a cooperative association or other handler may divert from pool plants to nonpool plants. Also suspended for the same period is the "touch-base" requirement that one day's production of each producer be received at a pool plant in the months of September through February. The suspension was requested by Dairymen's Creamery Association, Inc. (DCA), a cooperative association of a substantial portion of producers supplying the market.

The order now provides that a cooperative association may divert up to 70 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February. Similarly, the operator of a pool plant may divert up to 70 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of September through February.

The suspension is necessary because of the failure of one of the two distributing plants through which DCA pools its milk to qualify as a pool plant for June 1985. Dairymen's has continued producer status of its dairy farmer members by unnecessary and uneconomic movements of milk through its supply plant at Caldwell, Idaho. The cooperative has proposed amended order provisions to assure continued pooling of its member producers, and a hearing has been scheduled to consider those proposals. Until the order can be amended, however, DCA will continue to experience problems in pooling the milk of its members without suspension of the requested provisions.

In view of these circumstances, it is concluded that the diversion limits and "touch-base" requirements of the Southwestern Idaho-Eastern Oregon milk order should be suspended for the months of September 1985 through February 1986 to ensure the orderly marketing of milk supplies. The suspension will prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without extensive unnecessary and expensive hauling and handling substantial quantities of milk from producers who regularly supply the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or

extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. In addition, a hearing to consider this issue has been requested and is scheduled to be held October 16, 1985, at Boise, Idaho. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1135

Milk Marketing Orders, Milk, Dairy Products.

PART 1135—[AMENDED]

The authority citation for Part 1135 continues to read as follows:

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

It is therefore ordered, That paragraphs (f) (2) and (3) of § 1135.13 of the Southwestern Idaho-Eastern Oregon order are hereby suspended for the months of September 1985 through February 1986.

Effective Date: September 5, 1985.

Signed at Washington, D.C., on: August 29, 1985.

Alan T. Tracy,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85–21220 Filed 9–4–85; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–NM–124–AD; Amdt. 39–5134]

Airworthiness Directives; Boeing Model 767, 757, 737, and 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that requires rework of the Rosemount Angle Of Attack (AOA) sensors on Boeing Model 767 and 757 series airplanes and on certain Model 737 and 727 series airplanes. During receiving inspections by the airframe manufacturer, it was found that some internal gears were not secured to the shaft and caused erroneous AOA information; it was also found that gears could come off the shaft and possibly jam the vane. Failure of the AOA system will cause improper operation of the stall warning and stall protection systems, and will also affect operation of other systems using AOA data.

EFFECTIVE DATE: October 12, 1985.

ADDRESSES: The applicable service bulletins may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, and Rosemount, Inc., P.O. Box 35129, Minneapolis, Minnesota 55435. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Frank vanLeynseele, Systems and Equipment Branch, telephone (206) 431–2948. Mailing address: FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which would require: (a) Initial and interim inspection(s) of the AOA system to ensure that the vane is free to move and provide damping; and (b) a complete one-time inspection which requires opening of the vane assembly to ensure that all the gears are properly machined and installed as specified, was published in the Federal Register on February 11, 1985 (50 FR 5625), and with a revision on June 20, 1985 (50 FR 25582). This action is necessary to detect and replace faulty angle of attack sensors.

The comment period for the NPRM, as revised, ended on July 15, 1985, and interested persons were given an opportunity to participate in the preparation of this amendment. Four comments were received.

Comments from three operators were received through the Air Transport Association of America (ATA). One operator recommended that only an initial inspection be required. The FAA does not agree. An interim inspection time was proposed because the failure is latent and, without interim inspections, the compliance time for replacement would be unduly restrictive. Another operator recommended an increase in both the interim inspection period and the terminating action time. The FAA had determined that such an increase would be unacceptable since the exposure period would be extended to beyond that which is required to provide an acceptable level of safety. The third operator suggested that the repetitive acceptitive interval for inspections should be stated in terms of operating hours instead of calendar days, since most operators conduct inspection based on flight hours. The FAA finds this suggestion to be reasonable, and the final rule has been changed to reflect the inspection interval in both calendar days and flight hours.

A fourth operator commented that no faulty units had been found in its fleet of affected airplanes. The FAA notes this comment, but finds that issuance of the final rule is necessary since other operators may not have had the same experience.

After careful review of all available data, including all of the comments received, the FAA has determined that air safety and the public interest require the adoption of the rule with the change noted above.

It is estimated that 87 airplanes of U.S. registry will be affected by this AD; that it will take approximately 3 manhours per aircraft to accomplish the required inspection, removal, rework, and/or replacement; and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators will be $10,400.

For the reasons discussed above, the FAA has determined that this regulation (1) is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities, since few, if any, Boeing Model 767, 757, 737, or 727 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and is contained in the regulatory docket.

List of Subject in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 767 and 757 series airplanes, and certain Model 737 and 727 series airplanes, certificated in any category, equipped with Rosemount Angle Of Attack (AOA) sensors identified as Model 861CAB or 861CAK and modification number 0001. To prevent the hazards associated with a malfunctioning AOA sensor caused by loose resolver and/or damper gears, accomplish the following as indicated below, unless already accomplished:

A. Inspect Model 757 and 767 series airplanes equipped with Rosemount AOA sensors, Model 861CAB, modification number 0001, within 300 flight hours or 30 days, whichever is later, after the effective date of this AD, and thereafter at intervals not to exceed 300 flight hours or 30 days, whichever is later, until the replacement prescribed in subparagraph A.1. or A.2., below, is accomplished:

1. Replace Rosemount AOA sensors, serial numbers 00475 through 00629, within 180 days after the effective date of this AD, with a unit bearing modification number 0001A, in accordance with the instructions in paragraph C., below.

2. Replace Rosemount AOA sensors, serial number 00001 through 00474, within 360 days after the effective date of this AD, with a unit bearing modification number 0001A, in accordance with the instructions in paragraph C., below.

Inspect in accordance with the appropriate Boeing Alert Service Bulletin, 757-34A0026 or 767-34A30, both dated November 12, 1984, or later FAA approved revision. Units determined to be faulty during inspections must be replaced with a serviceable unit, prior to further flight.

B. Inspect Model 727 and 737 series airplanes equipped with Rosemount AOA sensors, Model 861CAK, modification number 0001, within 300 flight hours or 30 days, whichever is later, after the effective date of this AD, and thereafter at intervals not to exceed 300 flight hours or 30 days, whichever is later, until the replacement required in subparagraph B.1., below, is accomplished:

1. Replace Rosemount AOA sensors, serial numbers 00001 through 00173, within 180 days after the effective date of this AD, with a unit bearing modification number 0001A in accordance with the instructions in paragraph C., below.

Inspect in accordance with paragraph 3 of "Accomplishment Instructions" of the appropriate Boeing Alert Service Bulletin, 727-34A0223 or 737-27A1126, both dated November 12, 1984, or later FAA approved revision. Units determined faulty during inspection must be replaced with a serviceable unit, before further flight.

C. Remove, inspect, and rework Rosemount AOA sensors as specified in paragraphs A. and B., above, in accordance with the appropriate Rosemount Service Bulletin, 861CAB-34-02 or 861CAK-34-01, both dated November 12, 1984, or later FAA approved revision. Units found with both resolver gears loose must be returned to Rosemount for rework.

D. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of replacements required by this AD.

All persons affected by this directive who have not already received the above specified service bulletins from the manufacturers may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or Rosemount, Inc., P.O. Box 35129, Minneapolis, Minnesota 55435. They may also be examined at the FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 12, 1985.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-21111 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-111-AD; Amdt. 39-5135]

Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires re-routing and clamping of a wire bundle in the cockpit on Lockheed Model L-1011 series airplanes. This action is prompted by reports of wire chafing which, if uncorrected, may lead to arcing and result in a fire hazard.

DATE: Effective October 12, 1985.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information may also be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Harry Wasinger, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) to require re-routing and clamping of a wire bundle in the cockpit on Lockheed Model L-1011 series airplanes was published in the **Federal Register** on March 19, 1985 (50 FR 10975). The comment period for the proposal closed May 5, 1985.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received; the commenter had no objection to the proposed rule.

It is estimated that 120 airplanes of U.S. registry will be affected by this AD, that it will take approximately eight (8) manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD is estimated to be $38,400.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model L-1011 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

Lockheed-California Company: Applies to Lockheed Model L-1011-385 series airplanes, certificated in any category.

To prevent the potential for electrical arcing in the cockpit windshield heating electrical wire bundle, accomplish the following within six months after the effective date of this AD, unless already accomplished:

A. Re-route the C38 wire harness in accordance with Part 2, Accomplishment Instructions, of Lockheed-California Company L-1011 Service Bulletin 093-30-056, dated April 30, 1984, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the Requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective October 12, 1985.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-21112 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-45-AD; Amdt. 39-5136]

Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 (Military) Series Airplanes, Fuselage Nos. 1 through 1157

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that supersedes an existing airworthiness directive (AD) which requires inspection of the left and right hand window belt panels and adjacent structures for cracks on certain McDonnell Douglas DC-9-10, -20, -30, -40, -50, and C-9 (Military) series airplanes. This amendment expands the applicability of the existing AD to include the DC-9-80 series airplanes, and provides terminating action for repetitive inspections. In addition, this action deletes certain reporting requirements.

DATE: Effective October 12, 1985.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may also be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2824.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) to require inspection and repair, as necessary, of the fuselage window belt panels on certain McDonnell Douglas DC-9 series airplanes was published in the Federal Register on May 28, 1985 (50 FR 21622). The comment period for the proposal closed July 19, 1985.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the three comments received.

The first commenter stated that its fleet of airplanes is beyond the 30,000 landing threshold, and it is currently accomplishing the 4,000 landing repetitive inspections. Additionally, no cracks have been reported during these inspections. This commenter suggested that, based on its repetitive inspection programs, negative findings, and the severe economic impact to accomplish the proposed terminating action, it be allowed to continue repetitive inspections. The AD, as proposed and as adopted, allows operators the option to either accomplish the required terminating action or to continue repetitive inspections.

The second commenter submitted the following recommendations: (1) Revise the number of airplanes on which the proposed AD has a cost impact (i.e., 380 instead of 185); (2) revise the cost estimates for verification inspections and permanent repairs; and (3) clarify portions of the accomplishment instructions in paragraph D.2. of the proposed rule. The FAA disagrees with the first recommendation. This amendment supersedes an existing AD (AD 80-09-07) which affects DC-9 series airplanes other than the Model DC-9-80; the cost impact for this amendment involves only the DC-9-80 series airplanes, of which there are 185. The FAA agrees with recommendations 2 and 3, and these have been incorporated into the final rule.

The third commenter agrees with the intent of the proposed rule, but questions its applicability to the DC-9-80 series airplanes, since compliance with the intent of this AD is mandated by a Special Inspection Report (MDC J8855) during the original type certification. The FAA disagrees. It was not the intent of the FAA to perpetuate the Special Inspection Report for the life duration of DC-9-80 series airplanes. Since the affected airplanes (fuselage numbers 1 through 1157) are manufactured with essentially the same design features in the affected area(s), fatigue cracking which was found on the basic series airplanes is likely to occur on certain DC-9-80 series airplanes and, thus, would require the same inspection consideration.

It is estimated that 185 airplanes of U.S. registry will be affected by this AD. It will take approximately 131 manhours per airplane to accomplish the required inspections, and 34 manhours to accomplish a typical permanent repair. The average labor cost would be $40 per manhour. Based on these figures, the cost impact of the inspections required by this AD is estimated to be $969,400.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule, with the changes previously noted.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the critieria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model DC-9 series airplanes are

operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulation by superseding AD 80-09-07, Amendment 39-3767 (45 FR 30421), as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1345(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9 and C-9 (Military) series airplanes, fuselage numbers 1 through 1157, certificated in any category. Compliance required as indicated, unless previously accomplished within the past 4,000 landings.

To prevent crack propagation which could result in rapid cabin depressurization, accomplish the following:

A. On airplanes with 30,000 or more landings on or after the effective date of this AD, within 1,000 additional landings inspect the left and right hand window belt panels and adjacent structures for cracks using eddy current methods, in accordance with McDonnell Douglas Alert Service Bulletin (ASB) A53-142, Revision 7, dated June 11, 1985 (hereinafter referred to as ASB 53-142), or later FAA approved revisions.

B. Repeat the inspections required by paragraph A. of this AD at intervals not to exceed 4,000 landings since the last such inspection, until such time as preventive modification is installed in accordance with McDonnell Douglas Service Bulletin 53-142, dated June 30, 1983, or later FAA approved revisions.

C. Credit may be given for inspections and repairs already accomplished by virtue of the original AD in accordance with earlier versions of the Alert Service Bulletin A53-142.

D. If any fuselage skin cracks are found, accomplish D.1., D.2., or D.3., below, before further flight:

1. Repair fuselage skin cracks in accordance with Option 2 described in ASB 53-142; or

2. Repair fuselage skin cracks in accordance with McDonnell Douglas DC-9 Drawing J060131. Repairs of fuselage skin cracks accomplished in accordance with Drawing J060131 must be visually inspected at intervals not to exceed 2,000 landings, and must be replaced by repairs accomplished in accordance with McDonnell Douglas Drawing J060109 within 4,000 landings. After accomplishment of repairs in accordance with Drawing J060109, inspect the unrepaired areas of the airplane in accordance with the requirements of paragraph B. of this AD; or

3. Install a placard in plain view of the pilot reading "Pressurized Flight Prohibited," and accomplish paragraph D.1. or D.2., above, within 4,000 landings.

E. Accomplishment of the preventive modifications in accordance with McDonnell Douglas DC-9 Service Bulletin 53-142 will constitute terminating action for the special inspection requirements listed in McDonnell Douglas Report MDC-J8855, Part I, Revision A through G, or later FAA approved revisions.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base to comply with the requirements of this AD.

G. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

H. Upon request of operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This supersedes AD 80-09-07, Amendment 39-3767, dated May 12, 1980.

This Amendment becomes effective October 12, 1985.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-21110 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-AWP-22]

Revised Description of the Reno, NV, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action is required to correct the existing Reno, Nevada, Transition Area description as a result of a name change to the Reno Very High Frequency Omni-directional Radio Range and Tactical Air Navigational Aid (VORTAC) facility. This action does not change the actual airspace of the existing transition area. This action only provides editorial changes to the description.

EFFECTIVE DATE: 0901 G.M.T., November 21, 1985.

FOR FURTHER INFORMATION CONTACT: Curtis Alms, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, California 90261; telephone (213) 536-6649.

SUPPLEMENTARY INFORMATION:

History

The Reno, Nevada, Transition Area is currently described using the Reno VORTAC as a reference. The name change of the Reno VORTAC required updating the description of the transition area. To preclude numerous editorial changes to transition area descriptions, it has been determined that the use of geographical coordinates as reference points are more permanent and not subject to name or location changes.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to update the description of the Reno, Nevada, Transition Area. This action was the result of the name change of the Reno VORTAC. The revised description uses geographical coordinates to provide permanent reference points. This amendment does not change the actual airspace of the original transition area, but provides only editorial changes. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA concludes that there is an immediate need for a regulation to reflect the correct description of the Reno, Nevada, Transition Area. Therefore, I find that notice or public procedure under 5 U.S.C. 533(b) is contrary to the public interest and that good cause exists for making this amendment effective coincident with the charting date of November 21, 1985. Description of the amended transition area is set forth below and depicted on the chart at the end of this document.

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 12201; (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 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 CFR Part 71

Aviation safety, Control zone, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the FAR as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Reno, NV—[Revised]

That airspace extending upward from 700 feet above the surface beginning at lat. 39°49'00" N., long. 120°00'00" W.; thence clockwise via the 25-mile radius arc of the Reno Cannon International Airport (lat. 39°29'52" N., long. 119°46'04" W.); to lat. 39°25'00" N., long. 119°19'10" W.; to lat. 39°13'00" N., long. 119°47'00" W.; to lat. 39°08'20" N., long. 119°47'00" W.; to lat. 39°10'20" N., long. 120°00'00" W.; to the point of beginning. That airspace extending upward from 1200 feet above the surface beginning at lat. 39°07'00" N., long. 120°19'00" W.; to lat. 39°56'00" N., long. 120°19'00" W.; thence clockwise via the 45-mile radius arc centered on lat. 39°31'53" N., long. 119°39'18" W.; to lat. 39°56'00" N., long. 119°00'00" W., to lat. 39°07'00" N., long. 119°00'00" W.; thence clockwise via the 45-mile radius arc centered on lat. 39°31'53" N., long. 119°39'18" W.; to the point of beginning; and that airspace northwest of Reno Cannon International Airport extending from the 45-mile radius area bounded on the northeast by the southwest edge of V-452 and on the west by long. 120°19'00" W. That airspace extending upward from 13,100 feet above mean sea level (AMSL) beginning at lat. 38°54'30" N., long. 119°22'40" W.; thence clockwise via the 45-mile radius to lat. 38°52'20" N., long. 119°35'40" W.; thence southbound along the eastern edge of V-165 to the northern edge of V-244; thence eastbound to lat. 38°04'00" N., long. 119°15'20" W.; to the point of beginning. That airspace extending upward from 12,300 feet above mean sea level (AMSL) beginning at lat. 38°52'20" N., long. 119°35'40" W.; to lat. 38°52'20" N., long. 119°47'50" W.; to lat. 38°28'00" N., long. 119°52'40" W.; to lat. 38°01'30" N., long. 119°51'30" W.; to lat. 38°01'00" N., long. 119°38'00" W.; to lat. 38°27'30" N., long. 119°33'40" W.; to the point of beginning.

Issued in Los Angeles, California, on August 27, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-21097 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Organization, Procedures, and Rules of Practice

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: On June 21, 1985, the Federal Trade Commission revised, on an interim basis with a request for comment, Rule 4.11(e) of its Rules of Practice and Procedure, governing subpoenas to employees. No comments were received and the Commission is now adopting the interim rule as a final rule, with one minor technical modification.

DATE: The rule is effective September 5, 1985.

FOR FURTHER INFORMATION CONTACT: Marc Winerman, Office of the General Counsel, (202) 523-3865.

SUPPLEMENTARY INFORMATION: The revised Rule 4.11(e), which was previously adopted on an interim basis, see 50 FR 25699 (1985), is intended to promote consistency in the agency's assertion of privileges and objections, and thereby prevent harm that may result from inappropriate disclosure of confidential information or inappropriate allocation of agency resources. It applies only where employees are subpoenaed in litigation to which the agency is not a party.

Under the rule, employees must seek General Counsel approval prior to responding to any subpoenas for materials or information, whether public or nonpublic, that relate to the employees' official duties. Also, former employees are expressly required to seek General Counsel approval prior to responding to subpoenas that seek nonpublic materials and information acquired during their Commission employment. Finally, the rule requires parties who cause a subpoena to be issued to provide a written statement containing specified information.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act, Privacy Act, Sunshine Act.

Accordingly, the Commission amends 16 CFR Part 4 as follows:

PART 4—MISCELLANEOUS RULES

1. The authority citation for Part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46, unless otherwise noted.

2. 16 CFR 4.11(e) is revised to read as follows:

§ 4.11 Requests for disclosure of records.

* * * * *

(e) *Information requested by subpoena in cases or matters to which the agency is not a party.*

(1) The procedures specified in this section will apply to all subpoenas directed to Commission employees, except special government employees, that relate in any way to the employees' official duties. These procedures will also apply to subpoenas directed to former Commission employees and current or former special government employees of the Commission, if the subpoenas seek nonpublic materials or information acquired during Commission employment. The provisions of paragraph (e)(3) of this section will also apply to subpoenas directed to the agency. For purposes of this section, the term "subpoena" includes any compulsory process in a case or matter to which the agency is not a party; the term "nonpublic" includes any material or information which, under § 4.10, is exempt from availability for public inspection and copying; the term "employees," except where otherwise specified, includes "special government employees" and other agency employees; and the term "special government employees" includes consultants and other employees as defined by section 202 of title 18 of the United States Code.

(2) Any employee or former employee who is served with a subpoena shall promptly advise the General Counsel of the service of the subpoena, the nature of the documents or information sought, and all relevant facts and circumstances.

(3) A party causing a subpoena to be issued to the Commission or any employee or former employee of the Commission shall furnish a statement to the General Counsel. The statement shall set forth the party's interest in the

case or matter, the relevance of the desired testimony or documents, and a discussion of whether the desired testimony or documents are reasonably available from other sources. If testimony is desired, the statement shall also contain a general summary of the testimony and a discussion of whether agency records could be produced and used in its place. Any authorization for testimony will be limited to the scope of the demand as summarized in such statement.

(4) Absent authorization from the General Counsel, the employee or former employee shall respectfully decline to produce requested documents or records or to disclose requested information. The refusal should be based on this paragraph and on *Touhy* v. *Ragen*, 340 U.S. 462 (1951).

(5) The General Counsel will consider and act upon subpoenas under this section with due regard for statutory restrictions, the Commission's rules and the public interest, taking into account factors such as the need to conserve the time of employees for conducting official business; the need to avoid spending the time and money of the United States for private purposes; the need to maintain impartiality between private litigants in cases where a substantial government interest is not involved; and the established legal standards for determining whether justification exists for the disclosure of confidential information and records.

By direction of the Commission, dated August 26, 1985.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 85-21137 Filed 9-4-85; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Segregation of Customer Funds

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted technical amendments to Regulation 1.20, 17 CFR 1.20 (1985), to clarify two provisions concerning obligations of futures commission merchants ("FCMs"), clearing organizations and other depositories with respect to customer margin funds.

EFFECTIVE DATE: October 7, 1985.

FOR FURTHER INFORMATION CONTACT: Susan C. Ervin, Esq., Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, telephone (202) 254-9880.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission has adopted two technical, corrective amendments to Regulation 1.20, 17 CFR 1.20 (1985), concerning certain obligations of FCMs and other recipients of customer margin funds. Neither amendment effects any change in existing law. Specifically, the Commission has amended the final sentence of Regulation 1.20(a) to refer to "customers" in the plural rather than the singular. Secondly, the first sentence of Regulation 1.20(c) has been amended to make clear that its protections extend equally to commodity customers and to option customers.

Regulation 1.20(a)

Section 4d(2) of the Commodity Exchange Act ("Act"), 7 U.S.C. 6d(2), defines the manner in which FCMs, clearing organizations, and other depositories of funds deposited by commodity customers to margin or settle futures transactions, or accruing to customers as the result of such trades, must deal with such funds. It provides, *inter alia*, that FCMs shall "treat and deal" with funds deposited by a customer to margin or settle trades or contracts "as belonging to such customer." Section 4d(2) also provides that FCMs shall segregate and separately account for customer funds and property but may, for purposes of convenience, deposit such funds and property "in the same account or accounts with any bank or trust company or with the clearinghouse organization of such contract market." The final sentence of section 4d(2), which specifically addresses the obligations of clearing organizations and other recipients of customer margin funds and property, provides that:

> [i]t shall be unlawful for any person, including but not limited to any clearing agency of a contract market and any depository, that has received any money, securities, or property for deposit in a separate account as provided in paragraph (2) of this section, to hold, dispose of or use any such money, securities, or property as belonging to the depositing futures commission merchant or any person other than the customers of such futures commission merchant.

Commission Regulation 1.20(a) codifies in regulatory form many of the requirements of section 4d(2) with respect to the disposition of customer funds by FCMs, clearing organizations and other depositories of customer margin funds. Like the final provision of section 4d(2), the final sentence of Regulation 1.20(a) expressly addresses the obligations of clearing organizations, depositories and other non-FCM recipients of customer margin funds for deposit in segregated accounts:

> No person, including any clearing organization or any depository, that has received customer funds for deposit in a segregated account, as provided in this section, may hold, dispose of, or use any such funds as belonging to any person other than the option or commodity customer of the futures commission merchant which deposited such funds.

Unlike the final sentence of section 4d(2), which requires clearing organizations and other depositories to dispose of segregated funds as belonging to the "customers" of the depositing FCM, Regulation 1.20(a), by requiring use of such funds as belonging to "the option or commodity customer" of the depositing FCM, could be construed to require the use of such funds as the property of each individual customer of the FCM to whom such funds may be traceable. Such a construction would be at odds with the reality that clearing organizations generally deal directly only with their clearing member firms and have no knowledge of the identities of a clearing firm's customers or of the extent of their respective ownership interests in margin funds posted by a clearing firm. Moreover, such a construction of Regulation 1.20(a) would impose duties upon clearing organizations and other depositories not contemplated by section 4d(2) of the Act or other Commission regulations and at odds with the intended meaning of Regulation 1.20(a) itself.

As explained in a recent interpretative statement of the Office of General Counsel,[1] section 4d(2) of the Act and related Commission regulations require clearing organizations and other depositories of customer margin deposits to dispose of such funds as the property of the depositing FCM's customers, collectively, but do not require them separately to account for, segregate and dispose of such funds as the discrete property of the individual customer of the FCM to whom they may be traceable or otherwise attributable. In the view of the Office of General Counsel, section 4d(2) of the Act should be construed in light of the fact that

[1] Office of the General Counsel Interpretative Statement 85-3, "Use of Segregated Funds by Clearing Organizations Upon Defaults By Member Firms."

clearing organizations and other non-FCM depositories generally have as their direct customers FCMs, not the ultimate "customers" who entered into the futures contracts and option positions for which the margin funds were posted. Consequently, the Office of General Counsel concluded that section 4d(2)'s mandate that clearing organizations use margin deposits on behalf of the "customers" of the depositing futures commission merchant "requires only that the clearing organization use such funds as the property of the clearing firm's customers collectively, but does not require the clearing organization to treat such funds as the property of the particular customers who deposited them or to whose positions they have accrued."[2]

Commission regulations support the view that clearing organizations and other depositories of customer funds are not required to employ such funds as the property of the particular customers of the clearing member firm to whom they may ultimately be traceable. Regulation 1.20(b), 17 CFR 1.20(b) (1985), for example, requires that a clearing organization separately account for and segregate all customer funds received from a member of the clearing organization to margin, secure or settle the trades, contracts or commodity options of the clearing member's customers and all funds accuring to such customers as the result of such trades, contracts, or commodity options "as belonging to such commodity or option *customers*," and specifies that a clearing organization shall not hold, use or dispose of such customer funds "except as belonging to such commodity or option *customers*." 17 CFR 1.20(b) (1985) (emphasis added). Regulation 1.36, 17 CFR 1.36 (1985), requires FCMs to maintain a record providing "separately for each customer or option customer" a description of the securities or property received, name and address of the depositing customer and other pertinent information. By contrast, Regulation 1.36(b) requires only that clearing organizations with which their member firms deposit securities or property belonging to particular customers or option customers of such members maintain records "which will show separately for each *member*" the date of receipt of such securities and property and other pertinent data, without requiring that the names of the particular customers of the member firm from whom such securities and property were received by recorded. (emphasis added).

Finally, the history of Regulation 1.20(a)'s final sentence reflects that it was not intended to impose upon clearing organizations and other depositories of customer funds duties different from those arising from section 4d(2)'s final provision. Prior to the adoption of regulatory amendments reflecting establishment of the Commission's exchange-traded options pilot program in 1981, Regulation 1.20(a)'s final provision closely paralleled section 4d(2)'s final sentence in requiring clearing organizations, depositories and other recipients of customer margin funds to refrain from using or disposing of such funds "as belonging to the depositing futures commission merchant or any person other than the customers of such futures commission merchant." In considering amendments to various Commission regulations to effect establishment of the options pilot program, the Commission proposed to expand Regulation 1.20(a) to extend its protections to funds deposited by option customers but would not have effected any other substantive change in the provision. 46 FR 33293, 33315 (1981). As adopted, however, the Commission's final rules concerning the exchange-traded options pilot program included Regulation 1.20(a)'s concluding sentence in the form in which it appears today, modifying, *inter alia*, the proposed regulations to require that customer funds be held as funds of "the option or commodity *customer* of the futures commission merchant which deposited such funds." 46 FR 54500, 54518 (1981) (emphasis added). The Commission's preamble to these rules noted that it was "adopting the amendments to those regulations essentially as proposed." 46 FR 54508 (1981). The substitution of "customer" for "customers" in the final rule was thus not intended to impose any additional duties upon depositories of margin funds or to effect any substantive change in existing law.

The Commission has therefore revised the final sentence of Regulation 1.20(a) to make clear that the obligation of clearing organizations and other depositories of customer funds is to hold and dispose of such funds as belonging to "the option or commodity *customers* of the futures commission merchant which deposited such funds." (emphasis added). This amendment conforms the regulation to its intended meaning and should obviate any construction of Regulation 1.20(a) as imposing duties upon clearing organizations or other depositories of customer margin funds that differ from those created by section 4d(2) of the Act.

Regulation 1.20(c)

The Commission has also adopted a technical amendment of Regulation 1.20(c) to eliminate potential ambiguity. The first sentence of Regulation 1.20(c) currently refers only to the FCM's duty to "treat and deal with the customer funds of an option customer as belonging to such customer." The Commission is hereby amending this provision to incorporate parallel references to commodity customers in order to make clear that its protections, like those contained in the balance of Regulation 1.20, extend equally to commodity customers as to option customers. Since the FCM's duty to treat and deal with the funds of commodity customers as belonging to such customers is expressly provided for in the balance of Regulation 1.20(c), in Regulation 1.20(a) and in section 4d(2) of the Act, no substantive change will be effected by this amendment.

II. Related Issues

Section 553(b) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(b), generally requires that notice of proposed rulemakings be published in the **Federal Register** and that opportunity for public comment be provided when an agency promulgates new rules. APA section 553(b)(B), however, provides an exception to this requirement:

> when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

As previously noted, the amendments to Regulation 1.20 adopted by the Commission are made for purposes of clarification and effect no change in existing law. Consequently, the Commission finds that these amendments raise no substantive issues for which notice and public comment are necessary.

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601, *et seq.*, requires that agencies, in proposing rules, consider their impact on small entities. The RFA requires such an analysis whenever 5 U.S.C. 553 requires the agency to publish a notice of proposed rulemaking. As noted above, notice of proposed rulemaking under 5 U.S.C. 553 is unnecessary with respect to these

[2] The Office of General Counsel also concluded, however, that "a clearing organization's rights with respect to the use of customer margin funds may be limited in particular circumstances by reason of the clearing organization's knowledge of or participation in a violation of the Act or other provision of law that precludes it from obtaining rights to such funds superior to those of one or more customers of the defaulting clearing member."

amendments and, thus, is not required. Consequently, the RFA does not require analysis of the impact of these amendments on small entities.

Pursuant to the provisions of the Paperwork Reduction Act of 1980, the Office of Management and Budget has assigned control numbers 3038–0007 and 3038–0024 to the regulations which appear herein. The amendments hereby adopted by the Commission have no Paperwork Reduction Act implications.

List of Subjects 17 CFR Part 1

Commodity futures, Commodity options, Contract markets, Customer funds, Customer protection.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, 7 U.S.C. 2, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 12a, 13a, 13a–1, 19 and 21, the Commission hereby adopts amendments to Part 1 of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 continues to read as follows:

Authority: 7 U.S.C. 2, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 12a, 13a, 13a–1, 19 and 21, unless otherwise noted.

2. Section 1.20 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.20 Customer funds to be segregated and separately accounted for.

(a) All customer funds shall be separately accounted for and segregated as belonging to commodity or option customers. Such customer funds when deposited with any bank, trust company, clearing organization or another futures commission merchant shall be deposited under an account name which clearly identifies them as such and shows that they are segregated as required by the Act and these regulations. Each registrant shall obtain and retain in his files for the period provided in §1.31 an acknowledgment from such bank, trust company, clearing organization, or futures commission merchant, that it was informed that the customer funds deposited therein are those of commodity or option customers and are being held in accordance with the provisions of the Act and these regulations. Under no circumstances shall any portion of customer funds be obligated to a clearing organization, any member of a contract market, a futures commission merchant, or any depository except to purchase, margin, guarantee, secure, transfer, adjust or settle trades, contracts or commodity option transactions of commodity or option customers. No person, including any clearing organization or any depository, that has received customer funds for deposit in a segregated account, as provided in this section, may hold, dispose of, or use any such funds as belonging to any person other than the option or commodity customers of the futures commission merchant which deposited such funds.

* * * * *

(c) Each futures commission merchant shall treat and deal with the customer funds of a commodity customer or of an option customer as belonging to such commodity or option customer. All customer funds shall be separately accounted for, and shall not be commingled with the money, securities or property of a futures commission merchant or of any other person, or be used to secure or guarantee the trades, contracts or commodity options, or to secure or extend the credit, of any person other than the one for whom the same are held: *Provided, however,* That customer funds treated as belonging to the commodity or option customers of a futures commission merchant may for convenience be commingled and deposited in the same account or accounts with any bank or trust company, with another person registered as a futures commission merchant, or with a clearing organization, and that such share thereof as in the normal course of business is necessary to purchase, margin, guarantee, secure, transfer, adjust, or settle the trades, contracts or commodity options of such commodity or option customers or resulting market positions, with the clearing organization or with any other person registered as a futures commission merchant, may be withdrawn and applied to such purposes, including the payment of premiums to option grantors, commissions, brokerage, interest, taxes, storage and other fees and charges, lawfully accruing in connection with such trades, contracts or commodity options: *Provided, further,* That customer funds may be invested in obligations described in § 1.25.

Issued in Washington, D.C., on August 30, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85–21158 Filed 9–4–85; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM85–2–001, Order No. 416–A]

Rules of Practice and Procedure: Commission Review of Remedial Orders

Issued: August 29, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Denying Rehearing and Making Clarifying Corrections.

SUMMARY: On April 17, 1985, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM85–2–000, 50 FR 15731 (April 22, 1985) (Order No. 416), revising its procedural rules applicable to Commission review of Department of Energy remedial orders. The Commission received one timely petition for rehearing of the final rule in this docket. This order denies rehearing of the final rule and makes several clarifying corrections.

EFFECTIVE DATE: August 29, 1985.

FOR FURTHER INFORMATION CONTACT: Roland M. Frye, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8315.

SUPPLEMENTARY INFORMATION:

Rules of Practice and Procedure: Commission Review of Remedial Orders and Order Denying Rehearing and Making Clarifying Corrections

Issued: August 29, 1985.

I. Introduction

The Federal Energy Regulatory Commission (Commission) denies rehearing of Order No. 416 [1] and makes clarifying corrections to its procedural rules governing remedial order appeals.[2]

II. Background

On April 17, 1985, the Commission issued Order No. 416, adopting revised procedural rules applicable to Commission review of Department of Energy (DOE) remedial orders. On May 17, 1985, Dorchester Gas Corporation (Dorchester) filed a request for rehearing of that order. On June 4, 1985, the Administrator of DOE's Economic

[1] 50 FR 15,731 (April 22, 1985), III FERC Statutes & Regulations ¶ 30,636.

[2] 18 CFR Part 385, Subpart I (1985).

Regulatory Administration wrote to Commission Chairman Raymond J. O'Connor suggesting changes in the new procedural rules. The Administrator's letter was placed in the file of this rehearing proceeding and is being treated as a request for reconsideration. On June 17, 1985, the Commission granted rehearing for the purpose of further consideration. On July 10, 1985, the Administrator filed additional comments on the further consideration of Order No. 416, restating in greater detail the changes suggested in his June 4, 1985, letter.

Dorchester recommends that the Commission (1) make the new regulations effective only as to those proceedings involving appeals of remedial orders for which the notice of appeal was filed after April 17, 1985, the effective date of the new regulations; (2) reinstate the requirement that the Secretary of Energy be responsible for certifying the complete administrative record to the Commission; (3) begin the fifteen-day filing period for petitioner's answer on the day the Secretary of Energy advises the Commission that the Secretary has received petitioner's notice of intent to appeal; and (4) permit a participant to file a motion for cross-examination at any time during the appeal proceeding if necessary for a full and true disclosure of the facts.

The Administrator recommends three general changes to (1) define what constitutes the administrative record, declare that the entire administrative record before the DOE's Office of Hearings and Appeals (OHA) is part of the record before the Commission, and require OHA to submit a stipulated record, the entire record, or a certified index to the entire record; (2) make the final Commisssion decisions in remedial order appeals subject to Commmission Rule 713 permitting requests for rehearing of final Commission decisions, but with rehearing limited to issues raised for the first time by the Commission in its decision or cases in which the Commission's decision is based on a legal proposition with a substantial impact on other cases; and (3) make copies of recommended final orders available to the parties.

For the reasons stated below and those set forth in the final rule, the Commission denies the request for rehearing but makes several technical corrections to clarify the regulations.

III. Discussion

A. Effective Date of New Regulations and Filing Deadline for Answer

In the final rule in this docket, the Commission made the new regulations effective immediately. Dorchester argues that this constitutes "changing the ground rules in the middle of the game"[3] for petitioners who filed notices of appeal prior to April 17, 1985, the effective date of the new regulations. Dorchester offers only one example of alleged prejudice to the rights of a party to a remedial order appeal—its own appeal in Docket No. R085-12-000, in which the revised deadline for filing its answer fell only seven days after the effective date of the new regulations. Dorchester concedes, however, that "this particular problem has been somewhat alleviated by the extension of time granted by the Chief ALJ."[4]

The Commission agrees that the problem has been resolved. In particular, the Chief Administrative Law Judge alleviated Dorchester's problem by granting the company two extensions of time totaling thirty-four additional days within which to file its answer—the the entire period sought by the company. When these thirty-four days are added to the seven days previously available to Dorchester, the firm had forty-one days within which to prepare its answer. Under the circumstances, the Commission finds that Dorchester was not prejudiced by the effective date of the new regulations. Since no other petitioners sought rehearing, the Commission concludes that they were likewise not prejudiced by the effective date of the rule. The Commission therefore finds no need to change the effective date of the rule.

Dorchester also contends that under the new regulations a petitioner could be required to file its answer before the proceeding has actually commenced. Dorchester points out that, while Rule 906(b)(1) now requires a petitioner to file its answer within fifteen days of the date the petitioner informed DOE of its intent to appeal and remedial order, Rule 904(a) regulations unaffected by Order No. 416) states that the proceeding is commenced by DOE's filing of a written notice that the petitioner informed DOE of its intent to appeal. If DOE files its notice with the Commission more than fifteen days after receiving a petitioner's notice of intent to appeal, the answer would be due prior to the commencement of the proceeding. (DOE took fifteen days to make such a filing in Dorchester's appeal.) Dorchester suggests that the Commission could not have intended such a result, but must have intended that the filing period for the answer run from the date on which the proceeding is commenced under rule 904(a).

Dorchester is correct that Rule 904(a) is potentially inconsistent with Rule 906(b)(1). Rule 904(a) should indicate that the proceeding is to be commenced by the filing of either DOE's written notice or the petitioner's answer, whichever is filed first. The Commission today amends Rule 904(a) to clarify its intent and makes other amendments necessary to conform the remaining procedural regulations to the amended Rule 904(a).

B. DOE Administrative Record

In the final rule, the Commission relieved DOE of its obligations under the prior regulations to file two certified copies of the entire OHA administrative record. The rule now requires the parties to submit as appendices to their pleadings those portions of the DOE record specifically relied upon and cited in such pleadings.[5] Dorchester contends that the amended rule increases the burden on the petitioner by effectively requiring it to file the entire record, in order to avoid omitting documents of "potential questionable value or benefit to its case."[6] Absent a certified OHA record, Dorchester states that there will be no reliable mechanism for the filing of a complete record for either Commission or judicial review.

The Commission recognizes that the petitioner has the added responsibility under the new regulations of photocopying and submitting the documents on which the petitioner relies in its various pleadings. However, the Commission does not agree with Dorchester that the petitioner must file all or almost all of the OHA record in order to protect its interests. Selective use of those portions of the OHA record relevant to the issues appealed is all that is necessary to protect a petitioner's interests. The prior practice of filing the entire record, regardless of its relevance to the issues appealed, was excessive and burdensome. The amended procedures promote a more focused and efficient review of petitioners' arguments, both by the Commission and the courts.

The Administrator suggests the need for a definition of "administrative record," a declaration that the intire OHA administrative record is a part of the record before the Commission, and a requirement that OHA submit a stipulated record, the entire record, or a certified index to the entire record. The suggested changes are unecessary and contrary to the Commission's revised

[3] Request for Rehearing at 4.

[4] Request for Rehearing at 4.

[5] Order No. 416, 50 FR 15731 (to be codified at 18 CFR 385.906(d)).

[6] Request for Rehearing at 7.

procedures which provide that the record will be those portions of the OHA record relied on by parties to the appeal. The new procedures focus attention on only the relevant portions of the record, to the benefit of the Commission and all participants. The Commission notes that, under revised Rule 906(d)(3), the "entire [OHA] administrative record is always available to the Commission." Since the parties are required to file relevant portions of the OHA record, there is no need for a certified index of that record.

C. Motion For Cross-Examination

In the final rule, the Commission required any party wishing an opportunity for cross-examination to file such a request within twenty days of the date the petitioner notifies DOE that it intends to appeal the remedial order.[7] Dorchester asserts that since such a filing must be made prior to the filing of briefs by any party, parties might not know of the need for cross-examination. Dorchester suggests that parties be given the right to request cross-examination at any time during the appeal proceeding.

The Commission in its new regulations intended to require the parties to file requests for cross-examination early in the proceeding. Given the parties' participation in the OHA proceeding, the Commission believes that participants should know at the outset of the appeal the extent to which cross-examination is needed and permitted under Rule 909(a). Therefore, the deadline established for filing cross-examination requests is reasonable. But, in order to conform Rule 909(a) to amended Rule 904(a), the Commission amends Rule 909(a) so that the motion for cross-examination must be filed within twenty days of the commencement of the proceeding.

D. Rehearing of Final Commission Orders

In the final rule, the Commission did not provide for rehearing of final Commission decisions concerning remedial order appeals. The Administrator suggests that the Commission's decision be subject to the general rehearing procedures set forth in Rule 713, but with rehearing limited to issues raised for the first time in the Commission order to cases in which the Commission's decision is based on a legal proposition with a substantial impact on other cases.

The Commission notes that rehearing under the amended rules is not substantially different from that under the prior rules. Except in highly unusual circumstances,[8] the Commission did not reconsider final decisions in remedial order appeals under the prior regulations. The parties have ample opportunity before both OHA and the Commission to file briefs, present oral argument and offer evidence. The absence of yet another opportunity for the parties to argue their positions does not adversely affect the parties' opportunity to obtain a fair and reasoned final decision in remedial order appeals. Therefore the Commission finds no need to permit rehearing as a matter of right. While rehearing is not required by statute, the Commission notes that it has authority to reconsider its decisions.[9]

E. Service of Recommended Decisions

In the final rule, the Commission did not provide for parties in a remedial order appeal to be served with the draft final decision that the presiding judge submits to the Commission. Such service would be pointless unless the parties were also given the opportunity to file comments on the draft decision. A modification of the regulations to permit the service of the draft order and the filing of comments thereon would effectively vitiate the portion of Order No. 416 that deletes the unnecessary and duplicative proposed order and comment procedures and would thereby undermine the Commission's efforts to streamline the remedial order appeal proceedings. The Administrator also urges the Commission to require such service because the draft decision becomes a part of the record of the proceeding before the Commission. However, the judges' draft final decisions are merely draft orders that the Commission is free to modify or even disregard, and are not included in the Commission's administrative record unless finalized by Commission action.

F. Other Matters

The Commission is amending its regulations in two additional respects. First, Rule 906(b)(2)(i), concerning petitioner's answer, is amended to remove the reference to DOE's certification of the OHA administrative record, since Rule 906(a) no longer requires DOE to certify that record to the Commission.

Second, Rule 906(c)(6), concerning orders granting or denying intervention, is amended to remove the reference to the submission of comments to the Commission, since Rule 913 no longer provides for such comment procedures.

Under the previous rules, a person denied intevenor status in a remedial order appeal could challenge the denial in comments to the Commission concerning the proposed order. Since Order No. 416 deleted the proposed order and comment procedures, orders denying motions to intervene under Rule 906(c)(6) will henceforth be subject to interlocutory appeal under Rule 715 (interlocutory appeals to the Commission from rulings of presiding officers). A person denied intervention will be considered a "participant" (as that term is defined in rule 102(b) (definitions)) for the limited purpose of permitting that person to file an interlocutory appeal under Rule 715 of the order denying that person's motion to intervene. Rule 906(c)(6) is revised accordingly.

List of Subjects in 18 CFR Part 385

Administrative practice and Procedure.

The Commission orders:

In consideration of the foregoing, the Commission denies rehearing of the final rule in this docket, and amends Part 385 of Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 385—[AMENDED]

1. The authority citation for Part 385 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order No. 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 551–557 (1982); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Federal Power Act, 16 U.S.C. 791a–828c (1982); Natural Gas Policy Act, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976), unless otherwise noted.

2. In § 385.904, paragraph (a) is revised to read as follows:

§ 385.904 Commencement of proceeding (Rule 904).

(a) Except as provided in paragraph (b) of this section, the proceeding pursuant to this subpart will be commenced by filing with the Secretary of the Commission either an answer by a petitioner pursuant to Rule 906(b)(1), or a written notice by the Secretary that

[7] Order No. 416, 50 FR 15731 (1985) (to be codified at 18 CFR 385.909(a)).

[8] *See* Billy Bridewell, 28 FERC ¶ 61,021 (1984).

[9] Hydro Development Group, Inc., 20 FERC ¶ 61,059 at 61,126 (1982); Long Lake Energy Corp., 20 FERC ¶ 61,058 at 61,126–61,127 (1982). *See also* K. Davis, *Administrative Law* 369 (3d ed. 1972).

a petitioner has filed a notice of intent to contest an order reviewable under this subpart, whichever is filed first. The Secretary must file written notice that a petitioner has filed a notice of intent to contest an order reviewable under this subpart within 15 days of the Secretary's receipt of such notice of intent. When the Secretary files the written notice, the Secretary must serve a copy of the contested order upon other participants in the prior proceedings and upon persons denied intervention in the prior proceedings, and must certify to the Commission that such service has been made, stating the names and addresses of persons served.

* * * * *

§ 385.904 [Amended]

3. In § 385.904, paragraph (c) is amended by removing the words "Upon receipt of notice from the Secretary under paragraph (a) of this section, or upon receipt of a notice of a petition for review by the petitioner under paragraph (b) of this section" and inserting, in their place, the words "Upon commencement of a proceeding".

§ 385.905 [Amended]

4. In § 385.905, paragraph (a) is amended by removing the words "Upon the filing of the notice with the Commission by the Secretary under paragraph (a) of Rule 904 (commencement of proceedings), or by the petitioner under paragraph (b) of such rule" and inserting, in their place, the words "Upon commencement of a proceeding".

§ 385.906 [Amended]

5. In § 385.906, paragraph (a)(1) is amended by removing the words "filing of notice by the Secretary under Rule 904(a) (commencement of proceedings)" and inserting, in their place, the words "commencement of a proceeding".

6. In § 385.906, paragraph (b)(2)(i) is amended by removing the words "which the Secretary certified to the presiding officer under paragraph (a)(1)(i) of this section".

7. In § 385.906, paragraph (c)(4) is amended by removing the word "Secretary's".

8. In § 385.906, paragraph (c)(6) is amended by removing the final sentence, and inserting, in its place, the sentence "A person wholly or partially denied intervention may take an interlocutory appeal of the order denying intervention, under Rule 715 (interlocutory appeals to the Commission from rulings of presiding officers), and will be considered a "participant" (as that term is defined in Rule 102(b) (definitions)) for the limited purpose of permitting that person to file an interlocutory appeal under Rule 715 (interlocutory appeals to the Commission from rulings of presiding officers) contesting denial, in whole or in part, of that person's motion to intervene."

§ 385.909 [Amended]

9. In § 385.909, paragraph (a) is amended by removing the word "Secretary's".

[FR Doc. 85-21154 Filed 9-4-85; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 0

[Order No. 1106-85]

Delegation of Authority and Responsibility

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order vests in the Associate Attorney General the responsibility to determine whether compliance with certain requirements of the Department's section 504 federally conducted regulation (28 CFR Part 39) will result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, and whether a person is a qualified handicapped person. As a result of this order, only the Attorney General, the Deputy Attorney General, or the Associate Attorney General can make such determinations on behalf of the Department.

EFFECTIVE DATE: October 7, 1985.

FOR FURTHER INFORMATION CONTACT: John L. Wodatch, Deputy Chief, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, Washington, DC 20530; (202) 724-2227 (Voice) or 724-7678 (TDD); or L. Irene Bowen, Supervisory Attorney, Community Services Unit, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530; (202) 724-2245 (Voice) or 724-7678 (TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Department recently issued a final regulation for the enforcement of nondiscrimination on the basis of handicap in its programs. 49 FR 35724 (1984) (to be codified at 28 CFR Part 39). The rule was issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs or activities conducted by Federal executive agencies.

The section 504 rule provides that a qualified handicapped person is one who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Department can demonstrate would result in a fundamental alteration in its nature. *Id.* at 35735 (§ 39.103 *Definitions* "Qualified handicapped person"). Only the agency head or his or her designee can determine whether a modification would result in a fundamental alteration. *Id.* at 35726.

Also, the rule places outer limits on the Department's responsibilities to make accommodations for handicapped persons: section 504 does not require an action that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. *Id.* at 35736-7 (§§ 39.150(a)(2) and 39.160(d)). The rule explicitly places the burden of showing fundamental alteration/undue burdens on the Department. *Id.* It provides that only the Attorney General or his or her designee can make the "fundamental alteration"/"undue burdens" decision. *Id.*

This order names the Associate Attorney General as the Attorney General's designee responsible for determining whether a person can achieve the purpose of a program without fundamental changes in its nature, and whether an action would fundamentally alter the nature of a program or activity or result in undue burdens. The authority to make these determinations may not be redelegated.

It should be noted that under 28 CFR 0.15, the Deputy Attorney General has been authorized to exercise the powers and authority vested in the Attorney General. These powers would include that of making the "fundamental alteration"/"undue burdens" decision. Thus, the effect of this order is that only the Attorney General, the Deputy Attorney General, or the Associate Attorney General can make the decision.

In light of the extensive resources and capabilities that could properly be used for making the Department's programs and activities accessible, we anticipate that compliance with the section 504 regulation will not, in most cases, result in a fundamental alteration in the nature of a program or activity or undue burdens. To ensure that the decision

that compliance would result in such alteration or burdens be made only in those circumstances where it is necessary and appropriate and to ensure that such decisions will be made uniformly, only one of the three top Department officials can make that decision.

List of Subjects in 28 CFR Part 0

Authority delegations [Government agencies], Discrimination against handicapped, Nondiscrimination, Organization and functions [Government agencies].

By virtue of the authority vested in me as Attorney General by 28 U.S.C. 509, 510, 5 U.S.C. 301, and 29 U.S.C. 794, Part O of Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. The authority citation for Part O continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, unless otherwise noted.

2. Section 0.19 is amended by adding a new paragraph (c) that reads as follows:

§ 0.19 Associate Attorney General

* * * * *

(c) The Associate Attorney General is the Attorney General's designee for purposes of determining whether, under part 39 of this title, a handicapped person can achieve the purpose of a program without fundamental changes in its nature, and whether an action would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. The Associate Attorney General may not redelegate this authority.

Dated: August 27, 1985.

Edwin Meese III,

Attorney General.

[FR Doc. 85-21224 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Financial Assistance to Local Governments; Audit Requirements

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Interim rule; correction.

SUMMARY: This document corrects the interim rule concerning audit requirements for local governments which receive Revenue Sharing funds, published in the **Federal Register** on Wednesday, August 28, 1985, at 50 FR 35072. These amendments to Subpart F were made necessary by the enactment of the Single Audit Act of 1984.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Chief Counsel, Office of Revenue Sharing, or James C. Harmon, Attorney Advisor. Telephone: (202) 634-5182.

SUPPLEMENTARY INFORMATION: Accordingly, corrections are made in FR Doc. 85-19779 beginning on page 35072 in these issue of August 28, 1985, as follows:

(1) On page 35072, first column, forty-fourth line (under Background), there should be a comma after "$25,000" and the word "year".

(2) On page 35072, second column, third line, the word "the" should be inserted between the words "in" and "Standards", and the letters "al" should be added to the word "Government". Therefore, the third through the sixth lines should read as follows:

in the *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions*, developed by the Comptroller General.

(3) On page 35072, third column, forty-fifth line (under Need for Immediate Guidance), the word "made" should be inserted between the words "been" and "are". Therefore, the forty-fifth line should read as follows:

The changes that have been made are

(4) On page 35073, third column, § 51.103(b)(1)(i), second line, the word "unaudibility" should read unauditability".

Richard S. Isen,

Chief Counsel, Office of Revenue Sharing.

August 30, 1985.

[FR Doc. 85-21225 Filed 9-4-85; 8:45 am]

BILLING CODE 4810-28-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[Circular No. 2564]

General Management; Change of Area of Jurisdiction and Responsibility in Colorado and New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This rulemaking transfers jurisdiction over public lands in the State of Kansas from the Colorado State Office to the New Mexico Office to allow the Bureau of Land Management to handle more efficiently filings and other documents. All filings and other documents relating to the public lands in the State of Kansas shall be filed with the New Mexico State Office of the Bureau of Land Management.

EFFECTIVE DATE: October 1, 1985.

FOR FURTHER INFORMATION CONTACT: Ralph Smith, (303) 294-7171.

SUPPLEMENTARY INFORMATION: The transfer of jurisdiction over public lands in the State of Kansas from Colorado to New Mexico will allow the Bureau of Land Management to handle more efficiently filings and other documents required by other provisions of Title 43 of the Code of Federal Regulations. It makes no change in the filing requirements. All official Bureau records relating to the State of Kansas that were formerly in the Colorado State Office will have been moved to the New Mexico State Office by October 1, 1985.

Because this rulemaking changes only the location where certain documents are to be filed, this amendment is published as a final rulemaking, to be effective October 1, 1985.

The principal author of this final rulemaking is Ralph Smith, Office of Administration, Colorado State Office, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that because this rule is an administrative action, it is not a major rule for purposes of E.O. 12291, and neither an environmental impact analysis nor a regulatory flexibility analysis is required. There are no additional information collection requirements imposed by this final rulemaking.

List of Subjects for 43 CFR Part 1820

Administrative practice and procedure, Alaska, Archives and records, Public Lands.

Under the authority of section 2478 of the Revised Statutes (43 U.S.C. 1201), Subpart 1821, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below:

James E. Cason,

Acting Assistant Secretary of the Interior.

August 30, 1985.

PART 1821—[AMENDED]

The portion of § 1821.2-1(d) beginning with the heading "State Office and Area of Jurisdiction" and ending after the

address and jurisdiction of the New Mexico State Office, is revised to read as follows:

§ 1821.2-1 [Amended]

* * * * *

State Office and Area of Jurisdiction

* * * * *

Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205—Colorado.

* * * * *

New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87504—New Mexico, Oklahoma, Texas and Kansas.

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[FR Doc. 85-21152 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 81-768; FCC 85-453]

Allow the Selection From Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings

AGENCY: Federal Communications Commission.

ACTION: Third report and order in general docket No. 81-768.

SUMMARY: This action was taken pursuant to the *Third Notice of Proposed Rule Making in Gen. Docket No. 81-768,* in which the Commission considered whether it had the authority to grant women special lottery preferences under Section 309(i) of the Communications Act. In this *Third Report and Order* the Commission has concluded that it has no authority under the lottery statute to grant "minority ownership" or "media ownership" preferences to women. The Commission also determined that it does not have residual authority to create a special lottery preference for women analogous to the statutory media and minority ownership preferences.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Tatsu Kondo, Office of the General Counsel, (202) 632-7020.

SUPPLEMENTARY INFORMATION:

Third Report and Order

In the matter of amendment of the Commission's Rules to Allow the Selection from Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings; Gen. Docket No. 81-768.

Adopted: August 7, 1985.

Released August 16, 1985.

By the Commission: Commissioner Dawson concurring in part and dissenting in part and issuing a statement; Commissioner Rivera concurring and issuing a statement.

1. In our *Third Notice of Proposed Rule Making* in General Docket No. 81-768,[1] we initiated a proceeding to determine whether women as a group should be granted preferences when initial licensing proceedings in the mass media services are conducted by lottery pursuant to section 309(i) of the Communications Act, 47 U.S.C. 309(i). As discussed more fully below, we conclude that the amended lottery statute does not give the Commission the authority to grant women a "minority ownership" preference by including them in the definition of "minority group" set out at section 309(i)(3)(C)(ii) of the Act. Nor, we believe, does the statute give the Commission authority to grant women a "media ownership" preference since eligibility for that preference is based solely upon the number and location of other mass media properties owned by the applicant. Finally, we conclude that we do not have residual authority to create a special lottery preference for women in addition to the "minority ownership" and "media ownership" preferences.

Background

2. The history of the Commission's efforts to implement a workable lottery system under section 309(i) of the Act is set forth in detail in the *Third Notice.*[2] Briefly, however, the Commission first received explicit statutory authority to use a lottery as a means of allocating licenses to use the electromagnetic spectrum in Pub. L. No. 97-35, the Omnibus Budget Reconciliation Act of 1981, 95 Stat. 357 (1981), which added subsection 309(i) to the Communications Act. The new statute authorized the Commission, at its discretion, to grant licenses or construction permits for any use of the spectrum to a qualified applicant by use of a lottery system. In a new section 309(i)(3)(A) to the Communications Act, Congress directed the Commission to

> . . . establish rules and procedures to ensure that, in the administration of any system of random selection under this subsection, groups or organizations, or members of groups or organizations, which are underrepresented in the ownership of telecommunications facilities or properties will be granted significant preferences.[3]

In large part due to the lack of specificity about which groups would be eligible for preferences under the statute, the Commission was unable to exercise its statutory authority and requested additional congressional guidance in effecting the statutory lottery preference scheme.[4]

3. Congress gave the Commission "the additional guidance and clarification it said it needed" by enacting Section 115 of the Communications Amendments Act of 1982.[5] In a new subsection 309(i)(c)(C)(ii), Congress provided that:

> The term "minority group" includes Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.

In addition, amended section 309(i)(3)(A) directed that:

> . . . significant preferences will be granted to applications or groups of applications, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications. To further diversify the ownership of the media of mass communications, an additional significant preference shall be granted to any applicant controlled by a member or members of a minority group.

4. The Commission's *Second Report and Order*[6] adopted rules implementing

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[1] 95 FCC 2d 432 (1983) (hereinafter *"Third Notice"*).

[2] *See* 95 FCC 2d at 432-35.

[3] The *Conference Report* explained the purpose for the system of lottery preferences as follows: It is the firm intention of the conferees that ownership by minorities, such as blacks and hispanics, *as well as by women,* and ownership by other underrepresented groups, such as labor unions and community organizations, is to be encouraged through the award of significant preferences in any such random selection proceeding. These are groups which are inadequately represented in terms of nationwide telecommunications ownership, and it is the intention of the conferees in establishing a random selection process that the objective of increasing the number of media outlets owned by such persons or groups be met. [emphasis added]

H.R. Rep. No. 97-208, 97th Cong., 1st Sess. (1981), at 897 (hereinafter *"1981 Conference Report"*). Given this expression of Congressional intent, the Commission's first *Notice* in this proceeding included women in the list of groups to be awarded a preference in relevant lottery proceedings. *See Amendment of Part 1 of the Commission's Rules to Allow the Selection From Among Mutually Exclusive Competing Applications Using Random Selection or Lotteries Instead of Comparative Proceedings,* 88 FCC 2d 476, 484-485 (1981) (hereinafter *"First Notice"*). However, practically every aspect of the proposed lottery structure became the object of substantial dispute among the commenters.

[4] *Report and Order,* 89 FCC 2d 257 (1982) (hereinafter *"First Report and Order"*).

[5] Pub. L. No. 97-259, which amended section 309(i)(3)(A) of the lottery statute and added a new subsection 309(i)(3)(C)(ii). *See* (hereinafter *"1982 Conference Report"*)

[6] 93 FCC 2d 952 (1983), *recon. in part,* 49 FR 49466 (Dec. 20, 1984) (*"Lottery Reconsideration Order"*), *appeal docketed sub nom. National Latino Media Coalition v. FCC,* No. 83-1785, (D.C. Cir. July 26, 1983).

this amended lottery authority and granted a "minority ownership" preference to those named groups listed in the statutory definition of "minority" and a "media ownership" preference to those applicants owning no or few other media of mass communications.[7]

Third Notice of Proposed Rule Making

5. Because the appropriateness of granting preferences to women under the amended lottery statute was a matter of some dispute, the Commission issued a *Third Notice* in this docket to resolve that issue. In the *Third Notice* we observed that the statutory lottery preferences available to an applicant under the amended statute appeared to be predicated on two standards—first, the number of other media outlets owned and, second, the racial or ethnic origin of the applicant. However, we also raised the possibility that the following language in the *1982 Conference Report* might indicate the conferees' intent for women as well to be eligible for a lottery preference:

> It should be noted that such groups as women, labor unions, and community organizations which are mentioned in the legislative history of the lottery statute that was originally adopted . . . are all significantly underrepresented in the ownership of telecommunications facilities. Such applicant groups would, of course, be eligible for both media ownership and minority preferences if they meet the eligibility guidelines. The Conferees expect that such groups will also substantially benefit from this lottery preference scheme . . .[8]

6. We also noted that language in the *1982 Conference Report* indicated that the scheme of lottery preferences was to some extent intended to substitute for the Commission's comparative licensing proceedings in which the Commission awarded "significant comparative advantages" to "minority-controlled applicants and to applicants with a low degree of ownership interest in mass communications media."[9] We asked whether Congress intended to grant women as a class a comparable preference under the lottery scheme similar to that awarded under the integration of ownership and management criterion of the Commission's comparative licensing process.

7. We suggested that two avenues might be available under the statute for providing women a preference: (1) To amend the lottery rules to treat women as a "minority group" for purposes of the statutory "minority ownership" preference, or (2) to accord women as a class a preference under the diversification ("media ownership") preference.

8. Assuming the Commission had authority to grant women a preference under either approach, we also requested comment on whether the Commission is itself competent to make findings that women have been discriminated against in the ownership of mass communications media or whether Congressional action is instead required. We observed that while the Commission previously has found that women as a class have been historically discriminated against in employment,[10] and a study recently conducted for the Commission, which was designed to identify the extent of women's ownership of broadcast facilities suggested there was a disproportionately low level of women's ownership,[11] no such record apparently existed in this proceeding for establishing a nexus between discrimination and women's ownership of broadcast facilities. We requested comment on whether the study's results constituted adequate legal and factual grounds upon which to grant a preference.

9. Fourteen parties filed comments or reply comments in response to the *Third Notice*.[12] In addition, letters were received from Sen. Robert Packwood, Rep. Olympia J. Snowe, and Rep. Nancy L. Johnson. The congressional letters supported the inclusion of women within the enumerated groups accorded "minority" preference under the statute. AAUW, AWRT, NOW-LEDF, NRBA and Pappas filed comments which supported granting women both "minority" and "media ownership" preferences. ACTS, ALF, Citizens and BCFM, Howard Students, Steele, NCBL and UCC filed comments opposing granting women either "minority" or "media ownership" diversification preferences.

Discussion

10. The principal questions raised by our *Third Notice* are whether it is appropriate and within the Commission's authority to amend its rules implementing the lottery statute to grant women a preference either under the "minority ownership" classification or under the "media ownership" diversification preference. If neither of these alternatives is within the Commission's authority, we additionally asked whether it would be an appropriate exercise of the Commission's residual discretion to create a special lottery preference for women in addition to the statutory "minority ownership" and "media ownership" preferences. As discussed below, we answer no to all three alternatives.

A. Eligibility of Women for "Minority Ownership" Diversification Preference

11. In our *Third Notice* we observed that the literal language of the amended statute enumerates specific groups which are "included" in the class of "minority group", but that the language does not mention "women." We also noted that the term "includes" usually is a term of enlargement, not of limitation, intended to convey that other things are "includable" along with, rather than exhausted by, the enumerated particulars.[13] As the term "minority" is not generally viewed as encompassing women, we asked whether a proposed amendment to the Commissions lottery rules which construed the term "minority group" to include women was authorized under the statute.

12. Nine commenters supported an amendment to the rules to include women in the "minority ownership" preference. Generally, the commenters argued that while various specific

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[7] 93 FCC 2d at 953.

[8] *1982 Conference Report* at 44–45.

[9] *Id.* at 40. The conferees observed that "the degree of advantage, merit, or preference heretofore awarded to such applicants need not be precisely duplicated in the administration of a random selection system." *Id.*

[10] *Equal Employment Program*, 32 FCC 2d 708, 709 (1971).

[11] *Female Ownership of Broadcast Stations*, ELRA Group, Inc., May 1982. In the event we determined that we do not have jurisdiction to establish a preference for women, we proposed to forward to the Congress documents reflecting the record developed in response to the *Third Notice*, together with such recommendations as were found appropriate. By direction of the Commission, the Secretary sent a letter to Sen. Robert Packwood, Chairman of the Senate Committee on Commerce, Science and Transportation, informing him of the issues raised by the *Third Notice* and the pendency of this proceeding. A similar letter was sent to Sen. Ernest F. Hollings.

[12] Comments were filed by: American Association of University Women ("AAUW"), American Christian Television System, Inc. ("ACTS"); American Legal Foundation ("ALF"); American Women in Radio and Television ("AWRT"); four students at Howard University School of Law ("Howard students"); National Association of Black Owned Broadcasters ("NABOB"); National Black Media Coalition ("NBMC"); National Radio Broadcasters Association ("NRBA"); NOW Legal Defense and Education Fund ("NOW-LEDF"); Mrs. Stella A. Pappas ("Pappas"); and James U. Steele ("Steele"). Reply comments were filed by: ACTS; Citizens Communications Center and Black Citizens for a Fair Media (" Citizens and BCFM"); National Conference of Black Lawyers, Communications Task Force ("NCBL"); and Office of Communication, United Church of Christ ("UCC"). These comments are summarized in Appendix B.

[13] *See* 2A Sands, *Sutherland on Statutes and Statutory Construction* § 47.17 at p. 103 (4th ed.); *Highway City Freight Drivers v. Gordon*, 576 F.2d 1285, 1289, *cert. denied*, 439 U.S. 1001 (1978).

minority groups are mentioned in section 309(i)(3)(C)(ii), Congress did not preclude the Commission from exercising its judgment in awarding preferences to other groups, such as women, which are similarly underrepresented in the ownership of mass media. The commenters also argued that under general rules of statutory interpretation, use of the term "includes" is permissive rather than restrictive.

13. Twelve commenters opposed the inclusion of women within those eligible for "minority group" preferences, asserting that it was contrary to normal canons of statutory construction to include women in the definition of "minority group" adopted by Congress. Opposing commenters argued that Congress made specific determinations as to past discrimination in the ownership of mass media only with respect to racial and ethnic minorities, and created the narrowly drawn "minority group" preference scheme in the amended legislation specifically to remedy the effects of the past discrimination. The commenters maintained that it is not within the Commission's authority under the lottery statute to dilute the "significant preferences" established by Congress for racial and ethnic minorities by including women, a group which was not found by the legislators as having endured the same discriminatory effects. The commenters added that the conferees referenced the Office of Management and Budget's Statistical Policy Directive No. 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting" and directed that it be used to resolve disputes on the application of the term "minority."[14] That OMB document, commenters asserted, does not define women to be a minority group. The commenters also pointed out that in 1981, the conferees expressly stated that both minorities and women were entitled to preferences under the initial lottery statute, but this language was dropped from the *1982 Conference Report* where women were instead described as eligible for the same preferences under the statute as labor unions and community organizations.

14. Our examination of the statute leads us to conclude that the "minority ownership" diversification preference was intended by Congress to be limited solely to racial and ethnic minority groups and that women are not includable. Section 309(i)(3)(C)(ii) indicates that "Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders" are "included" within the class of "minority group." We agree with commenters favoring the inclusion of women in this preference group that the word "includes" is a term of expansion which indicates that minority groups other than those specified are "includable." We do not find, however, that women as a class are sufficiently like the enumerated groups to be includable in the term "minority group." Women are in each one of these groups; however, they do not themselves constitute a separate minority group as we understand the term.

15. In common language usage, when a list of particulars is associated with a general reference such as "includes," what is intended to be incorporated are those things not mentioned which have significant qualities in common with the enumerated categories.[15] The named particulars in section 309(i)(3)(C)(ii) are all commonly understood to represent terms identifying an individual's racial or ethnic ancestry. Accordingly, we find that the word "includes" in the context of section 309(i)(3)(C)(ii) should properly reference only those persons belonging to racial or ethnic groups not enumerated, or those persons belonging to a class of mixed racial and/or ethnic origins. Women as a class do not fit into either of these groups and thus are not "included." This interpretation accords not only with applicable canons of statutory construction but also with a reasonable reading of the explicit intent of the conferees.

16. This conclusion is reinforced by a review of the history of the lottery statute. In 1981, Commission found it could not implement the first lottery statute in large part because of confusion about who should be eligible for a minority preference. It consequently requested Congress to provide "specificity" on that issue, and Congress responded by enacting section 309(i)(3)(C)(ii), which listed specific groups to be awarded a minority preference. The fact that Congress had indicated women should be among those to be awarded preferences in the first lottery statute [16] and then, in its 1982 clarification, Congress did not include women, leads to a strong inference that Congress did not intend to extend preferences to women in the amended lottery statute. This is confirmed by the fact that the *1982 Conference Report* expressly referred to its prior discussion of women in the *1981 Conference Report* and concluded that women "would, of course, be eligible for both media ownership and minority ownership preferences if they meet the eligibility guidelines."[17] Thus, in giving the Commission specificity, Congress limited the minority preference to traditionally recognized minorities, intending that women were to receive preferences only to the extent they were part of those cognizable groups.

17. Further support for this is found in the *1982 Conference Report* at 43, which describes application of the "minority ownership" preference exclusively in terms of "*racial* and *ethnic* minorities—groups that traditionally have been extremely underrepresented in the ownership of telecommunications facilities and media properties." (emphasis added). Indeed, Congress expressly stated that "the effects of past inequities stemming from racial and ethnic discrimination have resulted in a severe underrepresentation of minorities in the media of mass communications . . . " [18] Moreover, the conferees specifically directed reference to the Office of Management and Budget's Statistical Policy Directive No. 15 for purposes of defining those eligible for the minority group preference.[19] This document neither enumerates nor otherwise mentions women as a minority group. This bears out the correctness of NBMC's argument that, since women are not defined in any federal statute as a "minority," had Congress intended for women to be included in section 309(i)(3)(c)(ii) as a "minority group," it would have explicitly so stated in the amended statute. Moreover, as many commenters pointed out,[20] to include so large a group as women as a minority would substantially dilute the preferences to the groups identified by Congress and would be contrary to the congressional intent. For all these reasons, we conclude that Congress intended to limit the eligibility for the "minority ownership" preference solely to racial and ethnic minorities and that including women in this preference is not within our authority under the lottery statute.

B. Eligibility of Women for the "Media Ownership" Preference

18. We turn next to the issue of whether the Commission has the

[14] *1982 Conference Report* at 45.

[15] *See 2A Sands, Sutherland on Statutes and Statutory Construction* (Sutherland, 4th ed.), at § 48.18.

[16] *1981 Conference Report, Supra* n. 3.

[17] See *1982 Conference Report*, at 44–45.

[18] *1982 Conference Report* at 43.

[19] *Id.* at 45.

[20] *See, e.g.*, comments of ACTS, ALF, Howard students, NABOB, NBMC, Steele, BCFM, NCBL, and UCC.

authority under the statute to include women in the "media ownership" preference. The language of section 309(i) does not on its face contemplate any preference for women.[21] The *1982 Conference Report*, however, provides explicit instructions for administering the "media ownership" preference. These directives lead us to conclude that Congress intended that eligibility for the "media ownership" preference be based solely upon structural criteria—specifically, the *number* and *location* of other media of mass communications properties owned by the prospective applicant. We therefore conclude that we do not have the authority to grant "media ownership" preferences based on any other factor, such as gender.

19. The *1982 Conference Report* establishes the criteria to be considered by the Commission in its implementation of the "media ownership" lottery preference:

> [T]he Conferees intend that in the administration of a lottery to be used for granting licenses or construction permits for any media of mass communications, the Commission award a significant media ownership preference to those applicants whose owners control no other media of mass communications. . . . Similarly, a media ownership preference should be awarded to those applicants whose owners, when aggregated, have controlling interest (over 50%) in 1, 2, or 3 other media of mass communication . . . . No media ownership preference should be awarded to applicants whose owners, when aggregated, have controlling interest (over 50%) in more than 3 other media of mass communications properties. . . . [N]o media ownership preference should be awarded to any applicant whose owners, when aggregated, have controlling interest (over 50 percent) in any medium of mass communications which is licensed to serve, franchised to serve (in the case of a cable television system), or primarily serves (in the case of a daily newspaper) the community of license for which of [sic] the grant is sought.[22]

These explicit directives lead us to agree with ACTS' comments that it was Congress' intent to base eligibility for the "media ownership" diversification preference solely on the number of other mass media outlets owned by the applicant nationally, irrespective of the race, ethnicity, sex or other characteristic of the applicant.[23]

20. This conclusion is bolstered by language in the *1982 Conference Report* declaring the conferees' "firm intent" for the Commission to preserve in the "media ownership" preference the traditional advantages accorded by the Commission's comparative process.[24] In the Commission's *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393 (1965) (*"1965 Policy Statement"*), cited by the conferees, a comparative advantage for "diversification of control of the media of mass communications" is awarded only to entities controlled by those with few or no other interests in other mass media.[25] And in proceedings to select from among new competing applicants, the Commission has steadfastly confined its selection process under the diversification factor to this purely structural approach. *See Radio Jonesboro, Inc.* FCC 85–7 at 8 (released April 5, 1985), *appeal pending sub nom. Whispering Sounds, Inc.* v. *FCC*, No. 85–1277 (D.C. Cir. filed May 6, 1985); *Las Missiones de Bejan Television Co.*, 93 FCC 2d 191 (Rev. Bd. 1983), *review denied* FCC 84–97 (released May 16, 1984) *appeal pending*, No. 84–1255 (D.C. Cir. filed June 18, 1984). For these reasons, we find that we do not have authority to expand the "media ownership" diversification preference to include a further preference for women.

C. Commission's Residual Authority To Create a Special Lottery Preference for Women

21. Our *Third Notice* also solicited comment on whether the lottery amendments, by their own terms or intent, would prohibit the Commission from exercising its residual jurisdiction under Title III of the Communications Act to create for women a preference beyond the "media ownership" and "minority ownership" preferences discussed in the *1982 Conference Report*. In this regard, we asked whether creation of a lottery preference for women analogous to the "minority ownership" preference was consistent with congressional intent that the lottery preference scheme reflect the traditional criteria used by the Commission in the comparative licensing process.[26] Noting that in comparative hearings the Commission traditionally has awarded an enhancement credit for female ownership and participation in management, we asked in the *Third Notice* whether the failure to provide a preference or other special consideration for applicants with significant female ownership involvement would situate such applicants substantially differently in the lottery context than would be the case in a traditional comparative proceeding and, if so, whether that would be contrary to congressional intent.

22. After examining the preference scheme established by the amended lottery statute, the legislative history, and the comments submitted in response to our *Third Notice*, we now conclude that the lottery statute does not afford us the authority to create an additional lottery preference for women tantamount to the "minority ownership" and "media ownership" preferences established by Congress. We believe ACTS is correct in its assertion that while the Commission has authority under the statute to administer lotteries, this authority does not enable the Commission to adopt rules that alter the specific preferences established by Congress. In our reading of section 309(i), in addition to determining which additional racial and ethnic groups may be includable in the "minority ownership" preference, the other area of discretion accorded the Commission is in determining those proceedings to which the lottery system shall apply.[27] As discussed above, we have concluded that the preference scheme established by Congress does not permit the Commission to include women in either the "minority ownership" or "media ownership" preferences. Further, it seems apparent that adopting a preference for women would disrupt Congress' explicit plan for Commission administration of fixed, congressionally mandated "media ownership" and "minority ownership" preference factors by diluting the selection probabilities, intended by Congress to be "highly outcome oriented" for applicants who

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[21] The language of section 309(i)(3(A) reads: The Commission shall establish rules and procedures to ensure that, in the administration of any system of random selection under this subsection used for granting licenses or constuction permits for any media of mass communications, significant preferences will be granted to applicants or groups of applicants, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications.

[22] *1982 Conference Report* at 42–43. The specificity Congress employed here is again in response to the difficulty the Commission encountered in implementing the broader 1981 statute.

[23] Indeed, inclusion of women under this preference would lead to the anomalous result of granting women a preference even in the situation where a female applicant was the licensee of a broadcast facility in the very community applied for, a result directly in conflict with Congress' intent to deny a media ownership preference to any applicant already licensed in the same community.

[24] *See 1982 Conference Report* at 39.

[25] 1 FCC at 394–95.

[26] The conferees indicated that the lottery preference scheme was to some degree intended to substitute for the "significant comparative advantages" provided in the Commission's comparative broadcasting license proceedings although "the degree of advantage, merit, or preference awarded to such applicants need to be precisely duplicated. . . ." *1982 Conference Report* at 40.

[27] *See 1982 Conference Report* at 37–39.

met the specific eligibility guidelines.[28] We thus find no indication that Congress intended to leave us any discretion to create additional lottery preferences.[29]

23. Several commenters maintained that incorporation of a preference for women is mandated because Congress intended for the preference system to reflect the Commission's comparative process and because Congress was well aware of the Commission's treatment of women as a minority group at the time it enacted the legislation.[30] Indeed, many commenters supporting the creation of a "women's preference" pointed to language in the *1982 Conference report* which, in their opinion, indicated Congress' intent for women to benefit from the lottery preference scheme. These commenters rely on the following language:

> It should be noted that such groups as women, labor unions, and community organizations which were mentioned in the legislative history of the lottery statute that was originally adopted [citation omitted] are all significantly underrepresented in the ownership of telecommunications facilities. Such applicant groups would, of course, be eligible for both media ownership and minority ownership preferences if they meet the eligibility guidelines. The Conferees expect that such groups will also substantially benefit from this lottery preference scheme, and, consequently, the American public will benefit by having access to a wider diversity of information sources.

1982 Conference Report at 44–45. We believe, however, as indicated above in para. 16, that the most reasonable interpretation of this language is that Congress intended for women, as well as labor unions and community groups, to participate in the preference scheme only to the extent that they met the "minority ownership" and "media ownership" eligibility guidelines. This interpretation reconciles the old and the new lottery statute. As commenters pointed out, a reading of the initial and amended statutes, as amplified by the explanations provided in the 1981 and 1982 *Conference Reports*, indicate that Congress expressed its intention to award both minorities and women preferences in the initial statute but that under the amended statute, the conferees intended for women to be treated similiarly to groups such as labor unions and community organizations, which are also not granted statutory preferences. To include women as a third category eligible for a preference would, in our view, be expressly contrary to Congress' specific decision not to include women as eligible for a special preference.

D. Conclusion

24. For the reasons discussed above, our interpretation of the *1982 Conference Report* leads us to conclude that the Commission does not have authority under the amended statute to make women eligible for either a "media ownership" or "minority ownership" preference in awarding initial licenses through lotteries. Our interpretation of the *1982 Conference Report* also leads us to conclude that we do not have the authority or the discretion under the statute to create a special lottery preference for women.

Ordering Clause

25. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, 47 U.S.C. 154(i) and 154(j), and section 1.425 of the Commission's Rules, 47 CFR 1.425, that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Due to the continuing effort to mininize publishing costs, Appendices A and B (List of Commenters and Summary of Comments) will not be printed herein; however, these lists may be reviewed in the FCC Docket Branch, Room 239, and the FCC Library, Room 639, both located at 1919 M St. NW, Washington, DC 20554. They are also filed at the Office of the Federal Register.

[Re: Third Report and Order in General Docket 81–768]

Statement of Commissioner Mimi Weyforth Dawson Concurring in Part and Dissenting in Part

I am unconvinced of the wisdom of preference schemes to remedy statistical ownership disparities. I question the practicality, the effectiveness, the fairness and the Constitutionality of any Goverment actions which are premised on racial or ethnic—or gender based—preferences. However, so long as Congress has determined in this instance that preference schemes are appropriate to remedy broadcast ownership disparties for certain select groups, I believe it is unfair to exclude women.

Congress, in authorizing lotteries for broadcast licenses, required the Commission to award "minority ownership" preferences to specific racial and ethnic groups. This was based on Congress' determination that certain groups, including Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders, have been subject to historic discrimination and underrepresentation in the ownership of broadcast facilities. In addition to this "minority ownership" preference, Congress also required the Commission to award a "media ownership" preference in lotteries if it would increase diversity of ownership.

The majority has concluded that the Commission lacks authority, under the lottery statute, to award either a "minority ownership" or a "media ownership" preference to women. I concur in that determination, based on the rationale set forth in the *Third Report and Order*. I disagree with the majority, however, when it concludes that the Commission lacks "residual authority," under the general public interest provisions of the Communications Act, to create a lottery preference for women.

The history of employment discrimination against women has been widely recognized by Congress, the Courts and this Commission. *E.g.*, S. Rep. No. 92–689, 92nd Cong., 2nd Sess. (1972); *Frontiero* v. *Richardson*, 411 U.S. 677, 684 (1973); and *Equal Employment Program*, 32 FCC2d 708, 709 (1971). The underrepresentation of women in the ownership of broadcast facilities has been documented. *Conference Report* at 44–45. The Commission's most recent study indicates that even though women comprise more than half the population, they own only 2.8% of the country's television stations, 8.6% of the AM stations and 9% of the FM stations. *Female Ownership of Broadcast Stations*. The ERLA Group, Inc. (1982).

The Commission traditionally has addressed this issue under the general authority of the Communications Act, without specific enabling legislation. For years, women have received preferences in broadcast comparative proceedings based on the Commission's public interest mandate and our goal of promoting diversity in the ownership of broadcast facilities. *West Michigan Broadcasting* v. *F.C.C.*, 735 F.2d 601 (1984).

I do not believe Congress intended to prevent the Commission from awarding similar preferences to women in lotteries. The legislative history accompanying the new lottery legislation makes it abundantly clear that Congress sought to have the Commission's traditional diversity objectives "continued" in the comparative process and "incorporated" into any lottery system.

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[28] These fixed relative preferences for eligible applicants are detailed in the *1982 Conference Report* at 46–49.

[29] In contrast, we have previously found that our residual discretion to act in the public interest arises in those circumstances where the lottery statute is not intended to apply. In the *Lottery Reconsideration Order*, supra n.8, we determined that the amended lottery statute was not intended to apply to the deadlock or tie-breaker situation. We came to this decision after reasoning that the systematic use of lotteries for certain specific services in the mass media, common carrier and private radio areas as a substitute for comparative hearings was in sharp contrast to the occasional *ad hoc* use of lotteries as an instrument of last resort to resolve a comparative hearing after there is a finding on the record that there are no material differences between the applicants. Without apparent authority under the new legislation to conduct a lottery in a tie-breaker situation, we raised the question whether our general public interest discretion supports such use. Answering that question in the affirmative, we found that tie-breaker lotteries would be a fair and reasonable decisionmaking device if the applicants were in true equipoise on comparative factors. We note that petitions for reconsideration of this order are still pending.

[30] *See, e.g.*, comments of AWRT and AAUW.

Conference Report at 38–40. Lottery preferences for women also have been endorsed by both the Honorable Bob Packwood, the then-Chairman of the Senate Committee on Commerce, Science and Transportation, and the Honorable Timothy E. Wirth, the Chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance.

Attaining the goal of ownership diversity should not depend on the licensing methodology we choose to use in particular cases. The same residual statutory authority that allowed this Commission to grant preferences to women in comparative hearings, in my opinion, could be used now to grant similar preferences to women in lotteries. Accordingly, I dissent from the majority's conclusion that the Commission lacks residual authority under the Communications Act to create a special lottery preference for women.

Concurring Statement of Commissioner Henry M. Rivera

Re: Third Report and Order in General Docket No. 81–768—Women's Lottery Preferences

My decision not to vote to create a distinct female ownership preference for use in mass media lotteries is one that did not come easily. My initial view was that we lack the authority to create such a preference in light of the legislative history of section 309(i).[1] The record developed in the *Third Report and Order* has confirmed my initial analysis of the law. I, therefore, feel constrained to concur in the decision not to create a female preference absent further legislation.

The proceeding does, however, raise an important policy issue worthy of further congressional study. Minorities and women often have an identity of interest in matters concerning diversity in the mass media. I am pleased, therefore, that Commission is making good on its promise[2] to forward the record developed in this proceeding to the relevant congressional subcommittees for their further review. It may be that Congress will see fit to amend section 309(i) to authorize a female ownership preference as it has done for minorities.

[FR Doc. 85–21130 Filed 9–4–85; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 0, 2, and 18

[Gen. Docket No. 20718; FCC 85–445]

Overall Revision of the Rules Regarding Industrial Scientific and Medical (ISM) Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC amends Part 0 (dealing with the organization and function of the Commission), Part 2, Subparts I and J (dealing with the marketing rules and equipment authorization procedures), Part 18 of its Rules (dealing with industrial, scientific, and medical (ISM) equipment) by deleting administrative provisions which have become burdensome and obsolete and providing four additional frequency bands exclusively for the operation of ISM equipment. The intended effect is to provide a more efficient equipment authorization program for ISM devices, more comprehensive regulations, uniform methods of measurements, and provisional technical standards for RF lighting devices.

EFFECTIVE DATE: September 27, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Lillian M. Volcy, Office of Science & Technology, Washington, D.C. 20554, Tel: (202) 653–8247.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Organization and functions.

47 CFR Part 2

Imports.

47 CFR Part 18

Business and industry, Household appliances, Medical devices, Scientific equipment.

Third Report and Order

In the matter of overall revision of the rules regarding industrial, scientific, and medical (ISM) equipment under Parts 0, 2, and 18, Gen. Docket No. 20718.

Adopted: August 5, 1985.

Released: August 21, 1985.

By the Commission: Commissioner Quello concurring in the result.

*Introduction and Summary**

1. This proceeding was initiated to revise the regulations concerning industrial, scientific, and medical (ISM) equipment under 47 CFR Parts 0, 2, and 18.(*1*)(*2*) These rules were adopted in 1946 in order to protect radiocommunication services from receiving interference from the operation of ISM equipment. In light of the changes in spectrum allocation and the proliferation of ISM equipment as well as radiocommunication services, we questioned whether some of the regulations adopted in 1946 were still adequate. We started by releasing several notices inquiring into the suitability of the prescribed technical standards, methods of measurements, and the effectiveness of the equipment authorization and enforcement program.(*3*) We continued, in response to comments filed on these notices, and based on our experience in dealing with ISM equipment, and in view of the continued rarity of incidences of interference from the operation of such equipment, by amending the technical standards only for induction cooking ranges and by deleting the requirement for filing the Form 724.(*4*) We then proceeded by issuing a *Third Notice of Proposed Rule Making*(*5*) (*Notice*) addressing the following topics: (1) the adoption of a more liberal and efficient equipment authorization program, (2) the deletion of burdensome and obsolete administrative rules, (3) the addition of four ISM frequency bands, (4) technical standards for RF lighting devices, and (5) the implementation of uniform methods of measurements.(*6*)(*7*) In the *Notice*, we indicated that the general technical standards would be revised when further study has been undertaken. We are also seeking more information from the CCIR and CISPR, (*8*) which, in Resolution 63 of the 1979 Geneva World Administrative Radio Conference (WARC), were invited to collaborate in preparing a recommendation on the emission limits from ISM equipment.

2. Comments on the *Notice* are very supportive of the Commission's proposal. The consensus is that a more liberal authorization program is justified when dealing with an established industry and that the current technical standards are adquate to control electromagnetic interference from classical ISM equipment (large industrial machines, scientific and medical apparatus). However, commenters have requested minor changes and some clarification in the area of: (1) terminology and definitions used under Part 18, (2) equipment authorization requirements and enforcement, and (3) methods of measurements. This *Order* takes into account, to the extent practicable, the comments filed in response to the *Notice* and amends the rules accordingly.(*9*) A list of the commenters is given in Appendix A of this document. The new rules and measurement procedures adopted herein are contained in Appendices B and C, respectively.

Restructure of Part 18 and Terminology

3. The Rules governing ISM equipment under Part 18, especially with respect to the administrative provisions, have grown complex and quite difficult for the layman to comprehend. In the

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[1] *Third Notice of Proposed Rulemaking*, 95 FCC 2d 432, 443 (1983) (Concurring Statement of Commissioner Henry M. Rivera).

[2] *See* 95 FCC 2d at 440, para. 20.

* Footnotes appear after signature.

Notice, we proposed to rewrite Part 18 in its entirety and organize it into only three subparts rather than the nine subparts to the old Part 18. We believe that this would yield a better understanding of the rules, and decrease publication costs by reducing the length of the text (by about 40%). The intricacy of Part 18 primarily results from the amendments to 47 CFR Part 2 dealing with the administrative rules for all equipment regulated by the Commission and from the development of new technologies which have rendered inappropriate some of the definitions and terminology used. No objections to the new format were voiced, but a few changes to the terminology used were requested. The American Telephone & Telegraph Company (AT&T) notes that the latest amendments to § 2.1 with regard to the definition of "ISM equipment" and "harmful interference" have not been reflected in § 18.107.(*10*) We agree that the definitions in Part 18 should be consistent with the ones used under Part 2 and are rewording § 18.107 accordingly. In response to the National Electrical Manufacturers Association (NEMA) comments, we clarify that, for the purposes of our rules, ISM equipment only includes machines which generate RF energy from 9 kHz to 3 THz (3,000 GHz) for non-telecommunication purposes. Equipment which operates and generates energy below 9 kHz or above 3 THz is not included under this definition. We also affirm, in response to Dash, Strauss and Goodhue's (DSG) comments, that nuclear magnetic resonance equipment which generates RF energy and is used for identifying and determining the structure, conformation, and movement of molecules and their phases in the fields of medicine, chemistry, and physics, fall under the category of general ISM equipment.(*11*) Other comments of an editorial nature have also been considered and are acknowledged, to the extent possible, as shown in Appendices B and C.

Applications and Authorizations

4. In the *Notice*, we reported that difficulties in implementing the administrative regulations have evolved, especially because of the complexity of the equipment authorization program.(*12*) We proposed to solve these problems by simplifying the regulations and by deleting burdensome and obsolete rules. The intended effect is to institute a more comprehensible authorization and enforcement program and to increase the efficiency of our service to the public. The comments received endorse the changes proposed by the Commission. Inquiries have been made on the possibility of expanding the verification procedure for certain devices, relaxing the labeling requirements, and on the authorization procedures applicable to microwave ovens and RF lighting devices.

A. Equipment Authorization

5. Most ISM equipment is required to be authorized as meeting the pertinent technical standards, in accordance with one or more of the following procedures: (1) type approval, (2) on-site certification, and (3) prototype certification.(*13*) Confusion, however, has been caused by the fact that all three procedures, in some cases, can be applied to the same equipment. For instance, the same ultrasonic device can either be type approved, certified on-site by a competent engineer, or prototype certified by the Commission. Further adding to the complexity, the Commission imposes a triennial recertification requirement for certain ISM equipment (See § 18.142); manufacturers or operators must have their devices retested every three years by a competent engineer to assure continued compliance. In the *Notice*, we proposed to simplify the equipment authorization program by placing all ISM equipment under notification except for consumer products which would be subject to certification, and for one-of-a-kind equipment and ultrasonic devices operating below 90 kHz with less than 500 watts which would be verified. We also suggested to continue type approval only for consumer microwave ovens and to delete the triennial certification requirement.(*14*)

6. The comments received are very supportive of the proposed program. The General Electric Company (GE), NEMA, and the International Business Machines Corporation (IBM) suggest that verification be extended to "large unwieldy" equipment and/or "custom-built devices in small quantities". GE, NEMA, and IBM state that verification would ease the testing requirements on manufacturers for large equipment built in small volume which has repetitive applications; the operator could assume the responsibility of testing the equipment, in some instances. Verification, IBM mentions, would also permit operators to modify their devices a few years after installation (as is often the case) without having to request any authorization from the Commission. Notification in such cases, the commenters believe, would not be cost effective since tests would have to be performed on similar equipment and authorization from the FCC would also have to be obtained, possibly creating a marketing delay.

7. The vast majority of nonconsumer ISM devices are in fact large and unwieldly and are typically built in low quantities. Therefore, the manufacturers' comments are interpreted as requesting that virtually all nonconsumer ISM equipment be placed under verification. In retrospect, it appears that there is much to be gained by doing so and little reason not to. It is now clear that attempting to distinguish whether an equipment should be verified or notified on the basis of whether it is "one-of-a-kind" would only lead to confusion, and consequently, there would likely ensue numerous requests for interpretation of the rules. For the kind of equipment involved here, where manufacturers have had a long history of compliance and the equipment changes little from year to year, notification would provide little information of use to the Commission. Accordingly, we are placing all nonconsumer ISM equipment into the verification category. As explained later in the discussion of the measurement procedures, manufacturers may either verify equipment for a given installation or, if a suitable measurement site is used, can verify compliance by performing tests on only one unit of an equipment which is representative of units produced subsequently. Consumer ISM equipment will be subject to certification as proposed. We shall also permit the operation of equipment, to determine customer acceptability, prior to the receipt of grants from the Commission, to avoid marketing delays.(*15*) See Appendix B, § 2.809. Also for certified equipment, when the same or essentially the same model will be marketed under more than one trade name, we shall require reports of measurements only for the basic device; such a procedure will be referred to as a multiple listing. See Appendix B, §§ 18.203 through 18.211.

8. R&B Enterprises (R&B), a test facility, suggests that the Commission impose a triennial reverification requirement to assure continued compliance with the regulations. R&B states that no burden would be placed on the operator since the tests are relatively easy and inexpensive (around $5,000 each). We disagree. Many manufacturers and operators have found that one of the most burdensome regulations under Part 18 is the requirement to retest equipment at predetermined intervals.(*16*) The Commission through experience has found it unnecessary to require manufacturers or operators to test their equipment at fixed time intervals when dealing with mature industries.(*17*) There is nothing in the record to indicate

that any useful purpose would be served by placing such a requirement on manufacturers or operators of ISM equipment.

9. In the *Notice*, we proposed to continue type approval for microwave ovens because the measuring instrumentation needed to evaluate such equipment has not been commercially available for more than a decade. More precisely, the present FCC methods of measurements call for the use of field intensity meters (FIMs) with linear amplifiers and average reading detectors which are no longer manufactured.(*18*) The Commission initially started type approving microwave ovens due to the unfamiliarity of the industry with the pertinent test methodology and techniques for achieving compliance. Over the years, the industry has matured and we feel today that there is sufficient familiarity with the test procedures. Manufacturers have had little difficulty in achieving compliance. This is evidenced by the high rate of compliance found in our type approval tests. Nevertheless, the type approval procedure has been maintained because of the limited availability of the necessary measuring instrumentation and the complexities involved in establishing an alternate test procedure. We have learned, however, that suitable measurement equipment is once again available on the market.(*19*) Certification, instead of type approval, can thus be applied to consumer microwave ovens. While we anticipate that some manufacturers have enjoyed the benefit of no mandatory requirement to test the equipment themselves, we do not see this service as a reason to continue type approval. The Commission will start accepting applications for certification immediately, but to allow manufacturers enough time to make arrangements for having measurements performed, we shall continue to type approve consumer microwave ovens until September 1, 1986.

10. In response to some questions raised on the applicable equipment authorization procedures for RF lighting devices, we clarify that devices marketed and/or used for general purpose or consumer applications will be subject to certification. All other RF lighting devices will be subject to verification. The new equipment authorization requirements are specified in Appendix B under § 18.203.

B. Equipment Identification

11. As proposed in the *Notice*, we shall require that certified equipment carry an FCC identifier. No other labeling requirements will be imposed. We believe that requiring manufacturers to include information about the interference potential of their equipment in the instruction manual is sufficient to warn the operator. Also, in the past we have found that a label placed on the device itself is often misinterpreted by the layman as being a warning against radiation which is hazardous to human life. No objections to our proposal have been voiced.

C. Miscellaneous Regulations

12. In the *Notice*, we concluded that §§ 18.21–18.29, which state that ISM equipment not in conformance to Part 18 requirements may only be operated with a license, were obsolete and could be deleted. Licensing of ISM devices, if necessary, can only be made under Part 5 of the Rules on an experimental basis. Based on the fact that the Commission has never issued a license for ISM equipment for non-experimental purposes and that no objections to the discontinuation of these regulations have been made, we are deleting §§ 18.21–18.29.

Technical Standards

13. Although the revision of the technical standards is not the primary area of interest of this proceeding, we did request comments in the *Notice* on whether additional technical standards are needed as a result of the opening of four new ISM frequency bands, and on what interim standards should be imposed for RF lighting devices. Other subjects of a technical nature which were raised in the comments are also addressed below.

A. Addition of Four ISM Bands

14. In the *Notice*, we proposed no in-band limits for the four new ISM frequency bands. Out-of-band emissions were to be the same as apply already to that particular type of equipment. We requested comments on the suitability of such standards, particularly, with regard to ISM equipment at 6.78 MHz ±15 kHz which, in accordance with footnote 524 of the U.S. Table of Frequency Allocations, must be made with the coordination of other administrations whose services might be affected. No objections were received from the Interdepartment Radio Advisory Committee, which oversees U.S. Government use of the spectrum or from other possibly concerned parties. Spectrum Measurement Corporation (SMC) requested an additional ISM frequency. However, SMC's request exceeds the scope of this proceeding as we previously mentioned in footnote 9, supra.

B. RF Lighting Devices

15. RF lighting is a term which applies to a new technology whereby radio frequency (RF) energy is used to produce light more efficiently. Of concern to the Commission is the potential for a small portion of that energy escaping into space and causing radio interference. With the frequencies currently utilized by RF lighting devices, AM broadcast is the most likely candidate to receive interference. Most RF lighting products operate under the conditions of a waiver.(*20*) The waiver pertains to the triennial certification requirement of § 18.142. As a condition of the waiver, the Commission imposes the technical standards specified under Part 15, Subpart J, instead of the ones under Part 18. In order to study further the effects of RF lighting devices on radiocommunication, we have issued a *Notice of Inquiry* in Gen. Docket 83–806.(*21*) In the *Notice*, we proposed to delete the triennial certification requirement of § 18.142 and at the same time adopt only one set of technical standards for RF lighting devices in order to simplify the rules, pending further action in Gen. Docket 83–806. The standards which we find to be the most suitable to protect the radiocommunication services, for the time being, are the ones specified under Part 15, Subpart J.

16. NAB, which represents the interest of the majority of the AM broadcasting community, feels that such a proposal would still be inadequate to deter incidences of interference to AM radio reception because it would not impose field strength limits below 30 MHz. NAB believes that "at minimum, an appropriate limit should be 25 μV/m at a distance of 10 meters" for frequencies below 30 MHz.(*22*) Other parties affected by the rules on RF lighting devices, such as NEMA and GE, support the Commission's proposal. GE and NEMA also advocate the possibility of establishing voluntary industry standards with the cooperation of NAB and have submitted to the Commission several reports on the progress made in their studies. The data filed by NEMA and GE have been incorporated in Docket 83–806 and will be considered in that proceeding.

17. Although the concerns of NAB are understandable, we disagree with imposing a fixed radiated emission limit of 25 μV/m at 10 meters for frequencies below 30 MHz. We do not dispute the need for controlling radiation from RF lighting devices; however, insufficient information has been submitted as to whether a radiated emission limit is

indeed necessary below 30 MHz, and what limit might be appropriate. NAB does not provide any in-depth analysis of the potential problems. We note, for example, that the man-made radio noise below 30 MHz is very high and that a field strength limit of 25 μV/m at 10 meters might be too stringent at certain frequencies to permit the effective operation of RF lighting products.(*23*)

18. The emission limits under Part 15, Subpart J, which were adopted to control the electomagnetic interference from digital or computing devices to radiocommunication services, seem to be serving the same purpose, for the moment, when they are applied to RF lighting devices. We have not received, to this date, any reports of interference from the operation of RF lighting devices to radiocommunication services when the technical standards of Part 15, Subpart J are met. For the reasons given above, we shall adopt in this proceeding the technical standards of Part 15, Subpart J for RF lighting devices, pending further development in Gen. Docket 83–806. The question of radiation limits below 30 MHz, which has also been raised by GE and NEMA in their comments in Gen. Docket 83–806, will be addressed with more depth in that docket.(*24*)

C. Miscellaneous

19. In an open meeting with the Commission staff held on August 21, 1984, manufacturers of medical diagnostic ultrasonic equipment expressed their desire to have such equipment exempted from Part 18. This matter is currently under review and further action is expected in the near future. In the meantime, the relaxation in the equipment authorization requirements from type approval to verification for such equipment will ease the burden of these rules. The Ultrasonic Industry Association, Inc. (UIA) which represents major manufacturers of ultrasonic equipment, and other parties, filed comments in this docket requesting that the radiated emission limits for such equipment be deleted, retaining only limits for line conducted emissions. The reasons given by the commenters are that ultrasonic devices which meet the prescribed conduction limits seldom exceed the radiation limits. Reference is also made by UIA to the *First Notice* in this proceeding in which we proposed to exempt from the out-of-band radiated emission limits ultrasonic equipment which would comply with the conducted RF voltage limits in the 9 kHz to 30 MHz frequency range. Also, we indicated in the *First Notice* that proof of compliance with the out-of-band radiated emissions would only be necessary when requested by the Commission.(*25*) The test data accumulated by the FCC laboratory show that the nature of the emissions from ultrasonic equipment is such that compliance with the conduction limits has always led to conformance with the radiation limits below 30 MHz. We, therefore, see no objection to accommodating UIA's request.

20. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC), in light of the low likelihood of interference, and the characteristics of the environment of use, feels that ISM equipment at aerospace manufacturing plants should be exempt from the testing procedures and the emission limits in Part 18. We cannot exempt such equipment from the technical standards, as requested by AFTRCC, without explicit studies demonstrating that noncompliance with Part 18 will not be a threat to radiocommunication services. The low incidence of interference reports cannot be the sole determining factor for granting an exemption. The only assumption we can make from AFTRCC's comments is that their systems have not been a source of interference because they have been operating in compliance with Part 18.

21. IBM raises the issue of dual or multiple regulations for certain devices it manufactures. More precisely, IBM is concerned that two different sets of standards may be applied to its computer plasma displays (CPDs). A CPD is a special type of video monitor intended to be used as a peripheral for a computer. The image on the screen is generated by applying radio frequency (RF) energy to gases in the "picture tube" in order to ionize those gases. IBM is concerned that, since the equipment utilizes RF energy to ionize a gas, it might be considered as subject to the requirements in Part 18. On the other hand, since the device is basically a peripheral for a computer, it also appears to be subject to the emissions limits for computing devices in Part 15, Subpart J. IBM feels that CPDs are much more akin to conventional computer monitors than ISM equipment and asserts that only the computer rules should apply. IBM notes that the computer standards are generally more stringent than those for ISM equipment.

22. We agree with IBM that, in general, two sets of standards should not apply to a single piece of equipment. In fact, the definition of a computing device in § 15.4(n) specifically excludes digital electronics included in ISM equipment. In other words, ISM equipment that utilizes digital electronics is governed only by the Part 18 rules. In the case of CPDs, what is unusual is that it is clearly a piece of computer equipment which only incidentally generates and uses RF energy to ionize a gas. We do not view CPDs as falling under the definition of ISM equipment because it is not the fundamental purpose of such equipment to generate and use RF energy for ISM applications. Accordingly, CPDs are subject only to the rules for computer equipment in Part 15, Subpart J. We believe that in most cases the rules are clear as to whether Parts 15 or 18 apply to a piece of equipment. If further guidance is needed, inquiries should be directed to the Chief Scientist.(*26*)

23. In response to DSG's requests, we are adding a new § 18.309 to indicate the frequency range over which the measurements of field strength and conducted voltage levels must be recorded to verify compliance with the rules. In our proposal we only specified the frequency range in the methods of measurements. This addition will provide the public with a better insight on the extent of the emission limits. See Appendix B, § 18.309.

Methods of Measurements

24. In the *Notice* we proposed to consolidate the methods of measurements for ISM equipment and to issue them separately from the Rules in a document entitled MP–5, "Methods of Measurements for ISM Equipment". It is less costly for the Commission to publish the methods of measurements separately from the rest of the rules. It is also advantageous to manufacturers and test facilities that are only concerned with measurement procedures for certain types of products. MP–5 is not a mandatory test procedure, but is basically a guideline and a summary of the methods used at the FCC laboratory for evaluating the radiated radio noise from ISM equipment. MP–5 supersedes FCC Bulletins OCE 39 (dealing with medical diathermy equipment), OCE 20 (discussing microwave ovens), and Test Procedure No. 2 (regarding ultrasonic equipment). Comments on the proposed MP–5 are positive but requests for clarification or changes have been made in the area of test sites, measuring instrumentation, attenuation law factors, and line conducted measurements.

25. Consumer products or certified equipment, as described in MP–5, should be tested on an open field site or at a location which yields comparable results. Classical ISM or verified equipment can be tested at any location. It was not our intent in the proposal, as AFTRCC, GE, IBM, and others

interpreted, to preclude testing equipment on-site, i.e., testing a given piece of equipment at its actual place of installation.(27) Sections 2.1 and 2.1.1 of MP-5 indicate that this is permitted. However, it appears that some clarification is needed as to what the criteria will be for accepting data taken at a manufacturer's plant or at a location other than an open field. That is, in what situations will the measurements be considered sufficiently representative of how the equipment will perform at any installation, that the marketing of that equipment may be based on that single set of measurements? If the individual installation has unique shielding, we shall consider the test results as being representative of that case only. For example, in situations where the equipment is located in a building with metal walls or deep inside a building, with measurements taken outside that building, cannot be considered representative of how the equipment will perform at any other installation; the same degree of shielding may not be present. Some judgment must be exercised in choosing a location other than an open field, as has been done in the past, if only a single set of measurements is to be performed. If due to the location of the equipment in a large city, or for some other reason, measurements as outlined in MP-5 are impractical because large buildings or other objects are in the path where measurements should be taken, every effort should be made to obtain necessary measurements at the nearest clear location(s).

26. Modifications to the minimum 6 dB bandwidth of the measuring instrumentation we proposed to use for frequencies below 30 MHz have been requested by several parties.(28) The consensus is that from 150 kHz to 30 MHz the 6 dB bandwidth of the measuring instrumentation should be specified to be at least 9 kHz, and below 150 kHz at least 200 Hz. Commenters believe that the Commission's proposal of 3 kHz minimum bandwidth below 450 kHz might contradict its requirement to use a radio noise meter or spectrum analyzer which conforms with ANSI (American National Standards Institute) C63.2-1980 standards. We find no apparent reason for not applying the ANSI C63.2-1980 standards to MP-5 and modify § 2.2.2 accordingly. This will help exporting manufacturers to perform only one set of measurements for verification of compliance with FCC rules and other countries' regulatons.

27. In response to questions raised by SMC, we specify that the measurements need not always be undertaken at the distance at which the emission limits are applied. Due to the nature and the configuration of most ISM equipment, testing may be made at closer distances, especially for equipment for which the limits are specified at distances greater than 30 meters; a sufficient number of measurements should be taken to plot a representative polar radiation pattern and to assure the correct determination of the major lobes. This should enable parties undertaking the measurements to record more accurately the attenuation factors applicable to a particular equipment. As an alternative, measurements may be made at a fixed closer distance, provided the field strength limits are readjusted using an attenuation law factor of 1/d (where d is the distance measured in appropriate units).

28. Commenters note that the proposed MP-5 only deals with radiated radio noise and suggest that the power line conducted radio noise measurements for ISM equipment be made in accordance with MP-4, "FCC Methods of Radio Noise Emissions from Computing Devices", and/or ANSI C63.4-1981. We find merit in such a request especially since the tests undertaken by the FCC laboratory are similar to what is stated in MP-4. Conducted measurements are usually performed with the aid of a line impedance stabilization network (LISN).(29) The use of a LISN assures repeatable measurements by stabilizing the impedance between the device under test and the power source. The limits for most ISM equipment were established using a 5 uH/50 ohm LISN. Some commenters believe that the use of a 50 μH/50 ohm LISN will be more appropriate especially below 2 MHz. However, we feel that the use of a LISN other than the one specified will cause inaccurate readings. We will, therefore, specify in MP-5 that measurements are to be made using the LISN with which the conducted voltage limits have been specified. We have accepted, in the past, that measurements be made with LISN's other than the one indicated in the methods of measurements, but only because the required LISN was not always available commercially. Most test facilities are now equipped with both 5 μH and 50 μH LISN's. However, parties encountering difficulty in procuring the required LISN should contact the FCC laboratory.

29. Additional information on interconnecting cables, accessories, and applicators has been included in MP-5. Also, to allow more flexibility, we shall accept radiated radio noise measurements above 1 GHz made with a broadband linearly polarized horn antenna or any other comparable antenna.(30) We wish to emphasize that MP-5 is a *recommended* procedure and that alternatives are permitted by the Commission as long as they are justifiable. We recommend that parties who intend to use alternate procedures contact the FCC laboratory prior to undertaking them.

Enforcement

30. Changes in 47 CFR Part 0, more specifically § 0.314, are made to delegate authority to the "Engineer in Charge" for dealing with enforcement cases. Such action, along with the sampling program instituted by the Office of Science and Technology, should deter any circumvention of the rules, especially in light of the liberalization of the equipment authorization program.

Final Regulatory Analysis

31. Pursuant to 5 USC 601 *et seq.*, an Initial Regulatory Flexibility Analysis was incorporated in paragraph 26 of the *Third Notice of Proposed Rule Making*. In paragraph 26 of this *Notice*, written comments on this Analysis were solicited. No comments in response to this request were received.

I. Need for and Objective of Rule

The rule changes shown in Appendices B and C will simplify the equipment authorization program associated with the operation of ISM equipment. They will reduce the amount of paper work handled by the FCC laboratory and required from applicants filing for equipment authorization with the Commission. They will also provide for more uniform methods of measurements for evaluating ISM equipment. Such action is taken in light of the difficulties encountered in implementing some of the regulations by the FCC; it is also a result of the FCC's recognition that manufacturers of ISM equipment for the most part represent a mature industry for which certain regulations are burdensome and obsolete.

II. Summary of Issues Raised in Comments on Initial Analysis

No issues were raised in public comment or agency assessment.

III. Significant alternatives

None.

Ordering Clauses

32. Accordingly, it is Ordered that, pursuant to sections 1, 4(i), 302, and 303 of the Communications Act of 1934, as

amended, Parts 0, 2, and 18 Are Amended, as shown in Appendices B and C, effective September 27, 1985. It is further ordered that this proceeding, Gen. Docket 20718, is terminated.

33. Further information on this matter may be obtained by contacting Liliane M. Volcy (202) 653–8247, Office of Science & Technology.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note. Appendix C, "Methods of Measurements of Radio Noise Emissions . . .", will not be published herein. However, copies of the complete text of this Report and Order may be obtained from the International Transcription Service, 1919 M St., NW., Washington, D.C. 20554, Tel.: (202) 857–3800. A copy is also available for public inspection in the FCC Dockets Branch, Rm. 239 and the FCC Library, Rm. 639, both located at 1919 M St., NW. Appendix C is also filed at the Office of the Federal Register, 1100 L St., NW., Washington, D.C.

Footnotes

(*1*) ISM equipment is defined under 47 CFR 2.1 as devices or appliances designed to generate and use locally radio frequency (RF) energy for industrial, medical, domestic or similar purposes, excluding applications in the field of telecommunications. Examples are microwave ovens, industrial heaters and sealers, ultrasonic room humidifiers, nuclear magnetic resonance machines, and certain particle accelerators.

(*2*) ISM equipment may be operated on any frequency. In certain frequency bands, ISM equipment is permitted unlimited radiation. These bands which are specified in the U.S. Table of Frequency Allocations are usually referred to as "ISM frequencies" or "ISM frequency bands". Other users of these ISM frequency bands must accept any interference received within these bands from the operation of ISM equipment.

(*3*) *See* Gen. Docket 20718: *Notice of Inquiry*, 58 FCC2d 636 (1976), *Notice of Proposed Rule Making*, 68 FCC2d 876 (1979), and *Second Notice of Proposed Rule Making*, 70 FCC2d 1314 (1979).

(*4*) *See* Gen. Docket 20718: *First Report and Order*, 44 FR 48178 (1979), *Memorandum, Opinion and Order*, 44 FR 74702, and *Second Report and Order*, 48 FR 51302 (1983). A Form 724 had to be filed to notify the Commission of the location of each ISM equipment. This information which was sought to assist in locating interference has proven to be of little value with the advances in spectrum monitoring techniques.

(*5*) *See Third Notice of Proposed Rule Making* in Gen. Docket 20718, FCC 84–578, 49 FR 47628,— FCC2d — (adopted November 21, 1984).

(*6*) RF lighting is a broad term which applies to new technologies developed to produce light more efficiently, whereby the 60 hertz AC electrical power is converted to radio frequencies and is used to stimulate a gas inside a bulb. Lighting products are being developed for both home and industrial use. Some types are intended as replacements for standard household Edison light bulbs, and others are designed to be used with fluorescent light fixtures. RF lighting devices are treated under our Rules as general or miscellaneous ISM equipment.

(*7*) The four ISM frequency bands added recently to the U.S. Table of Frequency Allocations as a result of the 1979 WARC are: 6.78 MHz ±15 kHz, 61.25 GHz ±250 MHz, 122.50 GHz ±500 MHz, and 245 GHz ±1.0 GHz. *See Second Report and Order* in Gen. Docket 80–739, FCC 83–511, 49 FR 2357 (1984) (dealing with the implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979).

(*8*) CCIR is the French acronym for International Radio Consultative Committee, an arm of the International Telecommunication Union (ITU). CISPR is the French acronym for International Special Committee on Radio Interference, an arm of the International Electrotechnical Commission (IEC).

(*9*) Some comments made on the *Notice* exceed the scope of this proceeding and will not be considered. They are (1) the request by the Committee on Radio Frequencies of the National Academy of Sciences to discontinue the operation of ISM equipment in the frequency bands in which radio astronomy and remote sensors services are permitted, and (2) the suggestion by Spectrum Measurement Corporation to add 20.34 MHz as an ISM frequency to the U.S. Table of Frequency Allocations.

(*10*) *See Second Report and Order* in Gen. Docket 80–739, op. cit., at C–7 and C–8.

(*11*) *See* Fischetti, "Probing the Human Body," 20 IEEE Spectrum 74 (Jan 1983) for additional information. *See also* Horgan, "Medical Electronics," 22 IEEE Spectrum 89 (Jan 1985).

(*12*) *See Third Notice of Proposed Rule Making* in Gen. Docket 20718, op. cit., paragraphs 13 and 21.

(*13*) Under type approval, a grant of equipment authorization is issued by the Commission based on examination and measurement of one or more sample units at its laboratory. On-site certification requires that a qualified party test the device at the user's premises, that measurements be made occasionally to assure continued compliance and that records of the test results be kept; it is very often associated with the triennial certification rule of § 18.142. Prototype certification is similar to certification as defined under Part 2, Subpart J; a grant of equipment authorization is issued by the Commission based on a written application and test data submitted by the applicant.

(*14*) *See Third Notice of Proposed Rule Making* in Gen. Docket 20718, op. cit., at 6, paragraph 17. *See also* 47 CFR Part 2, Subpart J for additional information on the FCC equipment authorization procedures.

(*15*) *See Public Notice* No. 3037, released March 8, 1985, entitled "FCC Laboratory Authorization Processing—Speed of Service".

(*16*) Cf. *Order Granting Limited Waiver*, FCC 83–361, released August 5, 1983 and *Petitions for Waiver* filed by NEMA (Public Notice, September 5, 1984, Mimeo No. 6400).

(*17*) Cf. *Report and Order* in Gen. Docket 83–10, FCC 84–21, 49 FR 3991 (1984) (dealing with the expansion of the verification and notification equipment authorization procedures).

(*18*) *See Third Notice of Proposed Rule Making* in Gen. Docket 20718, op. cit., paragraph 14.

(*19*) *See* Electro-Metrics comments in Gen. Docket 20718, dated December 20, 1984.

(*20*) *See Order Granting Limited Waiver*, op. cit., paragraph 19.

(*21*) *See Notice of Inquiry* in Gen. Docket 83–806, FCC 83–360, 48 FR 37235 (1983).

(*22*) *See* NAB reply comments in Gen. Docket 20718, filed February 22, 1985, at 3.

(*23*) *See* CCIR Report No. 258–4, "Man-made Radio Noise" (1982) for specific values in this region of the spectrum.

(*24*) *See* GE comments in Gen. Docket 83–806, filed October 31, 1983, at 16, Tables III and IV. *See also* NEMA comments in Gen. Docket 83–806, filed October 21, 1983, at 32 and 33.

(*25*) *See Notice of Proposed Rule Making* in Gen. Docket 20718, op. cit., Appendix C, §§ 18.108, 18.112, and 18.116.

(*26*) Cf. Section 2.11 of FCC/OST Bulletin 62, "Understanding the FCC regulations concerning computing devices," May 1984, for further information on the Commission's policy regarding multiple technical regulations.

(*27*) *See Third Notice of Proposed Rule Making* in Gen. Docket 20718, op. cit., Appendix B, sections 2.1–2.1.3.

(*28*) The 6 dB bandwidth of a measuring instrument represents its resolution-filter bandwidth or its band-pass characteristics.

(*29*) A LISN is a network inserted in the supply-mains lead of the equipment under test (EUT) to provide a specified measuring impedance for radio noise voltage measurements and to isolate the EUT from the supply mains at radio frequencies.

(*30*) Cf. MP–4, "FCC Methods of Measurement of Radio Noise Emissions from Computing Devices" (1983), at 8, section 4.2.4.

Appendix A

The following parties filed comments in response to the *Third Notice of Proposed Rulemaking* in this docket:

1. Aerospace and Flight Test Radio Coordinating Council
2. American College of Chest Physicians
3. American Telephone and Telegraph Company
4. Branson Ultrasonics Corporation
5. Edwin L. Bronaugh
6. Dash, Strauss and Goodhue [1]
7. Dukane Corporation (Dukane)
8. Electro-Metrics
9. Fusion Systems Corporation
10. General Electric Company [1]
11. Lewis Corporation
12. National Academy of Sciences
13. National Electrical Manufacturers Association
14. Pepper, Hamilton & Scheetz
15. R & B Enterprises

[1] These late-filed comments have been accepted because they enhance the diversity of view points on the issues at hand and thereby serve the public interest.

16. Spectrum Measurement Corporation
17. Ultrasonic Industry Association, Inc.

The following parties filed reply comments:

1. General Electric Corporation
2. International Business Machines Corporation
3. National Association of Broadcasters
4. National Electrical Manufacturers Association

Appendix B

PART 0—[AMENDED]

A. 47 CFR Part 0 is amended as follows:

1. The authority citation for Part 0 continues to read as follows:

Authority: Secs. 4, 5, 303, 307, 308, 309, 48 Stat., as amended, 1066, 1068, 1082, 1083, 1084, 1085; 47 U.S.C. 154, 303, 307, 308, 309.

2. In Part 0, § 0.314 paragraphs (m) and (n) are revised to read as follows:

§ 0.314 Additional authority delegated.

* * * * *

(m) Issuances of notices and orders to operators of industrial, scientific, and medical (ISM) equipment, as provided in § 18.115 of this chapter.

(n) Requests for permission to resume operation of ISM equipment on a temporary basis, as provided by § 18.115 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.117 of this chapter.

* * * * *

PART 2—[AMENDED]

B. 47 CFR Part 2 is amended as follows:

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303, unless otherwise noted).

2. In Part 2, § 2.809 is revised to read as follows:

§ 2.809 Exemption for ISM equipment.

(a) The announcement and offer for sale of ISM equipment which is subject to the provisions of Part 18 of this chapter, and which is in the conceptual developmental, design or pre-production stage is permitted prior to determination of compliance, provided the prospective buyer is advised in writing at the time of the announcement or offer for sale that said equipment is subject to FCC Rules and that said equipment shall comply with the appropriate FCC Rules prior to final delivery to the buyer or to the distribution centers.

(b) Manufacturers of nonconsumer ISM equipment shall have the option of insuring compliance with applicable technical specifications of this chapter at each end user's location after installation, provided the purchase or lease agreement includes a proviso that such a determination of compliance be made and is the responsibility of the manufacturer of the equipment.

(c) ISM equipment subject to the provisions of this chapter may be operated prior to determination of compliance and, when appropriate, obtaining authorization from the Commission under the following circumstances:

(1) While testing for purposes of determining equipment compliance.

(2) When demonstrating equipment at trade shows, provided a conspicuous notice is displayed to specify that the device has not been tested for compliance or approved by the Commission. If the device is offered for sale or lease, the provisions of § 2.809(a) shall apply.

(3) While testing at customer's premises to determine equipment acceptability.

3. In Part 2, the title and paragraph (b) of § 2.1033 are revised to read as follows:

§ 2.1033 Application for certification.

* * * * *

(b) The application shall be accompanied by a report of measurements, and such other attachments as specified in the rules governing that particular equipment.

* * * * *

§§ 2.1037 and 2.1039 [Removed]

4. In Part 2, §§2.1037 and 2.1039 are removed.

C. 47 CFR Part 18 is revised in its entirety to read as follows:

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Subpart A—General Information

Sec.
18.101 Basis and purpose.
18.103 Organization and applicability of the rules.
18.105 Other applicable rules.
18.107 Definitions.
18.109 General technical requirements.
18.111 General operating conditions.
18.113 Inspection by Commission representatives.
18.115 Elimination and investigation of harmful interference.
18.117 Report of interference investigation.
18.119 Importation.

Subpart B—Applications and Authorizations

18.201 Scope.
18.203 Equipment authorization.
18.205 Description of measurement facilities.
18.207 Technical report.
18.209 Identification of authorized equipment.
18.211 Multiple listing of equipment
18.213 Information to the user

Subpart C—Technical Standards

18.301 Operating frequencies.
18.303 Prohibited frequency bands.
18.305 Field strength limits.
18.307 Conduction limits.
18.309 Frequency range of measurements.
18.311 Methods of measurements.

Authority: Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended; sec. 303, 82 Stat. 290; 47 U.S.C. 154, 302, 303, 307.

Subpart A—General Information

§ 18.101 Basis and purpose.

The rules in this part, in accordance with the applicable treaties and agreements to which the United States is a party, are promulgated pursuant to section 302 of the Communications Act of 1934, as amended, vesting the Federal Communications Commission with authority to regulate industrial, scientific, and medical equipment (ISM) that emits electromagnetic energy on frequencies within the radio frequency spectrum in order to prevent harmful interference to authorized radio communication services. This part sets forth the conditions under which the equipment in question may be operated.

§ 18.103 Organization and applicability of the rules.

The rules in this part are divided into the following subparts:

(a) Subpart A contains general information and definitions for use in this part.

(b) Subpart B describes the procedures and requirements for authorization to market or operate ISM equipment under this part.

(c) Subpart C contains the technical standards for ISM equipment.

§ 18.105 Other applicable rules.

Other Commission rule parts relating to the authorization and operation of ISM equipment include the following:

(a) Part 0 describes the Commission's organization and delegations of authority. This part also lists available Commission publications, standards and procedures for access to Commission records, and location of Commission field offices.

(b) Part 1 contains the rules of practice and procedure for adjudicatory proceedings including hearing proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and for forfeiture proceedings; and the

requirements for evironmental impact statements.

(c) Part 2 contains special requirements in international regulations, agreements, treaties, and the table of frequency allocations. This part also contains requirements and procedures concerning the marketing, the equipment authorization, and the importation of radio frequency devices into the United States.

§ 18.107 Definitions.

(a) *Radio frequency (RF) energy.* Electromagnetic energy at any frequency in the radio spectrum from 9 kHz to 3 THz (3,000 GHz).

(b) *Harmful interference.* Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(c) *Industrial, scientific, and medical (ISM) equipment.* Equipment or appliances designed to generate and use locally RF energy for industrial, scientific, medical, domestic or similar purposes, excluding applications in the field of telecommunication. Typical ISM applications are the production of physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles.

(d) *Industrial heating equipment.* A category of ISM equipment used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(e) *Medical diathermy equipment.* A category of ISM equipment used for therapeutic purposes, not including surgical diathermy apparatus designed for intermittent operation with low power.

(f) *Ultrasonic equipment.* A category of ISM equipment in which the RF energy is used to excite or drive an electromechanical transducer for the production of sonic or ultrasonic mechanical energy for industrial, scientific, medical or other noncommunication purposes.

(g) *Consumer ISM equipment.* A category of ISM equipment used or intended to be used by the general public in a residential environment, notwithstanding use in other areas. Examples are domestic microwave ovens, jewelry cleaners for home use, ultrasonic humidifiers.

(h) *ISM frequency.* A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. See § 18.301.

(i) *Marketing.* As used in this part, marketing shall include sale or lease, offer for sale or lease, advertising for sale or lease, the import or shipment or other distribution for the purpose of sale or lease or offer for sale or lease. See Subpart I of Part 2 of this chapter.

Note.— In the foregoing, sale (or lease) shall mean sale (or lease) to the user or a vendor who in turn sells (or leases) to the user. Sale shall not be construed to apply to devices sold to a second party for manufacture or fabrication into a device which is subsequently sold (or leased) to the user.

§ 18.109 General technical requirements.

ISM equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the frequency bands specified in § 18.301.

§ 18.111 General operating conditions.

(a) Persons operating ISM equipment shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of any prior equipment authorization and/or compliance with the applicable rules.

(b) Subject to the exceptions in paragraphs (c) and (d) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take whatever steps may be necessary to eliminate the interference.

(c) The provisions of paragraph (b) of this section shall not apply in the case of interference to an authorized radio station or a radiocommunication device operating in an ISM frequency band.

(d) The provisions of paragraph (b) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating in an ISM frequency band and otherwise complying with the requirements of this part.

§ 18.113 Inspection by Commission representatives.

Upon request by a representative of the Commission the manufacturer, owner, or operator of any ISM equipment shall make the equipment available for inspection and promptly furnish the Commission with such information as may be required to indicate that the equipment complies with this part.

§ 18.115 Elimination and investigation of harmful interference.

(a) The operator of ISM equipment that causes harmful interference to radio services shall promptly take appropriate measures to correct the problem.

(b) If the operator of ISM equipment is notified by the Commission's Engineer in Charge (EIC) that operation of such equipment is endangering the functioning of a radionavigation or safety service, the operator shall immediately cease operating the equipment. Operation may be resumed on a temporary basis only for the purpose of eliminating the harmful interference. Operation may be resumed on a regular basis only after the harmful interference has been eliminated and approval from the EIC obtained.

(c) When notified by the EIC that a particular installation is causing harmful interference, the operator or manufacturer shall arrange for an engineer skilled in techniques of interference measurement and control to make an investigation to ensure that the harmful interference has been eliminated. The EIC may require the engineer making the investigation to furnish proof of his or her qualifications.

§ 18.117 Report of interference investigation.

(a) An interim report on investigations and corrective measures taken pursuant to § 18.115 of this Part shall be filed with the EIC of the local FCC office within 30 days of notification of harmful interference. The final report shall be filed with the EIC within 60 days of notification.

(b) The date for filing the final report may be extended by the Engineer in Charge when additional time is required to put into effect the corrective measures or to complete the investigation. The request for extension of time shall be accompanied by a progress report showing what has been accomplished to date.

§ 18.119 Importation.

ISM equipment shall be refused entry or withdrawal for consumption into the Customs territory of the United States, unless accompanied by a copy of FCC Form 740, in accordance with the provisions of Subpart K, Part 2 of this chapter.

Subpart B—Applications and Authorizations

§ 18.201 Scope.

This subpart contains the procedures and requirements for authorization to market or operate ISM equipment under this part.

§ 18.203 Equipment authorization.

(a) Consumer ISM equipment, unless otherwise specified, shall be subject to certification prior to use or marketing. An application for certification shall be filed with the Commission on an FCC Form 731, pursuant to the relevant sections in Part 2, Subpart J of this chapter and shall also be accompanied by:

(1) A description of measurement facilities pursuant to § 18.205 or reference to such information already on file with the Commission.

(2) A technical report pursuant to § 18.207 and 18.311.

Note.—The Commission will accept applications for either type approval or certification until September 1, 1986, for consumer microwave ovens. After that date, only applications for certification will be accepted for filing.

(b) Consumer ultrasonic equipment generating less than 500 watts and operating below 90 kHz, and non-consumer ISM equipment shall be subject to verification, in accordance with the relevant sections of part 2, Subpart J of this chapter.

(c) Grants of equipment authorization issued, as well as on-site certifications performed, before March 1, 1986, remain in effect and no further action is required.

§ 18.205 Description of measurement facilities.

(a) Any party filing a report of measurements with the Commission shall include in that report a description of the measurement facilities. If such a description is already on file with the Commission, it may be included by reference.

(b) The description shall include the following information:

(1) Location of test site.

(2) Physical description of the test site accompanied by photographs 8" x 10" in size. Photographs smaller than 8" x 10" will be acceptable if they are of sufficient clarity and mounted on paper 8" x 10".

(3) Scaled drawing showing the dimensions of the site, the physical layout of supporting structures and all structures within 5 times the distance between the measuring set and the device under test.

(4) Description of structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used and information concerning the calibration of the measuring equipment, i.e., when the equipment was last calibrated and frequency of calibration.

(6) A statement indicating whether this facility is available to do measurement work for others on a contract basis.

(c) This information shall be kept current at all times. At least every three (3) years, the organization filing the data shall advise that the data on file are current.

Note.—OST Bulletin 55, "Characteristics of Open Field Test Sites", provides further guidance on open field test sites.

§ 18.207 Technical report.

When required by the Commission a technical report shall include at least the following information:

(a) A description of the measurement facilities in accordance with § 18.205. If such a description is already on file with the Commission, it may be included by reference.

(b) A copy of the installation and operating instructions furnished to the user. A draft copy of such instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted as soon as it is available, but no later than 60 days after the grant of the application.

(c) The full name and mailing address of the manufacturer of the device and/or applicant filing for the equipment authorization.

(d) The FCC Identifier, trade name(s), and/or model number(s) under which the equipment is or will be marketed.

(e) A statement of the rated technical parameters that includes:

(1) A block and schematic diagram of the circuitry.

(2) Nominal operating frequency.

(3) Maximum RF energy generated.

(4) Electrical power requirements of equipment.

(5) Any other pertinent operating characteristics.

(f) A report of measurements, including a list of the measuring equipment used, and a statement of the date when the measuring equipment was last calibrated and when the measurements were made. The frequency range that was investigated in obtaining the report of measurements shall be indicated. See also §§ 18.309 and 18.311.

§ 18.209 Identification of authorized equipment.

Each device for which a grant of equipment authorization is issued under this part shall be identified pursuant to the applicable provisions of Subpart J of Part 2 of this chapter. Changes in the identification of authorized equipment may be made pursuant to § 2.933 of Part 2 of this chapter. FCC Identifiers as described in §§ 2.925 and 2.926 of this chapter shall not be used on equipment subject to verification.

§ 18.211 Multiple listing of equipment.

(a) When the same or essentially the same equipment will be marketed under more than one FCC Identifier, equipment authorization must be requested on an FCC Form 731 for each FCC Identifier.

(b) If equipment authorization for additional FCC Identifiers is requested in the initial application, a statement shall be included describing how these additional devices differ from the basic device which was measured and stating that the report of measurements submitted for the basic device applies also to the additional devices.

(c) If equipment authorization for additional FCC Identifiers is requested after a grant has been issued by the FCC for the basic device, the application may, in lieu of the report of measurements, be accompanied by a statement including:

(1) FCC Identifier of device for which measurements are on file with the FCC.

(2) Date when equipment authorization was granted for the device(s) listed under paragraph (c)(1) of this section and the file number of such grant.

(3) Description of the difference between the device listed under paragraph (c)(1) of this section and the additional device(s).

(4) A statement that the report of measurements filed for the device listed under paragraph (c)(1) of this section applies also to the additional device(s).

(5) Photographs pursuant to § 2.1033(c).

§ 18.213 Information to the user.

Information on the following matters shall be provided to the user in the instruction manual for any type of ISM equipment:

(a) The interference potential of the device or system

(b) Maintenance of the system

(c) Simple measures that can be taken by the user to correct interference.

Subpart C—Technical Standards

§ 18.301 Operating frequencies.

ISM equipment may be operated on any frequency above 9 kHz except as indicated in § 18.303. The following frequency bands, in accordance with § 2.106 of the rules, are allocated for use by ISM equipment:

ISM frequency	Tolerance
6.78 MHz	±15.0 kHz
13.56 MHz	±7.0 kHz
27.12 MHz	±163.0 kHz
40.68 MHz	±20.0 kHz

ISM frequency	Tolerance
915 MHz	±13.0 MHz
2,450 MHz	±50.0 MHz
5,800 MHz	±75.0 MHz
24,125 MHz	±125.0 MHz
61.25 GHz	±250.0 MHz
122.50 GHz	±500.0 MHz
245.00 GHz	±1.0 GHz

Note.—The use of the 6.78 MHz ±15 kHz frequency band is subject to the conditions of footnote 524 of the Table of Allocations. See § 2.106.

§ 18.303 Prohibited frequency bands.

Operation of ISM equipment within the following safety, search and rescue frequency bands is prohibited: 490–510 kHz, 2170–2194 kHz, 8354–8374 kHz, 121.4–121.6 MHz, 156.7–156.9 MHz, and 242.8–243.2 MHz.

§ 18.305 Field strength limits.

(a) ISM equipment operating on a frequency specified in § 18.301 is permitted unlimited radiated energy in the band specified for that frequency.

(b) The field strength levels of emissions which lie outside the bands specified in § 18.301, unless otherwise indicated, shall not exceed the following:

Equipment	Operating frequency	RF Power generated by equipment (watts)	Field strength limit (μV/m)	Distance (meters)
Any type unless otherwise specified (miscellaneous.	Any ISM frequency	Below 500	25	300
		500 or more	$25\sqrt{\frac{\text{Power}}{500}}$	300 (1)
	Any non-ISM frequency	Below 500	15	300
		500 or more	$15\sqrt{\frac{\text{Power}}{500}}$	300 (1)
Industrial heaters and RF stabilized arc welders.	On or below 5725 MHz.	Any	10	1,600
	Above 5725 MHz	Any	(*)	(*)
Medical diathermy	Any ISM frequency.	Any	25	300
	Any non-ISM frequency.	Any	15	300
Ultrasonic	Below 490 kHz	Below 500	$\frac{2400}{F(kHz)}$	300 *
		500 or more	$\frac{2400}{F(kHz)}\sqrt{\frac{\text{Power}}{500}}$	300 (2)
	490 to 1,600 kHz	Any	$\frac{24000}{F(kHz)}$	30
	Non-ISM frequency above 1.6 MHz.	Any	15	30
Induction cooking ranges	Below 90 kHz	Any	1500	30 (3)
	On or above 90 kHz.	Any	300	30 (3)

Reduced to the greatest extent possible.

Notes.—

(1) Field strength may not exceed 10 μV/m at 1600 meters. Consumer equipment operating below 1000 MHz is not permitted the increase in field strength otherwise permitted here for power over 500 watts.

(2) Field strength may not exceed 10 μV/m at 1600 meters. Consumer equipment is not permitted the increase in field strength otherwise permitted here for over 500 watts.

(3) Induction cooking ranges manufactured prior to February 1, 1980, shall be subject to the field strength limits for miscellaneous ISM equipment.

(c) The field strength limits for RF lighting devices shall be the following:

Frequency (MHz)	Field strength limit at 30 meters (μV/m)
Non-consumer equipment:	
30–88	30
88–216	50
216–1000	70
Consumer equipment:	
30–88	10
88–216	15
216–1000	20

Notes.—1. The tighter limit shall apply at the boundary between two frequency ranges.

2. Testing for compliance with these limits may be made at closer distances, provided a sufficient number of measurements are taken to plot the radiation pattern, to determine the major lobes of radiation, and to determine the expected field strength level at 30 meters. Alternatively, if measurements are made at only one closer fixed distance then the permissible field strength limits shall be adjusted using 1/d as an attenuation factor.

§ 18.307 Conduction limits.

For the following equipment, which is designed to be connected to a low voltage public utility power line, the RF voltage conducted back into the power lines measured with a line impedance stabilization network (LISN) shall be limited to:

(a) Ultrasonic equipment:

Frequency (MHz)	Maximum RF line voltage measured with a 5 μH/50 ohm LISN (μV)
0.010–0.49	1000
0.49–30	200

(b) Induction cooking ranges manufactured after February 1, 1980:

Frequency (MHz)	Maximum RF line voltage measured with a 5μH/50 ohm LISN (mV)
0.010–0.1	10–1 (linear interpolation)
0.1–0.5	1
0.5–30	0.25

(c) RF lighting devices:

Frequency (MHz)	Maximum RF line voltage measured with a 50μH/50 ohm LISN (μV)
Non-consumer equipment:	
0.45 to 1.6	1000
1.6 to 30	3000
Consumer equipment:	
0.45 to 30	250

Notes.

1. For ultrasonic equipment, compliance with these conduction limits shall preclude the need to show compliance with the field strength limits below 30 MHz unless requested by the Commission.

2. These limits shall apply to RF lighting devices, pending further action in General Docket 83–806.

3. The tighter limits shall apply at the boundary between two frequency ranges.

§ 18.309 Frequency range of measurements.

(a) For field strength measurements:

Frequency band in which device operates (MHz)	Range of frequency measurements	
	Lowest frequency	Highest frequency
Below 1.705	Lowest frequency generated in the device or 9 kHz, whichever is lower.	30 MHz.
1.705 to 30	do	400 MHz.
30 to 500	Lowest frequency generated in the device or 25 MHz, whichever is lower.	Tenth harmonic or 1000 MHz, whichever is higher.

Frequency band in which device operates (MHz)	Range of frequency measurements	
	Lowest frequency	Highest frequency
500 to 1000	Lowest frequency generated in the device or 100 MHz, whichever is lower	Tenth harmonic
Above 1000	do	Tenth harmonic or highest detectable emission

(b) For conducted powerline measurements, the frequency range over which the limits are specified will be scanned.

§ 18.311 Methods of measurements.

The measurement techniques which will be used by the FCC to determine compliance with the technical requirements of this Part are set out in FCC Measurement Procedure MP–5, "Methods of Measurements of Radio Noise Emissions from ISM equipment". Although the procedures in MP–5 are not mandated, manufacturers are encouraged to follow the same techniques which will be used by the FCC.

[FR Doc. 85–21038 Filed 9–4–85; 8:45 am]
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47 CFR Part 25

[CC Docket No. 85–135; FCC 85–395]

Licensing Space Stations in the Domestic Fixed-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action adopts final rules that specify the financial qualifications an applicant must demonstrate in order to be granted Commission authorization to construct and operate a domestic fixed-satellite system. In addition, it adopts rules codifying traditional Commission policy of authorizing expansion satellites only when existing satellites are essentially filled and additional capacity is needed to accommodate traffic growth. This action was prompted by the FCC's Notice of Proposed Rulemaking. 50 FR 19413 (May 8, 1985).

EFFECTIVE DATE: July 25, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Cecily C. Holiday, Fern J. Jarmulnek or Rosalee C. Gorman, Satellite Radio Branch, (202) 634–1624.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 25

Satellite radio communication, Satellites.

Report and Order

In the matter of licensing space stations in the domestic fixed-satellite service; CC Docket No. 85–135.

Adopted: July 25, 1985.
Released: August 29, 1985.

By the Commission.

I. Introduction

1. On September 9, 1983, the Commission established a processing group of domestic fixed-satellite space station applicants by setting a November 7, 1983 cut-off date for filing applications.[1] Notice was also given of the information required in such applications.[2] Twenty-one entities filed 85 applications for satellites.[3]

2. After completion of a detailed review of these pending applications and of the extensive comments submitted,[4] we tentatively concluded that a strict application of financial qualification and satellite utilization standards was necessary to accomplish our objective of providing the public with satellite delivered services in an efficient and timely manner.[5] To ensure that all parties clearly understood our standards, we began this rulemaking proceeding to restate and clarify our traditional financial qualification requirements for domestic satellite licensees and transponder loading requirements for licensees seeking expansion satellites. Our proposed rules required applicants to demonstrate that they have sufficient external or internal sources of financing to construct, launch and operate their satellite systems for one year. In addition, numerical standards using transponder utilization figures were proposed by which current licensees requesting expansion satellites were to establish their need for the additional satellites. We gave parties the opportunity to supplement their applications to guarantee that all information relevant to the qualifications of applicants and the use of current satellite facilities was before us for consideration in our authorization process.

3. Comments and reply comments filed in response to the *Notice* have been received and reviewed. Comments submitted with respect to financial standards basically fall into three categories. The majority of commenters generally support the application of these standards with some suggesting minor adjustments to reflect common business practices. In addition to alleging that requiring committed internal funds is unreasonable and impractical, some of these parties urge that a distinction be made between new entrants and current licensees when financial qualifications are evaluated. A smaller group of commenters objects to our proposed rules on the basis that they are unfair to smaller, newly established companies and suggests major modifications. A third group composed of applicants or parties interested in services other than domestic fixed-satellite asserts that these requirements should not apply to the proceeding of their applications.[6] Many parties also raise questions with respect to our proposed transponder loading rules. Most parties generally acknowledge a need for application standards to prevent warehousing of orbital locations. However, there was considerable opposition to the manner in which the proposed transponder-fill standards were technically defined and to the proposed application of any loading standards to in-orbit satellites for the purpose of requiring colocation of satellites.

4. We have taken all of the comments into consideration and have made a detailed evaluation of the applications and amendments before us. We are now prepared to adopt final rules which have been somewhat modified from our proposals as a result of the comments received. In separate actions, we also authorize satellite system proposals submitted by those entities who have demonstrated compliance with our

[1] Domestic Fixed-Satellite Service, 93 FCC 2d 1260 (1983) (hereinafter *1983 Processing Order*). This order was released in conjunction with Licensing of Space Stations in the Domestic Fixed-Satellite Service, 54 Rad. Reg. 2d 577 (P&F) (1983) (hereinafter *Reduced Orbital Spacing*) and the individual orders granting the previous group of space station applications. The actual cut-off date was specified in Public Notice, Report No. DS–207 (released September 9, 1983).

[2] *1983 Processing Order, supra* note 1 at Appendix B.

[3] See list of applicants attached as Appendix A.

[4] See list of commenting parties attached as Appendix B.

[5] Licensing of Space Stations in the Domestic Fixed-Satellite Service, FCC 85–238 (released May 7, 1985) (Notice of Proposed Rulemaking, hereinafter *Notice*).

[6] The rules being adopted here only apply to applications for authorization in the domestic fixed-satellite service. Therefore, the concerns raised by commenters in reference to other satellite services, such as international or mobile satellite service, should be addressed to the ongoing proceedings focused on those services. *See* comments of Global Land Mobile Satellite, Inc.; Skylink Corporation; Financial Satellite Corporation; and Pan American Satellite Corporation and reply comments of Pan American Satellite and Skylink Corporation.

qualification standards as described in detail herein.[7]

II. Financial Qualification Rules

5. As discussed in the *Notice*, the Commission has traditionally required all domestic fixed-satellite applicants to demonstrate that they are financially qualified to construct, launch and operate their proposed systems promptly. For example, in 1983 we affirmed that "[a]n applicant must demonstrate its financial, technical and legal qualifications, as well as an ability to proceed promptly with construction and launch of the proposed satellites." Appendix B of this order listed the minimum amount of information necessary for Commission staff to begin to process applications, although the list was not intended to be all inclusive nor did the submission of the information in itself demonstrate the qualifications of the applicant.[8] Our proposed rules regarding financial qualifications were intended to provide a clear, objective means by which we could determine whether an applicant had sufficient financial resources to allow it to construct and launch its system promptly upon grant. Specifically, we proposed that applicants be required to demonstrate uncommitted current assets or firmly committed debt or equity financing sufficient to meet estimated costs of the proposed system and of the initial year of operation.[9] Nothing raised by the commenters convinces us that this financial qualification standard should be relaxed, although we believe that some modifications of the proposed rules are warranted with respect to the documentation required to make this showing.

A. General Standard

6. Although many parties support the requirement that an applicant demonstrate sufficient sources of funding to finance its proposed system, several argue that our proposed rules are too stringent and that new entrants to the domestic satellite industry will be unable to meet them. Equatorial Communication Services (Equatorial), for example, states that the standards are too restrictive and that the Commission should use the "traditional *Ultravision* test." According to Equatorial, the Commission appears to be unjustifiably applying the same standards as those for the previously awarded conditional licenses, where adhering to *Ultravision* would allow consideration of smaller companies. National Exchange, Inc. (NEX) basically agrees and submits a counter-proposal which initially requires the Commission to scrutinize applications to see if the entity meets conventional financial criteria. If it does not, an applicant's commitment and capability should be determined on the basis of a bank's opinion that the company can obtain financing, the existence of a concrete and realistic business plan, demonstrate progress in implementation of its proposal, and whether individuals associated with the company have been successful in the satellite industry.[10] In addition, NEX suggests that construction permits should be conditioned on actual progress and should be subject to revocation for failure to meet due diligence standards. Committee of Corporate Telecommunications Users (Committee), Sat-Time, Inc. (Sat-Time) and Mobile Communications Corporation of America (Mobile) also contend that the proposed rules unfairly place a greater burden on start-up companies and should be relaxed.

7. Western Union argues that the proposed standards are vague and ambiguous. It further contends that the *Ultravision* standard is one of "reasonable assurance," and that it is not clear how much more than that is required of applicants. It urges that a "reasonable assurance" test should be applied. In contrast, other commenters urge that we adopt stringent standards, arguing that this is the only way to ensure that proposed facilities are built and put into operation.[11]

8. Nothing less than a showing of current financial capability is acceptable in the domestic fixed-satellite industry under current conditions. Applying a "due diligence" or "reasonable assurance" standard or another standard less than requiring the demonstrated ability to proceed immediately with construction and launch would allow some permittees to tie up orbital locations for several years while attempting to bring their financing plans to fruition, and would prevent qualified applicants from implementing their plans to provide service to the public.[12] Although more lenient approaches may be used for some radio services, our experience with the domestic fixed-satellite industry warrants the conclusion that stricter requirements are necessary.

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[7] Because the rules adopted herein are more liberal than the ones proposed in the *Notice*, permitting any further supplements to the pending applications is unnecessary. Pursuant to 47 CFR 1.65, all applicants have a continuing duty to update their applications and the material submitted in response to the *Notice* may be viewed as such supplementation.

[8] The following financial information was required:

J. Detailed information on the financial qualifications of the applicant to construct and launch the proposed satellites including the following items:

1. The source and amounts of funds firmly committed to the satellite program on a year-by-year basis (e.g. current assets, scheduled debt financing or stock issues, established lines of credit, or other forms of internal financing).

2. The source and amounts of funds that are potentially available to the satellite program on a year-by-year basis (including the identity of the financers and the degree of commitment to provide funding).

3. The source and amounts of estimated revenues or income from the proposed satellite operations on a year-by-year basis.

4. Detailed financial statement of the applicant (and parent companies if relied on for financial qualification showings), including current balance sheet and current operating statement.

Domestic Fixed-Satellite Service, 93 FCC 2d at 1268 (1983), Appendix B. The *1982 Processing Order* similarly stated that "an applicant must demonstrate its financial, technical and legal qualifications and its ability to immediately proceed with the construction and operation of the proposed satellite system." Domestic Fixed-Satellite Service, 90 FCC 2d 1, 2 (1982) (hereinafter *1982 Processing Order*). *See also* Domestic Fixed-Satellite Service, 77 FCC 2d 956, 960 (1980) (hereinafter *1980 Processing Order*); Establishment of Domestic Communications Satellite Facilities by Non-Governmental Entities, 35 FCC 2d 844, 850 (1972) (hereinafter *Domsat II*; Establishment of Domestic Communications Satellite Facilities by Non-governmental Entities, 22 FCC 2d 86, 93 (1970).

[9] The specific criteria were patterned after those established by the Commission in *Ultravision Broadcasting*, 1 FCC 2d 544 (1965), but were to be applied using a strict interpretation of the required financial showing.

[10] In reply comments, SBS asserts that these factors are unreliable measurements of financial capability.

[11] GTE Satellite Corporation/GTE Spacenet Corporation (GTE), Hughes Communications Galaxy, Inc. (Hughes), RCA American Communications, Inc. (RCA), Ford Aerospace Satellite Services Corporation (Ford), Federal Express, Inc. (Federal Express), Martin Marietta Communications Systems Inc. (Martin Marietta), American Satellite Company (ASC), Systematics General Corporation (SGC), American Telephone and Telegraph Company (AT&T), Comsat General Corporation (Comsat) and Bonneville International Corporation (Bonneville).

[12] Contrary to the claims of some commenters, we are not changing the qualifications traditionally applied in the satellite area. We have consistently required a demonstration that a potential satellite licensee have the requisite financial resources to proceed immediately with construction and launch (Domestic Fixed-Satellite Service, 77 FCC 2d 956 (1980)), and have referred to *Ultravision* as offering a method by which such a demonstration would be made. *Ultravision* requires an applicant to demonstrate its ability to construct the station and meet first year operating costs by proof that adequate funds are available and committed to the proposed station, or by a convincing showing that these funds will be supplemented by sufficient operating income. Where operating income is being relied upon to demonstrate the permittee's financial capability to construct and operate the proposed system, the accuracy of estimates of such income becomes critical. *Ultravision* at 547. Our rules permit applicants to rely on internal and external funds, as well as operating income that can be concretely demonstrated, such as revenues from current operations, or from executed contracts for sales or leases of transponders.

Constructing and operating a domestic fixed-satellite system involves an average investment cost of $300 million. Arranging this amount of financing even with a construction permit already issued by the Commission has proven to be extremely difficult.[13] Further, assignable orbital locations are becoming less available.[14] Applications of entities who appear to be fully qualified to construct and launch new systems or expand existing systems are pending. Permitting an applicant without available resources to attempt to arrange or complete financing after grant will prevent currently qualified applicants from promptly constructing proposed systems, and will provide no assurance that the underfinanced permittee will be successful.[15] We conclude that any lessening of our traditional standard requiring licensees to be financially capable of proceeding immediately to construct, launch and operate their systems would impair the provision of service to the public.

9. We recognize that small firms will have difficulty meeting this standard. However, small or newly established companies will also face great difficulties in arranging for the $200–300 million financing necessary to build and launch a satellite system in any event.[16] The fact that an entrepreneurial firm might not be qualified to obtain a license to launch and operate a satellite system does not mean that it will be prevented from offering new technologies, marketing approaches and services on a retail basis to users. Rather, these companies are more likely to be successful in first establishing themselves on the basis of offerings that do not require large capital investments. They can then expand and eventually establish sufficient assets to form the basis for financing their own satellite system.[17] Start-up companies can acquire space segment capacity for their service offerings on either a sale or lease basis from existing operators. The provision of these services to users is, however, dependent upon sufficient space segment capacity being available. The availability of this basic capacity either on a wholesale basis to users or other carriers, or to end users on a retail basis, may be frustrated by award of orbital locations to companies unable to implement proposed satellite systems immediately. Thus, our necessarily strict standards will ensure the availability of space segment capacity which will facilitate, rather then impede, the progress of smaller entrepreneurial firms seeking to offer satellite services.

B. Specific Rules

10. Although a showing of current financial capability is necessary to ensure that authorized facilities will be built and operated to the benefit of users, we find, after considering the parties' comments, that some modifications to our proposed rules are warranted to render them practical in operation. Our intention was to set objective criteria that could easily and consistently be applied to identify applicants who are financially capable of proceeding with the construction and launch of their proposed satellites immediately upon grant of their applications. We did not want to burden applicants unnecessarily in demonstrating such qualifications, nor do we wish to engage in a rigorous and burdensome parsing of applicants' financial statements. Based upon the comments of parties, we will adopt the following modifications to the showing that must be made.

11. Initially, we note that Western Union, ASC and SBS urge that a distinction be made between new entrants and established carriers.[18] They argue that established carriers' qualifications are a matter of record before the Commission and that the obligation to report any change in financial condition offers sufficient assurance of continued qualification.[19] We find, however, that requiring existing companies to demonstrate compliance with the rules as adopted is not burdensome and will ensure that the licensee remains qualified to expand its system. Thus, all applicants must demonstrate the financial capability to construct, launch and operate for a year their proposed systems immediately upon grant as delineated in the rules adopted today.[20] We note that the rule we are adopting allows applicants to demonstrate financial qualifications through a showing of current assets, without balancing them against current liabilities. This standard therefore accommodates the concern of the existing licensees that their success in launching and operating systems in the past should be probative in determining their likelihood of launching and operating systems in the future.

12. Our proposed rules required applicants to demonstrate "uncommitted capital assets" sufficient to finance the system "together with an explicit commitment from management that these assets will be used for the proposed satellite program."[21] GTE, ASC, SBS and Ford argue that this requirement may be overly stringent. GTE points out that companies will not be willing or able to set aside specific assets for any project more than three years in advance and that a demonstration of financial capability based on the availability of internal or external funds plus a general management commitment to the program should be sufficient. Ford asserts that it is impractical to require an unalterable commitment of internal funds from management regardless of market factors, especially in view of the Commission's recognition of normal contingencies in credit arrangements.[22]

13. These comments persuade us that it will be more practical simply to require applicants to demonstrate sufficient current assets or operating income to cover the cost of the proposed system.[23] The availability of internal

[13] *See, e.g.*, Advanced Business Communications, Inc., FCC 85-57 (released February 27, 1985); Rainbow Satellite, Inc., Mimeo No. 2583 (released February 14, 1985); United States Satellite Systems Inc., Mimeo No. 2584 (released February 14, 1985), where extensive administrative proceedings were necessary to nullify authorizations issued to unqualified applicants who failed to obtain financing, even after extensions of time had been granted.

[14] Thirty-two orbital locations are currently assigned to domestic fixed-satellite operators. *See* Domestic Fixed-Satellite Service: re Assignment of Orbital Locations, 94 FCC 2d 129 (1983). As a result of other actions today, another 22 domestic locations are being assigned to companies who are clearly capable of immediately proceeding with construction and launch of their proposed systems.

[15] Setting progress milestones in grants, such as suggested by NEX, is not an adequate solution under current circumstances. There is no assurance that milestones will be met and issuing such grants will, in all likelihood, involve the Commission in proceedings entertaining numerous requests for extensions of time, while the orbital locations assigned to the permittee remain unused. *See* note 13, *supra*, for cases where a similar experimental approach proved unsuccessful and time consuming.

[16] Our experiment with conditional grants in 1983 illustrates the practical difficulties start-up companies face in financing a complete satellite system. *See* note 13, *supra*.

[17] This entry has been successfully used by ASC and Alascom.

[18] Such a dual approach is opposed by Martin Marietta and NEX.

[19] *See* 47 CFR 1.65.

[20] Rather than requiring balance sheets to be current within 90 days of that date of the application or amendment, as proposed in the *Notice*, we will require the submission of an audited balance sheet current for the end of the most recent year. This information should be readily available from the applicant's annual report to stockholders. Any change in circumstances must, of course, be reported to the Commission pursuant to § 1.65 of the Commission's rules, 47 CFR 1.65.

[21] Section 25.391(d)(1).

[22] Western Union assets that our proposed rules are impermissibly vague. No other commenter has raised this objection. We do not see, nor does Western Union suggest, how the rules can be made more explicit than as adopted today.

[23] *See 1983 Processing Order, supra* note 1, at Appendix B.

funds sufficient to cover the system's investment and first-year operating costs provides adequate assurance at the time the Commission acts on the applications that the system can be built and launched. Current assets—which includes cash, inventory, and accounts receivable—provides a general measure of a company's ability to raise funds on the basis of its on-going operations.[24] This measure is one we have used since 1983 (*see* note 8, *supra*), is without objection or comment and is an indication of a company's ability to finance its system promptly upon grant. Because operating income represents a stream of available funds into a company, we will allow applicants to include operating income, *i.e.*, operating revenues less operating expenses, as well as current assets, to demonstrate their financial capability. Further, we will not require specific assets to be earmarked for the proposed satellite system nor will we generally require an explicit management commitment that funds will be available for the proposed system. Management can withdraw a commitment as easily as it can make one, and therefore this commitment provides little additional assurance that the system will in fact be built. We do not expect systems to be built if they are economically unfeasible,[25] and conclude that the costs involved in preparing an application, and the fact that an applicant has sufficient assets to finance the project, provide ample assurance that the proposed system will be constructed and launched. However, in the case of a company that is owned by more than one entity, *i.e.*, is not a wholly-owned subsidiary, we find that a firm financial commitment is necessary from the corporate parents to ensure that all management interests are in accord with the proposed plans of the applicant. When an applicant has more than one corporate parent and is relying on financing from one or more of these entities, we will require it to submit a general commitment to expend the necessary funds from all parent companies upon which it is relying.[26]

14. If an applicant cannot demonstrate sufficient internally generated funds to finance its system, the proposed rule requires it to submit the details of any form of credit arrangement or equity placement it is relying on to cover investment and initial operating costs. The *Notice* states that acceptable arrangements must demonstrate that financing has been approved and does not rest on contingencies that require further action by either party.[27] We believe that this type of noncontingent financing is necessary to ensure that funds will be available upon grant of Commission authorization.[28]

15. In response to comments of Federal Express, however, we find that some clarification is warranted. Federal Express argues that requiring fully executed loan agreements at the time the application is filed will impose substantial costs on applicants because commitment fees are required to be paid upon execution of these agreements. It argues that requiring executed loan agreements at this time is not necessary to accomplish the Commission's objective of assuring that space station authorizations are granted only to financially qualified applicants. As we emphasized in the *Notice*, our intent in requiring noncontingent financing is to guarantee that the lender is prepared to make the funds immediately available upon grant of Commission authorization. If all terms of the agreement have been fully negotiated and only the parties' signatures are necessary to activate the loan, the unsigned agreement is sufficient evidence of the availability of these funds. We did not intend, and see no reason, for an applicant to incur prematurely costs associated with loan commitment fees. However, we will condition any authorizations granted on the basis of any unexecuted credit agreements to require the agreement to be signed and binding within 30 days of the date of the authorization.[29]

III. Transponder Loading Rules

16. Our proposed rules on transponder loading (Sections 25.391(f) through (j)) were designed to ensure that additional orbital locations awarded to licensees are used efficiently. We proposed that new entrants be granted two locations initially. Requests for additional locations had to be based on projections from historical use and show that the additional satellite would be 80 percent full three years after launch. Existing providers of satellite service could be assigned one additional location even if they could not make this showing, but had to demonstrate that the in-orbit system was 80 percent filled by launch date. In the event total system fill fell below 80 percent, colocation of satellites could be required. To implement these policies, definitions of fill based on transponder configuration were proposed.

17. The rules were intended to provide a fair and objective set of criteria to decide how many orbital locations should be assigned to each applicant. In establishing these criteria, we sought to avoid protracted comparisons of applicants' expectations of future success in marketing their planned services. We also sought to avoid administrative comparisons of proposed offerings that might have little relevance to actual customer demand or to the services ultimately provided to the public.[30] Thus, the proposed criteria used factual data on current and past performance in a manner that recognized the market uncertainties involved in a long lead-time program such as satellite construction. After reviewing the comments submitted regarding the difficulties that would arise in the application of the criteria we proposed in the *Notice*, we are persuaded that a simpler formulation is desirable and sufficient to accomplish our purpose.

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[24] Current assets are defined as cash plus other assets reasonably expected to be realized in cash or sold or consumed during a normal operating cycle of a business. #43 Accounting Research Bulletin, chapter 3, para. 4 (June, 1953). This measurement is an administratively convenient and useful way to enable us to determine an applicant's current access to financial resources.

[25] However, such circumstances will not justify an extension of time to construct or launch an authorized satellite.

[26] We do not require an unalterable management commitment that the funds will be expended regardless of market conditions, but, as will credit arrangements from the outside sources, a commitment that absent changed circumstances, the management is immediately prepared to expend the necessary funds.

[27] *See Notice* at para. 22 for a discussion of acceptable and unacceptable financial arrangements. Columbia, SAT-Time, and Rainbow urge that this is contrary to the Commission's policy of allowing operators to finance their systems through sales of transponders. To the contrary, revenues from executed transponder sales contracts may be provided as evidence of financial qualifications. However, projections of anticipated future sales are not acceptable as evidence of available funds. As evidenced by the attempts of Rainbow and USSSI to arrange financing as required by their conditioned authorizations, there is no guarantee that a financing plan continent on future transponder sales will be successful. *See* note 13, *supra*.

[28] Rainbow and Columbia argue that in requiring this type of arrangement, we are ignoring reasonable business contingencies drawn into every agreement and making the standard impossible to meet. To the contrary, the types of contingencies Rainbow mentions, *e.g.*, marketing transponder capacity, do not even meet a "reasonable assurance" test of financial qualifications. *See, e.g.*, West Jersey Broadcasting Co., 69 FCC 2d 476 (1978). As an example of the type of credit arrangement contemplated by our rules, see the Citibank financial commitment letter to Federal Express submitted with Federal Express' amended application.

[29] Because these agreements are required to be fully negotiated, and the only act remaining for effectuation is the signatures of the parties, no extensions of time are contemplated.

[30] These comparisons would inevitably require hearings with attendent costs, delays and possible distortions of applicants' proposals to better survive the hearing process rather than serve users.

18. The proposed rules reflect the Commission's policy of assigning two orbital locations to newly authorized systems.[31] This policy rests on our recognition that even qualified new entrants often have little existing traffic to transfer to their satellites initially upon launch. It also recognizes that a second in-orbit satellite is needed to restore service immediately in the event of the complete failure of the first in-orbit satellite. The second satellite would also be used for occasional services and to provide growth capabilities. This policy further reflects the historical practice of new satellite system entrants of proposing systems consisting of two satellities to be launched into separate orbital locations and a third to be retained as an on-ground spare. The ground spare would be available for launch on short notice.

19. Although the vast majority of commenters support this policy, NEX suggests that it may no longer be necessary. It instead proposes that only one location be initially assigned to each new entrant with additional assignments being made on the basis of other criteria.[32] While we find it premature to limit each new entrant to only one orbit location at this time, there may be merit in this approach. Experience with domestic satellites over the past decade suggests that complete failures of in-orbit satellities are no longer likely. Thus, a second satellite to provide back-up capacity may not be necessary.[33] Moreover, technical proposals such as NEX's, which use two satellities at one location with narrow spot-beams to achieve very high frequency reuse, are now being introduced. As the number of frequency re-uses of an orbital location increases with technological advances, the automatic initial assignment of a second orbital location to allow for growth may become more questionable. However, until these matters can be fully considered, we believe it preferable at this time to retain our policy of honoring new entrants' requests for the initial assignment of two orbital locations.[34]

20. The basic objective of the remainder of the proposed rules was to avoid prematurely assigning an excessive number of orbital locations to an existing licensee for expansion of its system. Our initial experience with expansion satellites began in 1979.[35] Several years after launch of the two initial satellites, traffic in some systems had grown to the point where unused capacity was insufficient to provide reasonable restoral capabilities. With the in-orbit satellites essentially filled, traffic growth clearly justified launch of the previously authorized and constructed ground spare (launch services were necessarily scheduled and procured since they had to be available in the event of a failure). However, orbit locations were not reserved at the time of construction; launch authorization and assignment of orbital locations were made shortly before the scheduled launch. Since then, we have continued to authorize expansion satellites only when justified on the basis that existing facilities were essentially filled. However, we have also combined launch authorizations with construction permits to simplify the administrative process.[36] This change in licensing practice has forced us to make decisions on the need for expansion satellites several years in advance of the actual launch date. In addition, because of the amount of time involved in constructing and launching a satellite, licensees also need to make predictions of future need far in advance of launch.[37] As many of the parties point out, such predictions are fraught with uncertainty because of the cyclical nature of supply and demand for satellite services. The further advanced these predictions are made, the more speculative they become. Our proposed criteria therefore sought to achieve a balance between providing some certainty to satellite operators that orbital assignments will be available for their future use should anticipated traffic growth materialize, and preventing the plans of other companies from being blocked by authorizing satellite launches that might not be justified at launch date.

21. No party objects to the adoption of criteria to eliminate applications that appear to represent efforts to warehouse orbital locations. Further, most appear to accept, as a principle, that we continue the policy enunciated in our *1980 Orbit Assignment Order*[38] that no licensee, apart from a new entrant, have assigned to it more than one spare satellite. However, many parties object to the specific criteria proposed in the *Notice*. Generally, these parties take issue with our proposed definitions of "fill," alleging that the standards do not reflect the realities of the industry or the variable requirements of different types of satellite systems, and create incentives to operators not in accordance with the Commission's objectives of efficient, economical and innovative satellite service offerings. AT&T, supported by many commenters, urges that any "fill" definitions be used as guidelines only. Several parties also suggest that if definitions are necessary, they should be formulated by an industry advisory committee. Newer licensees argue that our proposed policy of relying on historical data favors companies authorized in the 1970's because they have more experience and larger traffic bases making it easier for them to justify additional satellities on the basis of historical data. In addition, many parties argue that grants contingent on a demonstration of requisite fill at the time of launch would distort marketplace forces and create additional and unreasonable uncertainty in what they claim is an already risky business. In their view, once a commitment is made by a company to construct and launch a satellite, it will do whatever is necessary to fill the satellite. Finally, many parties argue that an 80 percent fill requirement is too high, and that any fill requirement should apply the average industry standard. Despite these criticisms, no parties argue that evidentiary or comparative hearings would be a productive way of evaluating pending applications.

22. In view of these comments, we have decided not to adopt explicit transponder fill criteria at this time. We accept the parties' arguments that any fill requirements be applied flexibly and take into account market conditions and technological innovation. We also believe that as the number of available orbital locations diminishes, our interest in using an objective standard formula to evaluate the need for expansion

[31] Domestic Fixed-Satellite Service—Orbit Deployment Plan, 84 FCC 2d 584 (1981). *See also 1983 Processing Order, supra* note 1.

[32] Hughes also questions the advisability of initially assigning two locations to new entrants if the result is to preclude expansion satellites for current operators.

[33] Additional back-up transponders on a satellite or colocation of in-orbit spares to provide restoral capacity may be more efficient.

[34] Martin Marietta urges that existing operators seeking to build systems to operate in a frequency band other than the one in which they are currently operating should not be considered as new entrants or routinely provided with two locations in that band. We disagree. Under current circumstances, construction of at least two in-orbit satellites in a band appears necessary to establish a viable system with in-orbit restoral capacity.

[35] *See* Western Union Telegraph Company, FCC 79-444 (released July 24, 1979); RCA American Communications Corporation, 74 FCC 2d 531 (1979).

[36] *See* Domestic Fixed-Satellite Service, 84 FCC 2d 584 (1981).

[37] Practical constraints require a minimum of 30 months between the execution of a spacecraft manufacturer's contract and launch of the satellite.

[38] Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 84 FCC 2d 584 (1981) (hereinafter *1980 Assignment Order*).

locations will increase.[39] The record before us convinces us, however that formulating these criteria requires additional study and industry participation. We look to the Industry Advisory Committee's second phase report on implementing 2° spacing to provide guidance in this regard. The current group of domestic satellite applications will be processed in accordance with a rule codifying the Commission's traditional policy of assigning expansion locations when in-orbit satellites are essentially filled and additional capacity is needed to accommodate traffic growth.[40]

23. Specifically in the rules adopted herein, we will provide all existing operators room for growth as well as for in-orbit restoral capacity. We have reviewed the transponder loading data submitted by current licensees and observe that the current fill factor at the end of 1984 is slightly more than 70 percent, although we find variations in fill from satellite to satellite within a system. However, average fill on existing in-orbit systems does not vary appreciably. We can therefore presume all systems to be currently operating near the industry average.[41] Thus, we are able at this time to adopt a rule assigning each licensee one additional orbital location in each frequency band in which it is authorized to operate provided that it has no more than two unused orbital locations for previously authorized but unlaunched satellites in that band.[42] If, upon further study, acceptable fill criteria can be developed, we will adjust the rule accordingly. These assignments will provide sufficient growth and restoral capacity for this generation of satellites.[43] In addition, construction could continue on up to two ground spares in anticipation of traffic growth.

24. Finally, both satellite operates and users object to our proposed rule in Section 25.391(i) that would require colocation of satellites to accommodate new ones if requisite fill were not maintained. They argue this would add unnecessary risk to operators and would unfairly penalize users for the operator's failure to maintain the required level of fill. Federal Express suggests that before a satellite is ordered to be colocated, the Commission should initiate a proceeding requiring the licensee to show cause as to why its satellite should not be colocated, with the burden of proof on the licensee.

25. Our basic objective is to ensure that the orbit spectrum is used efficiently to provide services to the public. It seems fundamental to that policy that an underutilized system should not block entry by qualified companied who could use a particular location more efficiently. Requiring colocation of underutilized in-orbit satellites has long been Commission policy.[44] Moreover, we have consistently held that orbital assignments are temporary and do not confer licensees with any permanent right to the use of specific locations.[45] We continue to believe that a policy allowing for colocation of underutilized satellites should be affirmed and codified as a basic principle of our orbital assignment policies. Specifically, we find it essential that a fully qualified applicant who can effectively use such an assignment to provide domestic satellite services to the public not be barred from doing so because orbital locations are assigned to other companies who are not using them. We will provide licensees an opportunity to present their views or new information before any cancellation of orbital assignments.[46] Further, as proposed by several parties, we will require the lightest loaded system to be colocated first as necessary to accommodate fully qualified new entrants or fully justified expansion satellites.

IV. Replacement Expectancy

26. Several parties commenting in response to the March, 1984 *Public Notice*[47] urge the Commission to provide some sort of replacement expectancy for operational satellites. This request was renewed in comments in response to the *Notice of Proposed Rulemaking*. They urge that given the long lead time and capital investment necessary in the domestic satellite industry, operators and users must be protected by a measure of certainty that they will not lose their orbital locations. GTE Spacenet, proposing a policy of expectancy analogous to that of broadcast application proceedings, urges the Commission to give added weight to a replacement application as opposed to an application for new facilities using such factors as past service record, customer base, and specialized offerings. It suggests that in processing these applications the Commission immediately consider as outside the current processing group replacements that are not needed until after 1990. American Satellite also favors a renewal expectancy, but requests the Commission to defer action on applications to launch replacements where satellites being replaced are not yet launched or when the replacements are not to be launched for more than seven years.[48] Western Union argues that the Commission should award positions indefinitely to be revoked only for good cause. In contrast, NEX and Federal Express oppose a renewal expectancy. They argue that technological advances are hindered by a replacement expectancy because it would operate as a barrier to new entry and give existing operators less incentive to innovate.

27. We conclude that in the capital-intensive domestic satellite industry there should be some assurance that operators will be able to continue to serve their customers. To do otherwise would chill investment and would impose large costs on satellite users. In

[39] We also need to assure that the introduction of technologically advanced, high capacity satellites are not blocked by an excess of older ones. For example, we note in particular the filing of 8-fold and 9-fold frequency reuse satellite designs only seven months after adopting a 2-fold frequency reuse standard in *Reduced Orbital Spacing*.

[40] *1980 Assignment Order, supra*, note 38. *See also Reduced Orbital Spacing, supra*, note 1.

[41] Levels of fill on existing satellite systems range from 55.55% for GTE Spacenet's newly launched system as of December 31, 1984, to 88.73% for Western Union's mature system, as of June 30, 1983. The remaining systems range from approximately 61% to 81% as of December 31, 1984. These percentages, however, may not be used as the sole criteria for evaluating the fill of any particular system. Factors such as the age of the in-orbit satellites, the type of services provided, and their technical configuration must be considered in analyzing whether a system is essentially filled.

[42] If a licensee has three or more authorized but unlaunched satellites, no additional orbital assignments are needed to provide growth or restoral capacity. The first two constitute an initial assignment, while the third can be construed as essentially unfilled. Thus, no additional assignments are warranted under this rule. We have in the past declined to assign additional orbital locations on the basis of "long range traffic growth projections." *See* RCA American Communications, Inc., 84 FCC 2d 633, 640 (1981).

[43] Rapidly changing technology and the increasingly speculative nature of traffic growth predictions over time convinces us that acting on applications for expansion satellites to be launched after 1990 would lead to inefficient spectrum use. *See* para. 28 *infra*.

[44] *Reduced Orbital Spacing, supra* note 1.

[45] 1980 Assignment Order, *supra* note 38.

[46] We are sympathetic to the argument that relocation may adversely affect users through no fault of their own. However, if a satellite is required to be relocated because it is essentially unfilled, few if any customers would be affected and through contract the user may protect itself from adverse effects.

[47] Report No. DS-265 (March 12, 1984). The notice invited comments on the individual applications received by the November 7, 1983 filing date, as well as on the general processing procedures for the group.

[48] Hughes, SBS, RCA Americom, and Rainbow also argue that replacement authorizations should be granted if the satellite has been operated in the public interest.

providing this assurance, however, we do not wish to stifle innovation or freeze technology by rountinely authorizing replacement satellites years in advance and regardless of their technical efficiency. For example, in *Comsat General Corporation,*[49] the Commission granted AT&T authority to construct and launch two replacement satellites but deferred a request for a third replacement satellite, stating that:

> it would be unwise to authorize in 1980 launch of a satellite which will not be required until 1987 and which should be functioning through the mid-1990's. State-of-the-art advances could well render the satellite obsolete by 1987. Futhermore, we cannot predict with any degree of confidence whether that satellite will be adequate to meet, or, indeed, even necessary to meet, AT&T's service requirements in 1987.[50]

In addition, granting an orbital position indefinitely, as Western Union suggests, or providing an expectancy that the same number of orbital locations will be available to operators, may tend to stifle technology because there could be less incentive to increase efficiency. Doing so also could block more efficient licensees, including new entrants. Thus, the Commission has consistently emphasized that all orbital assignments are temporary and confer no permanent rights of use to the assignee.[51]

28. With growing demand and rapidly changing technology, we do not believe it prudent to make long-term licensing decisions that would prematurely freeze our ability to respond to the challenges that will face us in the future.[52] In view of this, we do not believe that decisions regarding replacement satellites should be made more than five years in advance. This is sufficient time for satellite operators to construct systems and bring them into service. Therefore, we will not consider applications for satellites scheduled for launch after 1990. We will apply these policies to the current group of applicants, and will authorize only replacement satellites that are needed to prevent a disruption in service to customers between now and 1990 provided that the replacement design meets state-of-the-art technical standards. We will address specific longer-term aspects of this policy and will solicit comment on these issues in a forthcoming *Notice of Inquiry.* This inquiry will also address other matters dealing with long-term technical and regulatory issues. In particular, we will look to the second phase report of our 2° Advisory Committee as a major impetus for such a proceeding.

V. Procedural Matters

29. Some commenters have raised questions regarding the procedure followed in this action which gave parties the opportunity to supplement their applications in light of our proposed clarification of standards. NEX again objected to this approach, incorporating by reference its Motion to Separate Rulemaking and Adjudicatory Proceedings and Request for Expedited Relief (hereinafter *Motion*) filed on May 24, 1985.[53] NEX has filed an Application for Review of the Bureau's decision denying the *Motion* in which it basically reiterates its original arguments. Hughes has filed an opposition to NEX's Application for Review.

30. In addition, other parties raise issues regarding the validity of requiring compliance with proposed rules before the rulemaking is finalized [54] and question Commission use of allegedly strict standards to eliminate applications.[55] Hughes and Federal Express offer support for the procedure.[56]

31. Because NEX raises the same issues as other commenters and because its motion has been incorporated by reference in this action, we will address all questions regarding the procedure followed herein by ruling on NEX's Application for Review in the context of this order.

32. NEX offers several arguments in support of its assertion that the Common Carrier Bureau was incorrect in denying its *Motion.* Initially, it asserts that the Bureau erred in not addressing the impropriety of combining a rulemaking process with the adjudicatory proceeding presented by the pending applications. NEX claims that the reliance on precedent cited by the Bureau is misplaced because the situations in those cases involved the adoption of a new licensing scheme or the establishment of a new service.

33. A second argument is that the Bureau failed to address the question of whether the applicants' hearing rights were subverted by the adoption of new rules to be applied in an *ex post facto* manner in order to dismiss applications. Related to this argument is NEX's assertion that applicants may not be required to comply with unadopted rules.

34. Another argument advanced by NEX is that the Bureau conceded that the proposed rules do result in a change in our licensing policies when, in the order denying NEX's motion, the Bureau included a discussion of our authority to impose new rules on pending applicants. Finally, NEX claims that it never had any reason to believe that it would have to meet the requirements set forth in the *Notice* and thus, contrary to the Bureau's assertion, it has not had ample time to arrange its financing.

35. NEX's Application for Review is opposed by Hughes which states that the Application is procedurally defective in failing to set forth an adequate basis for review [57] and, to the extent that NEX's assertions are considered at all, they must be viewed as comments in the rulemaking proceeding. Hughes defends the lawfulness of the use of a two track processing procedure. Because NEX has had notice of the proposed rules and an opportunity to participate in the rulemaking process, its procedural rights have not been violated and Hughes states that all parties with pending applications are subject to any intervening changes in the processing procedure.

36. Hughes also disputes NEX's assertion that the proposed financial standards constitute new rules. Applicants were given fair notice of the Commission's intent to apply strict processing policies. The requirements in the *Notice* are merely a "translation" of general standards into specific rules based on the same underlying policies.[58] Hughes states that probably the standards could be classified as an interpretative rule, exempt from the requirements governing rulemaking.[59]

37. The substance of these arguments was fully addressed by the Common Carrier Bureau in its order denying NEX's *Motion.* A two track processing procedure requiring parties to conform

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[49] 84 FCC 2d 547 (1981).

[50] *Id.* at 558.

[51] *1980 Assignment Order, supra* note 8; *Reduced Orbital Spacing, supra* note 1.

[52] As indicated at note 37, applications proposing 8- and 9-fold reuse satellite designs were filed shortly after a 2-fold reuse standard was adopted by the Commission.

[53] This motion was denied by the Common Carrier Bureau on June 3, 1985, Mimeo No. 4971 (released June 5, 1985).

[54] *See* Comments of Equatorial, NTIA, SBS, Rainbow, and Columbia. Reply Comments of the U.S. Small Business Administration. Western Union asserts that applicants must be given the opportunity to conform their applications to any finally adopted rules. The U.S. Small Business Administration (SBA) comments cite a "belief" that the Commission's action violates the Administrative Procedure Act but offers no analysis of this point.

[55] *See* Comments of Mobile Communications Corp. of America.

[56] Hughes states that parties should be given further opportunity to supplement applications if the final rules change. In reply comments, Federal Express criticizes the legal analysis offered in support of NEX's procedural objections.

[57] *See* 47 CFR 1.115(b)(2).

[58] Hughes states that the Bureau's order was not inconsistent with respect to this point because these are *new* rules defining *old* policy. Opposition at 10 n. 13.

[59] *See* Administrative Procedure Act, 5 U.S.C. 553.

to certain requirements during the pendency of a rulemaking has been successfully utilized by the Commission in previous matters, especially where there is a necessity for expeditious action on applications.[60] As stated by Hughes, no procedural rights are violated where, as required by the Administrative Procedure Act,[61] the public has notice of the "terms or substance" of a proposed rule and is given the opportunity to participate in the rulemaking by submission of written data. NEX and all other parties have had this opportunity. NEX has filed comments in the rulemaking proceeding which have been considered prior to the adoption of the final rules to be applied to its applications. Thus, it has been afforded a full and fair opportunity to be heard.[62]

38. Finally, as stated throughout this proceeding, the rule proposed by our *Notice* merely restates and clarifies well established policies.[63] The test for financial qualifications is that established by these precedents and Appendix B to the *1983 Processing Order* and has been Commission policy since 1972.[64] Applicants have always been on notice that they must demonstrate financial ability to construct, launch and operate a satellite system based on the standards enunciated by these precedents. The Commission's now abandoned experiment with conditional licensing does not lessen in any manner the showing necessary to establish financial qualifications. NEX had full notice of our requirements and cannot now be excused from compliance based on an asserted ignorance of our standards.[65]

39. We find that the Common Carrier Bureau was correct in denying NEX's *Motion*. The proposition that the Commission should grant domestic satellite orbital locations only to financially qualified entities with a demonstrated need for such locations is not unreasonable. This is especially evident where grant of experimental authorizations to unqualified applicants has proven unsuccessful. The fact that our actions may be objectionable to unqualified parties does not render them procedurally defective.

40. In our *Notice*, pursuant to section 605(b) of the Regulatory Flexibility Act, we certified that our proposed rule would not have a significant impact on a substantial number of small entities. This finding is supported by the fact that large financial resources are needed by an entity in order to construct and launch a domestic satellite system.[66] SBA, in Reply Comments, disputes our finding. Attached as Appendix D is a final Regulatory Flexibility Analysis that addresses the issues raised by the SBA.

41. Accordingly, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, 47 U.S.C. 154(i) and 303(r), it is ordered that Part 25 of Chapter I of Title 47 of the Code of Federal Regulations is amended as set forth in Appendix C. Pursuant to § 533(d)(3),[67] we find that good cause exists for implementing these rules immediately. Pressing international considerations raised by the upcoming SpaceWARC, beginning August 8, 1985, require action on the pending applications. In addition, both our *Notice of Proposed Rulemaking* and the Bureau's order in *Licensing of Space Stations in the Domestic Fixed-Satellite Service*, Mimeo 5026 (released June 10, 1985), gave notice that we contemplated making these rules effective immediately.[68] Accordingly, the effective date of § 25.391 will be the adoption date of this order.

42. It is further ordered that the Application for Review filed by National Exchange, Inc. is denied.

43. It is further ordered that the proceedings in CC Docket No. 85-135 are terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Alascom, Inc.
American Satellite Company
American Telephone and Telegraph Company
Cablesat General Corporation
Columbia Communications Corporation
Comsat General Corporation
Digital Telesat, Inc.
Equatorial Communication Services
Federal Express Corporation
Ford Aerospace Satellite Services Corporation
GTE Satellite Corporation
GTE Spacenet Corporation
Hughes Communications Galaxy, Inc.
Martin Marietta Communications Systems, Inc.
National Exchange, Inc.
Rainbow Satellite, Inc.
RCA American Communications Inc.
Satellite Business Systems
Systematics General Corporation
United States Satellite Systems, Inc.
The Western Union Telegraph Company

Appendix B

Alascom, Inc.
American Satellite Company
American Telephone and Telegraph Company
Cablesat General Corporation
Cable Television Operators
CBS, Inc.
Columbia Communications Corporation
Comsat General Corporation
N.H. Correia
Digital Telesat, Inc.
Equatorial Communication Services
Federal Express Corporation
Federal Trade Commission
Ford Aerospace Satellite Services Corporation
GTE Satellite Corporation
GTE Spacenet Corporation
Henry Geller and Donna Lampert
Home Box Office
Hughes Communications Galaxy, Inc.
International Satellite, Inc.
M/A-Com Development Corporation
Martin Marietta Communications Systems, Inc.
Mobile Satellite Corporation
National Cable Television Association
National Exchange, Inc.
National Telecommunications and Information Administration
Rainbow Satellite, Inc.
RCA American Communications, Inc.
Satellite Business Systems
Satellite Television Industry Association
Skylink Corporation
Systematics General Corporation
United States Satellite Systems, Inc.
The Weather Channel
The Western Union Telegraph Company

PART 25—[AMENDED]

Part 25 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations, Part 25) is amended as follows:

1. The authority citation for Part 25 continues to read as follows:

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[60] NAB v. FCC, 740 F.2d 1190 (D.C. Cir. 1984); Domestic Communications Satellite Facilities, 22 FCC 2d 86 (1970), 35 FCC 2d 844 (1972), *recon. in part*, 39 FCC 2d 665 (1972); Geostar Corporation, FCC 84-319 (released September 7, 1984). NEX has cited no authority nor given any persuasive analysis for its assertion that factual distinctions make these precedents inapposite. Moreover, our requirement in this proceeding that applicants submit particular information in documentation with their applications pending completion of the rulemaking is only a procedural rule exempt from APA notice and comment provisions. As discussed in the text, failure to submit this information had no substantive effect on the status of any application until completion of the rulemaking.

[61] 5 U.S.C. 553.

[62] *See* U.S. v. Storer Broadcasting Co., 351 U.S. 192 (1956).

[63] *See Domsat II*, *supra* note 8; Domestic Fixed-Satellite Service, 35 FCC 2d 844 (1972); and *Reduced Orbital Spacing*, *supra* note 1. *See* para. 5, *supra*.

[64] *Supra* note 1.

[65] In any event, NEX has never indicated or argued that if given more time it would be able to bring its application into compliance; rather, it merely argues that all pending applications should be excused from compliance.

[66] *See Notice* at para. 17.

[67] 5 U.S.C. 533(d)(3).

[68] *See* Citizens to Save Spencer County v. United States Environmental Protection Agency, 600 F.2d 844, 879-891 (D.C. Cir. 1979); *see also* Kessler v. FCC, 326 F.2d 673, 682 (D.C. Cir. 1963) (effectiveness prior to publication in the Federal Register).

Authority: Sections 25.101 to 25.531 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. § 54. Interpret or apply Secs. 101–104, 76 Stat. 419–427; 47 U.S.C. 701–744.

2. By revising § 25.202(d) to read as follows:

§ 25.202(d) Frequencies, frequency tolerance and emission limitation.

* * * * *

(d) Orbital locations assigned to space stations licensed under this part by the Commission are subject to change by summary order of the Commission on 30 days notice. An authorization to construct and/or to launch a space station becomes null and void if the construction is not begun or is not completed, or if the space station is not launched and positioned at its assigned orbital location and operations commenced in accordance with the station authorization, by the respective date(s) specified in the authorization. Frequencies and orbital location assignments are subject to the policies and procedures set forth in the Report and Order, FCC 83–184, adopted April 27, 1983 in CC Docket No. 81–704, for domestic satellite space stations and in the Report and Order, adopted July 25, 1985 in CC Docket No. 84–1299 for international space stations, and the licensees of such space stations shall comply with the requirements set forth in that decision.

* * * * *

3. By adding new § 25.391 as follows:

§ 25.391 Qualifications of Domestic Satellite Space Station Licensees.

(a) New domestic fixed-satellites shall comply with the requirements established in Report and Order in CC Docket No. 81–704. The requirements for radio station applications for new domestic fixed-satellites are specified in Appendix B to the Commission's *1983 Processing Order* (93 FCC 2d 1260). Applications must also meet the requirements in paragraphs (b) through (e) of this section. The Commission may require additional or different information in the case of any individual application. Applications will be unacceptable for filing and will be returned to the applicant if they do not meet the requirements referred to in this paragraph.

(b) Each applicant for a space station authorization in the domestic fixed-satellite Service must demonstrate, on the basis of the documentation contained in its application, that it is legally, financially, technically, and otherwise qualified to proceed expeditiously with the construction, launch and/or operation of each proposed space station facility immediately upon grant of the requested authorization. Financial qualifications should be demonstrated in the form specified below. Failure to make such a showing shall result in the dismissal of the application.

(c) Each application for authority to construct and/or to launch and operate a space station in this service shall include a detailed statement of estimated investment and operating costs for the expected lifetime of the facility, and shall demonstrate in accordance with paragraph (d) of this section the applicant's current financial ability to meet the:

(1) Estimated costs of proposed construction and/or launch, and any other initial expenses for the space station(s); and

(2) Estimated operating expenses for one year after launch of the proposed space station(s).

(d) Each application for authority to construct and/or launch a space station shall demonstrate an applicant's current financial ability to meet the costs specified in paragraph (c) of this section by submitting the following financial information verified by affidavit:

(1) A balance sheet current for the latest fiscal year and documentation of any financial commitments reflected in the balance sheet (such as, for example, loan agreements and service contracts) together with an exhibit demonstrating that the applicant has current assets and operating income sufficient to satisfy the requirements of paragraph(c) of this section. If the applicant is owned by more than one corporate parent, it must submit evidence of a commitment to the proposed satellite program by management of the corporate parent upon whom it is relying for financial resources;

(2) If the submissions of paragraph (d)(1) of this section do not satisfy paragraph (c) of this section, the applicant shall submit additional information as listed below to satisfy paragraph (c).

(i) The terms of any fully negotiated loan or other form of credit arrangement intended to be used to finance the proposed construction, acquisition, or operation of the requested facilities including such information as the identity of the creditor (or creditors), the amount committed, letters of commitment, detailed terms of the transaction, including the details of any contingencies, and a statement that paragraph (e) of this section is complied with;

(ii) The terms of any fully negotiated sale or placement of any equity or other form of ownership interest, including the sale, or long-term lease for the lifetime of the satellite, of proposed satellite transponder capacity in the level of detail as specified in paragraph (d)(2)(i) of this section;

(iii) Any financing arrangements contingent on further performance by either party, such as marketing of satellite capacity or raising additional financing, will not satisfy the requirements of subsection (c) of this section.

(3) Whatever other information or details the Commission may require with regard to a specific application or applicant;

(e) Any loan or other credit arrangement providing for a chattel mortgage or secured interest in any proposed facility must include a provision for a minimum of ten (10) days prior written notification to the licensee or permittee, and to the Commission, before any such equipment may be repossessed under default provision of the agreement.

(f) An applicant found to be qualified pursuant to paragraph (b) of this section may be initially assigned up to two orbital locations in each pair of frequency bands proposed. Authorizations to construct ground spares are at the applicant's risk that launch authorization will not be granted by the Commission.

(g) Each applicant found to be qualified pursuant to paragraph (b) may be assigned no more than one additional orbital location beyond its current authorizations in each frequency band in which it is authorized to operate, provided that its in-orbit satellites are essentially filled and that it has no more than two unused orbital locations for previously authorized but unlaunched satellites in that band.

(h) In the event that one or more applications satisfying the requirements of this section are ready for grant, any orbital location occupied by a satellite that is not essentially filled may be canceled and colocation of in-orbit satellites may be required. The Commission will take this action if, in so doing, it would allow the grant of pending applications which satisfy the requirements of this section. If a cancellation is made, the licensee will be afforded a period of 30 days to notify the Commission which of its assigned locations should be canceled.

(1) *Need for and Objective of Rules.* The rules adopted herein restate and clarify existing Commission policy regarding qualifications of applicants for space station authorizations in the domestic fixed-satellite service, and the assignment of orbital locations to such stations. The policies underlying these

rules have been in effect for many years and applicants have had ample notice of them. However, the Commission, in an abundance of caution, sought to ensure that all applicants requesting satellite authorizations clearly understood these standards. This action was taken so that the Commission could promptly grant the applications of those entities who are able to provide service to the public expeditiously.

(2) *Issues Raised in Response to Certification.* Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certified that the proposed rules would not have a significant effect on a substantial number of small entities. We based this finding on the relatively small number of companies who operate domestic satellites in the geostationary satellite orbit and on the observation that a company who has financed a satellite system costing several hundred million dollars requiring an annual revenue stream of several tens of millions of dollars is unlikely to qualify as a small business. Moreover, it has been our traditional policy to require applicants to have a demonstrated financial ability to implement their satellite proposals thus entailing access to significant resources not available to small entities.

The U.S. Small Business Administration has objected to our certification, stating that our proposed rules would eliminate the type of financing which might be used by small businesses. The SBA also states that the use of a lottery to award satellite authorizations should have been considered.

As stated throughout these proceedings, the rules proposed and adopted herein are merely a clarification of prior policies which have been used to fulfill our statutory responsibility to assure that satellite licensees are financially qualified. The fact that small businesses may be precluded from launching satellites is due to their inability to raise the necessary two to three hundred million dollars necessary to finance a system. Their lack of financial ability does not render our certification invalid on the basis that such entities have not been able to satisfy our financial qualification.

(3) *Alternatives Considered.* In authorizing a prior group of satellite applicants, we attempted to provide underfinanced companies with an opportunity to demonstrate their ability to construct, launch and operate satellite systems in essentially the same way as is now being advocated by the Small Business Administration. That attempt was unsuccessful and a repetition of that experiment today would only delay provision of service to the public. Other alternatives, including the use of lotteries, were discussed and considered in the Notice of Proposed Rulemaking initiating this action where it was determined that only the use of strictly applied qualifications standards would be feasible. *Notice* at 3–9. Other alternatives available to small businesses seeking to enter the domestic satellite market include lease or purchase of transponders to establish an initial traffic base and joint ventures with other companies to pool resources.

[FR Doc. 85–21131 Filed 9–4–85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 97

Modification of Footnote US275 to the Table of Frequency Allocations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; Correction.

SUMMARY: This document corrects typographical errors in the Final Rule Action in this proceeding concerning Amateur use of a certain MHz band in Southern New Mexico (published on August 20, 1985, 50 FR 33543).

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas, Office of Science and Technology, 1919 M Street NW., Room 7310, Washington, D.C. 20554, Tel: (202) 653–8162.

SUPPLEMENTARY INFORMATION:

Erratum

In the matter of amendment of parts 2 and 97 of the Commission's rules to prohibit amateur use of the 902–928 MHz band at White Sands Missile Range in Southern New Mexico.

Released: August 27, 1985.

The Order in the above-entitled proceeding, FCC 85–444, released August 15, 1985 is corrected as follows:

§ 97.7 [Corrected]

In the appendix, on page 33544, throughout the modifications to § 97.7, limitation designator "12" is corrected to read "14" and limitation designator "13" is corrected to read "15".

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–21132 Filed 9–4–85; 8:45 am]
BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 502, 504, 505, 506, 507, 509, 510, 514, 515, 525, 536, and 549

[APD 2800.12 Chge 16]

General Services Administration Acquisition Regulation; Miscellaneous Revisions

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) Chapter 5 is amended to renumber certain sections to conform to the Federal Acquisition Regulation (FAR) numbering system, to redesignate certain sections to alter the placement of material within the regulation, and to make miscellaneous other changes for clarity. The changes are being made as a result of the Office of Management and Budget (OMB) review of GSA's final rule implementing the Competition in Contracting Act of 1984 (CICA). The intended effect is to update and maintain the regulation for the benefit of GSA contracting activities.

EFFECTIVE DATE: August 16, 1985.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), (202) 523–4754.

SUPPLEMENTARY INFORMATION: Before the final rule was issued on February 20, 1985, revising the GSAR to implement the CICA, it was submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291. OMB cleared the regulation for issuance in order to provide for timely implementation of the statute on April 1, 1985. However, GSA did agree to make certain changes requested by OMB at a later date. This final rule makes the requested changes.

On December 5, 1984, the General Services Administration published in the **Federal Register** (49 FR 47516) its proposed change to the GSAR implementing the CICA. All comments received in response to the notice were reviewed, reconciled, and incorporated, when applicable into the final rule.

The General Services Administration 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. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et. seq.

List of Subjects in 48 CFR Parts 501, 502, 504, 505, 506, 507, 509, 510, 514, 515, 525, 536, and 549

Government procurement.

1. The authority citation for 48 CFR Parts 501, 502, 504, 505, 506, 507, 509, 510, 514, 515, 525, 536, and 549 continues to read as follows:

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

PART 501—GENERAL SERVICES ADMINISTRATION REGULATIONS SYSTEM

2. Section 501.601 is amended by revising paragraph (b) to read as follows:

501.601 General.

* * * * *

(b) Heads of contracting activities (HCA) (see GSAR 502.1) have unlimited contracting authority which may not be redelegated and are responsible for:

* * * * *

3. Section 501.707 is amended by revising the introductory text and paragraphs (a) and (k) of Table 501–1 to read as follows:

501.707 Signatory authority.

When a D&F is required, it shall be signed by the appropriate official in accordance with Table 501–1 of this regulation before the solicitation is issued. The Federal Acquisition Regulation frequently refers to determinations being made by the agency head. Section 309 of the Federal Property and Administrative Services Act defines agency head and provides that at the option of the Administrator of GSA, the term may include the chief official of any principal organizational unit of the General Services Administration. The Administrator has authorized the heads of contracting activities to act as agency head to facilitate the procurement of property and services under Title III of the Federal Property and Administrative Services Act. (See GSA Delegation of Authority Manual ADM P 5450.39.) When the applicable statute precludes redelegation of the authority the table provides for the Administrator to sign such D&F's.

TABLE 501–1.—SIGNATORY AUTHORITY

D&F requirement	Signatory authority
a. Determinations as to estimated cost of, and fees to be paid under, cost-plus-a-fixed-fee contract. (See 41 U.S.C. 254(b) and FAR 16.306.).	Individual D&F's shall be signed by the head of the contracting activity, as defined in GSAR 502.1, or a designee. Class D&F's shall be signed by the head of the contracting activity.
* * * * *	
K. Determinations regarding the exceptions to the restrictions of the Buy American Act. (See FAR Subpart 25.1 and GSAR Subpart 525.1.).	Individual D&F's may be signed by the head of the contracting activity or a designee.
* * * * *	

4. The table of contents for Part 502 is amended by deleting the entries for sections 502.170, 502.171, 502.172, 502.173, and 502.174 and by adding an entry for section 502.101 as set forth below:

PART 502—DEFINITIONS OF WORDS AND TERMS

Subpart 502.1—Definitions

502.101 Definitions.

(5) Subpart 502.1 is amended by removing sections 502.170 through 502.174 and adding section 502.101 to read as follows:

Subpart 502.1—Definitions

502.101 Definitions.

"Head of the contracting activity" means the (a) Assistant Administrator for Acquisition Policy, (b) Assistant Administrator for Federal Supply and Services (FSS), (c) Assistant Administrator for Information Resources Management (OIRM), (d) Commissioner of Public Buildings Service (PBS), (e) Commissioner of Federal Property Resources Service (FPRS), or (f) Regional Administrators. The Assistant Administrator for Acquisition Policy serves as the HCA for Central Office contracting activities outside of FSS, OIRM, PBS, and FPRS.

"Contracting director" means directors of Central Office or regional office divisions that are responsible for performing contracting and/or contract administration functions.

"Senior procurement executive" means the Assistant Administrator for Acquisition Policy.

"Agency competition advocate" means the Director of the Office of Acquisition Management and Contract Clearance.

"Contracting activity competition advocate" means the (a) Director of the Office of Acquisition Management and Contract Clearance, (b) Director, Office of Procurement, FSS, (c) Director, Agency Liaison Officer Program Division, OIRM, (d) Director, Special Projects Staff (FPRS), or (e) Regional Director, Office of Project Control and Oversight. The Director of the Office of Acquisition Management and Contract Clearance serves as the contracting activity competition advocate for Central Office contracting activities outside of FSS, OIRM, and FPRS.

6. The table of contents for Part 504 is amended by revising the entry for section 504.670 as set forth below:

PART 504—ADMINISTRATIVE MATTERS

Subpart 504.6—Contract Reporting

Sec.

* * * * *

504.670 [Reserved]

504.670 [Reserved]

7. Section 504.670 is removed and reserved.

8. Section 504.671 is amended by revising paragraph (b)(1) to read as follows:

504.671 Reporting taxpayer identification numbers.

* * * * *

(b) *Procedures.* (1) This procedure pertains only to contractors who are not incorporated and who receive payments from GSA for performing services totaling $600 or more in any calendar year. If the contracting officer anticipates that payment to the contractor will equal or exceed the $600 amount for the year, he shall report the TIN.

* * * * *

9. The table of contents for Part 505 is amended by adding an entry for section 505.303–70 as set forth below:

PART 505—PUBLICIZING CONTRACT ACTIONS

Subpart 505.3—Synopses of Contract Awards

Sec.

* * * * *

505.503–70 Notification of proposed substantial awards and awards involving Congressional interest.

* * * * *

10. Section 505.202 is amended by revising paragraph (b)(3)(iii) to read as follows:

505.202 Exemptions

* * * * *

(b) * * *

(3) * * *

(iii) An increase in the amount of space leased in order to provide expansion space at the existing location to meet the needs of an agency.

11. Section 505.303 is revised to read as follows:

505.303 Announcement of contract awards.

By complying with GSAR 505.303–70 contracting officers automatically fulfill the reporting requirements of FAR 5.303(a). When the Office of Congressional Affairs (EG) determines a contract award may be of interest to the public, it will provide the Office of Public Affairs (EX) with a copy of the GSA Form 2932, Proposed Substantial Contract Award, or otherwise communicate the information to EX for release to the public. Contracting activities may submit information directly to EX if they believe public announcement is appropriate.

12. Section 505.303–70 is added to read as follows:

505.303–70 Notification of proposed substantial awards and awards involving Congressional interest.

(a) *Applicability.* This section applies to notification of proposed awards resulting from either sealed bid or negotiated solicitations, including contract modifications exercising options:

(1) When a supply contract is involved and the dollar value exceeds or is estimated to exceed $500,000 (except for products whose points of origin are not readily identifiable or which involve foreign production points);

(2) When a design (Architect/Engineer) contract or construction contract is involved and the dollar value exceeds or is estimated to exceed $100,000; or

(3) When there is Congressional interest in any contract for supplies or services regardless of dollar value.

(i) When Congressional interest is involved, GSA Form 2932, Proposed Substantial Contract Award, or a facsimile message shall be prepared for transmittal to the Director of Congressional Affairs (EG) containing the following information:

Congressional Interest—(*Name of Congressman or Senator*)—(State)—Control No.
In behalf of (Name of firm and complete address)—(If award is not proposed to the bidder, explain why) ———————

(ii) In addition to the requirement in paragraph (a) of this section, when a Congressional inquiry is made orally with a contracting officer, and award or other information has been promised to a Congressman or Senator, GSA Form 2932 or the facsimile message shall contain the following statement:

"Unless notified to the contrary, we will assume that the (*Congressman or Senator*) has been advised by EG."

(b) *Codes.* The following codes shall be used in the appropriate columns of GSA Form 2932 or in the facsimile message, as applicable.:

(1) *DQ* for definite quantity contract.

(2) *SC* for schedule contract.

(3) *TC* for term contract other than schedule.

(4) *S* for small business concern.

(5) *O* for other than a small business concern.

(6) *NLS* for not labor surplus area.

(7) *LS* for labor surplus area.

(c) *Notification procedure.* (1) The contracting director shall be responsible for submitting directly to the Director of Congressional Affairs (EG) complete and factual data pertinent to any proposed award of the type described in paragraph (a) of this section.

(2) Regional offices (except Region W) shall prepare GSA Form 2932 and transmit the notification directly to the Director of Congressional Affairs (EG), by facsimile machine except as shown in paragraph (c)(4) of this section.

(3) Central Office and Region W contracting activities shall prepare GSA Form 2932 and transmit the notification (original only) directly to the Director of Congressional Affairs (EG). The notification(s) shall be placed in a messenger envelope and addressed as follows: PLEASE HAND-CARRY Attention: EG, GS Bldg.

(4) The following additional information shall be furnished on the GSA Form 2932 as applicable:

(i) Under Type of Contract insert "S" for sealed bid and "N" for negotiated. Include the applicable reference to the specific authority in parentheses for each contract awarded without providing for full and open competition; i.e., N(1) for only one responsible source.

(ii) Under Point of Production show the name (plant or operational unit), address (including county), and the dollar value for each production point. When the name of the supplier (subcontractor) is different from the contractor, show the supplier's or subcontractor's name, address (including county), and applicable dollar value for each point of production. When the offer does not clearly indicate a specific production point for the item(s); i.e., several sources shown for one item, the word "undeterminable" shall be stated in the Point of Production column, and the various production points (name, address, and county) will be listed. When there are multiple production points and specific items and their points of production are not shown, or when the number of production points exceed 10, show the word multiple and indicate immediately after, in parentheses, the total number of production points.

(iii) For definite quantity awards, show (A) the quantity and unit, in parentheses, under each production point, (B) the name of the requisitioning activity next to the applicable quantity, and (C) the requirement or portion thereof for overseas use.

(iv) The contracting officer's name and telephone number shall be typed or printed at the bottom of each report in the event additional information is required by the Director of Congressional Affairs (EG).

(d) *Release of awards.* (1) Unless notified to the contrary, contracting activities may release awards of the type described in paragraphs (c)(2) and (3) of this section, or information pertinent thereto, upon the expiration of two full workdays (48 hours) after the time and date of transmittal of the GSA form 2932 or the facsimile message to the Director of Congressional Affairs (EG).

(2) Preaward inquiries from offerors shall be processed in accordance with FAR 14.408 and 15.1001.

(e) Proposed exiguency or emergency awards and cases when the acceptance time in an offer is about to expire.

(1) The contracting activities shall transmit notifications as determined by their director directly to the Director of Congressional Affairs (EG), by telephone, followed by a completed GSA Form 2932 to confirm the oral notification.

(2) Release of notifications which require priority processing by the Director of Congressional Affairs (EG), shall be completed at the time and date specified by EG.

13. Section 505.403 is revised to read as follows:

505.403 Requests from Members of Congress.

When responding to a congressional inquiry would result in disclosure of classified material, confidential business information, or information prejudicial to a competitive acquisition, the contracting officer shall consult with assigned legal counsel, refer the proposed reply to the head of the contracting activity and inform the Office of Congressional Affairs (EG) of the action taken. See GSAR 505.303–70 regarding notification of proposed substantial awards and awards involving congressional interest.

PART 506—COMPETITION REQUIREMENTS

14. Section 506.304 is amended by revising paragraphs (a) (1) thru (4) to read as follows:

506.304 Approval of the justification.

(a) The justification for other than full and open competition (except for contracts awarded under the authority of FAR 6.302–7) shall be approved in writing by—

(1) The contracting director, as defined in GSAR 502.1, for proposed contracts for the amount of $100,000 or less, unless the contract is exempt from the review and approval requirement by FAR 6.304(a)(1).

(2) The contracting activity competition advocate, as defined in GSAR 502.1, for contracts for an amount exceeding $100,000 but equal to or less than $1,000,000. The contracting director shall coordinate on and concur in all justifications before submission to the contracting activity competition advocate for approval.

(3) The head of the contracting activity (HCA), as defined in GSAR 502.1, for contracts for an amount exceeding $1,000,000 but equal to or less than $10,000,000. The contracting activity competition advocate shall coordinate on and concur in all justifications before submission to the HCA for approval.

(4) The senior procurement executive, as defined in GSAR 502.1, for contracts for an amount exceeding $10,000,000. The agency competition advocate, as defined in GSAR 502.1, shall coordinate on and concur in all justifications before submission to the senior procurement executive for approval.

* * * * *

PART 507—ACQUISITION PLANNING

15. Section 507.102 is amended by revising the first sentence and the last sentence of the section to read as follows:

507.102 Policy.

All proposed acquisitions which are determined, in accordance with the requirements of GSA Order, Comprehensive Acquisition Planning (APD 2800.13), to meet the criteria for comprehensive acquisition planning shall have such a plan prepared for them. * * * A contract shall not be entered into without providing for full and open competition on the basis of a lack of acquisition planning or concerns relating to the amount of funds available for acquisition.

PART 509—CONTRACTOR QUALIFICATIONS

15. Section 509.403 is amended by revising paragraph (a) to read as follows:

509.403 Definitions.

* * * * *

(a) The "debarring official" and the "suspending official" for GSA is the Assistant Administrator for Acquisition Policy or a designee.

* * * * *

17. Section 509.405–1 is amended by revising paragraph (c) to read as follows:

509.405–1 Continuation of current contracts.

* * * * *

(c) The debarring or suspending official may make a determination, as provided in FAR 9.405–1(b), that there are compelling reasons to accord a debarred or suspended contractor treatment other than that required by FAR 9.405.

18. Section 509.405–2 is revised to read as follows:

509.405–2 Restrictions on subcontracting.

The debarring or suspending official may make a determination, as provided in FAR 9.405–2, that there are compelling reasons to accord a debarred or suspended contractor treatment other than that required by FAR 9.405.

19. The table of contents for Part 510 is amended by revising the entries for 510.004–70 and 510.004–71 and by removing the entries for section 510.004–72 and 510.004–73 as set forth below:

PART 510—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

Sec.

* * * * *

510.004–70 Solicitation, brand name or equal descriptions.

510.004–71 Offer evaluation and award, brand name or equal descriptions.

* * * * *

20. Sections 510.004–70 and 510.004–71 are redesignated as section 510.004 and revised to read as follows:

510.004 Selecting specifications or descriptions for use.

(a) *Brand name products or equal.*—(1) *Citing brand name products.* Brand name or equal purchase descriptions shall cite all brand name products known to be acceptable and of current manufacture. If the use of a brand name or equal purchase description results in the purchase of an acceptable brand name product which was not listed as an "equal" product, a reference to that brand name product should be included in the purchase description for later acquisitions. If a brand name product no longer applies, the reference thereto shall be deleted from the purchase description. Information on additions and deletions shall be immediately communicated to the specification manager.

(2) *Specifying essential characteristics.* (i) It is imperative that brand name or equal purchase descriptions specify each physical or functional characteristic of the product that is essential to the intended use. Failure to do so may result in a defective solicitation and the necessity to resolicit the requirements. (See GSAR 510.004–70.) Care must be taken to avoid specifying characteristics that cannot be shown to materially affect the intended end use and which unnecessarily restrict competition.

(ii) When describing essential characteristics, permissible tolerances should be indicated. Avoid specifying a characteristic (e.g., a specific dimension) of a brand name product unless it is essential to the Government's need. The contracting officer must be able to justify the requirement.

(b) *Limitations on use of brand name or equal purchase descriptions.*—(1) *General.* The use of brand name or equal purchase descriptions in solicitations is intended to promote full and open competition by encouraging the offering of products that are equal in all material respects to brand name products cited in such descriptions. Identification by brand name does not indicate a preference for the products mentioned but indicates the quality and characteristics of products that will meet the Government's needs. Where a component of an item is described in the solicitation by a brand name or equal purchase description and the contracting officer determines that application of the clause at GSAR 552.210–74 would be impracticable, the requirement to include the entry described in GSAR 510.004–70(a), shall not apply. If the clause is included in the solicitation for other reasons, there also shall be included in the solicitation a statement to identify either the component parts (described by brand name or equal descriptions) to which the clause applies or those to which it does not apply. This also applies to accessories related to an end item where a brand name or equal purchase description of the accessories is a part of the description of an end item. Brand name or equal descriptions shall not be used to procure a particular product under the guise of competitive

procurement to the exclusion of other products that would meet the actual needs.

(2) In small purchases within the open market limitations, brand name policies and procedures shall be applicable to the extent practical.

(3) *Approval required.* A brand name or equal purchase description shall not be used unless it has been approved by the contracting director.

21. Sections 510.004–72 and 510.000–73 are redesignated as sections 510.004–70 and 510.004–71.

PART 514—SEALED BIDS

22. Section 514.201 is revised to read as follows:

514.201 Preparation of invitation for bids.

Refer to GSAR 514.270 for information on specifying a minimum bid acceptance period.

23. Section 514.201–71 is revised to read as follows:

514.201–71 Fire or casualty hazards, or safety or health requirements.

(a) Specifications covering electrical equipment, building materials, etc., which involve fire or casualty hazards, or safety or health requirements, normally contain a clause requiring conformance to the standards of nationally recognized technical societies, associations, or laboratories, or other GSA-approved testing laboratories, regarding fire and casualty hazards, explosion protection, or safety or health requirements.

(b) When a specification is not available or the specification to be used does not include a provision such as that described in paragraph (a) of this GSAR 514.201–71, and it is believed that such a clause should be included in the current procurement, technical advice shall be obtained from the appropriate program or technical office. If the contracting officer then determines that the matter should be covered, an appropriate clause shall be included in the solicitation. The provision shall cite the nationally recognized standards requiring compliance. If several such standards are available, the clause shall cite all standards that are acceptable. Since compliance with such standards is normally objectively determined under regular acceptance inspection and test procedures, no requirement for bidders to submit proof of compliance with the standard shall be included in the clause.

24. Section 514.404–1 is revised to read as follows:

514.404–1 Cancellation of invitations after opening.

The head of the contracting activity is delegated the authority to cancel invitations for bid and to reject all bids received or to cancel invitations for bids and authorize the use of negotiations to complete the acquisition in accordance with FAR 14.404–1 and 15.103. This authority may be redelegated. When exercising this authority, the required determination documenting the reasons for rejecting all bids and authorizing completion of the acquisition through negotiation, when applicable, shall be included in the contract file.

PART 515—CONTRACTING BY NEGOTIATION

25. Section 515.608 is revised to read as follows:

515.608 Proposal evaluation.

The head of the contracting activity is authorized to reject all proposals received in response to a solicitation pursuant to FAR 15.608(b). This authority may be redelegated. When exercising this authority, the required determination documenting the reasons for rejecting all proposals will be included in the contract file.

PART 525—FOREIGN ACQUISITION

26. Section 525.402–71 is amended by revising the introductory text of paragraph (b) to read as follows:

525.402–71 Delegation of limited waiver authority.

* * * * *

(b) The Administrator of General Services has authorized the heads of contracting activities, as defined by GSAR 502.1, to grant such waivers in cases where:

* * * * *

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

27. Section 536.203 is amended by revising paragraph (c) to read as follows:

536.203 Government estimate of construction cost.

* * * * *

(c) If the procurement is by sealed bidding, the sealed copy of the detailed Government estimate shall be stored with the bids received until bid opening. Before releasing an amendment to a solicitation that may affect the price, a revised sealed Government estimate shall be stored with the bids until bid opening. After the bids are read and recorded, the sealed Government estimate shall be opened and retained with the Standard Form 1419, Abstract of Offers—Construction. However, the Government's estimate shall not be disclosed until after award. Immediately after award the Government estimate shall be recorded on the SF 1419 as the Independent Government Estimate.

* * * * *

28. Section 536.206 is amended by revising paragraph (b)(3) to read as follows:

536.206 Liquidated damages.

* * * * *

(b) * * *

(3) The cost of monies.

PART 549—TERMINATION OF CONTRACTS

29. Section 549.111 is amended by revising paragraphs (a) and (b) to read as follows:

549.111 Review of proposed settlements.

(a) Proposed termination settlement between $25,000 and $100,000, shall be reviewed and approved by the contracting director as defined at GSAR 502.1.

(b) Proposed termination settlements over $100,000, shall be reviewed and approved by the head of the contracting activity as defined at GSAR 502.1.

* * * * *

Dated: August 16, 1985.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 85–21198 Filed 9–4–85; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 41]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

Correction

In FR Doc. 85–20745, beginning on page 35233 in the issue of Friday, August 30, 1985, the notice number should read as it does in the bracketed heading above.

BILLING CODE 1505–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 3 to Fifteenth Revised Service Order No. 1474]

Railroad Car Service Order; Des Moines Union Railway Co., Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Fifteenth Revised Service Order No. 1474.

SUMMARY: Pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes Des Moines Union Railway Company (DMU) to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie), Trustee, and to use such tracks and facilities as are necessary for operations. This order permits DMU to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., August 31, 1985, and continuing in effect until 11:59 p.m., November 30, 1985, unless otherwise modified, amended or vacated by order of this Commission.

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

Decided: August 29, 1985.

List of Subjects in 49 CFR Part 1033

Railroads.

Upon further consideration of Fifteenth Revised Service Order No. 1474 (50 FR 2678, 11368, and 26774) and good cause appearing therefor:

§ 1033.1474 [Amended]

It is ordered, § 1033.1474 *DES MOINES UNION RAILWAY COMPANY AUTHORIZED TO USE TRACKS AND/OR FACILITIES OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, DEBTOR (RICHARD B. OGILVIE, TRUSTEE),* Fifteenth Revised Service Order No. 1474 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended for an additional period of time, and shall expire at 11:59 p.m., November 30, 1985, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1985.

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

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

By the Commission, Railroad Service Board, members Bernard Gaillard, William J. Love, and John H. O'Brien. Board member Love did not participate.

James H. Bayne,

Secretary.

[FR Doc. 85–21174 Filed 9–4–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Status for Solidago Shortii (Short's Goldenrod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service has determined *Solidago shortii* Torrey and Gray (Short's goldenrod), a plant endemic to three counties in Kentucky, to be an endangered species under the Endangered Species Act of 1973, as amended. Only five populations of *Solidago shortii* are known, and these are threatened by potential recreational activities, natural and human-induced habitat alterations, and development of its habitat. This action will implement Federal protection provided by the Endangered Species Act of 1973, as amended, for *Solidago shortii.*

DATE: The effective date of this rule is October 7, 1985.

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Currie at the above address (704/259–0321 or FTS 8/672–0321).

SUPPLEMENTARY INFORMATION:

Background

Solidago shortii, a member of the Asteraceae (Aster family), was first collected by C.W. Short at Falls of the Ohio, Jefferson County, Kentucky. In 1842, the species was described and named in honor of its discoverer by Torrey and Gray. The original site, which was apparently Rock Island, adjacent to Falls of the Ohio on the Ohio River, was later inundated by dam construction. In 1939, Braun (1941) discovered *Solidago shortii* in the vicinity of Blue Licks, Kentucky. She reported that numerous populations were growing on rocky slopes and in pastures in Nicholas and Fleming Counties, Kentucky. Medley (1980) conducted a status survey for *Solidago shortii,* but despite extensive searches in 1978, 1979, and 1980, he found only one population. This population is located within Blue Licks Battlefield State Park, Robertson County, Kentucky. Medley reported that a major segment of this population was almost completely destroyed by campground construction in the middle 1970s. Medley (1980) further stated that the overgrazed pastures, which, according to Braun (1941), had provided habitat for *Solidago shortii,* were still numerous in the Blue Licks area. However, Medley (1980) concluded, after thorough searches of likely habitat, that the only remaining population was within Blue Licks Battlefield State Park. In 1983, Baskin and Baskin (1984) reported on the discovery of three additional populations of *Solidago shortii,* and in 1984, Baskin (personal communication, October 1984) informed the Service that another population had been found. One population is located just outside the State park's boundary in Nicholas County, and the other three populations are within a 2-mile radius of the park in Nicholas, Fleming, and Robertson Counties, Kentucky, respectively.

The historic distribution of *Solidago shortii* may have been correlated with disturbance caused by bison. The largest remaining population is adjacent to the old Buffalo Trace, which passes through Blue Licks Battlefield State Park (Medley, 1980). It was also suggested by Braun (1941) that fire may have been a factor that created openings within wooded areas and provided habitat for the species. Whether the loss of the numerous populations reported by Braun (1941) was caused by more

intense grazing pressures during the intervening years or was the result of some other factor or factors is not known.

Short's goldenrod is usually less than 1 meter (39 inches) tall and bears yellow flowers between mid-August and early November. The light brown fruits (achenes) mature several weeks after the flowers wither. The alternately arranged narrow leaves are usually 5–10 centimeters (2–4 inches) long and 0.6–1.5 centimeters (0.24–0.60 inches) wide. *Solidago shortii* is found in cedar glades and openings in oak and hickory forests (Kral, 1983; Medley, 1980), in areas adjacent to the Old Buffalo Trace (Medley, 1980), and in pastures and areas adjacent to roads (Braun, 1941; Baskin and Baskin, 1984).

Federal Government actions on this species began with section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the Smithsonian Institution report as a petition within the context of section 4(c)(2) (now section 4(b)(3)(A)), of the Act and of its intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Solidago shortii* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the **Federal Register** on April 26, 1978 (43 FR 17909). On December 10, 1979, the Service published a notice (44 FR 70796) withdrawing that portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. On December 15, 1980, the Service published a revised notice of review for native plants in the **Federal Register** (45 FR 82480); *Solidago shortii* was included in that notice as a category-1 species. Category-1 species are those for which data in the Service's possession indicate that listing is warranted.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments to the Act further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Solidago shortii* because of the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983, the Service found that the petitioned listing of *Solidago shortii* was warranted, and that although other pending proposals had precluded its proposal, expeditious progress was being made to list this and other species. Notice of this finding was published in the **Federal Register** on January 20, 1984 (49 FR 2485). On October 11, 1984, the Service published, in the **Federal Register** (49 FR 39873), a proposed rule to list *Solidago shortii* as an endangered species, constituting the next required 12-months finding.

Summary of Comments and Recommendations

In the October 11, 1984, proposed rule (49 FR 39873) 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 were published in *The Mercury*, Carlisle, Kentucky, on October 25, 1984; *The Times*, Augusta, Kentucky, on October 30, 1984; and the *Gazette*, Flemingsburg, Kentucky, on October 31, 1984; which invited general public comments. Eight substantive comments were received and are discussed below.

The proposal was supported by the Kentucky Department of Parks, the Kentucky Nature Preserves Commission, and one private individual. The Kentucky Department of Fish and Wildlife Resources (KDFWR) also supported the proposal and recommended that critical habitat be designated. They stated that, "In our view, designation of areas as critical habitat would definitely be an asset to protection of the species. This measure would ensure against development by the Department of Parks at the Blue Licks site and protect the smaller populations along the roads if the Department of Transportation deemed road widening necessary. KDFWR does not feel that designation of critical habitat will cause that much more public attraction to the sites and would afford the species considerably more protection." The Service does not believe that designating critical habitat for *Solidago shortii* would provide the species any significant increased protection. The Kentucky Department of Parks is on record as a staunch supporter of active management to protect the species. The Kentucky Department of Highways is aware of the plant's location, and if Federal funds are involved with a highway project, the Endangered Species Act of 1973, as amended, requires consideration of the plant's welfare whether or not critical habitat is designated. The Service also believes (see "Critical Habitat" section of this rule) that critical habitat designation would draw attention to specific areas inhabited by the species and could further threaten the plant from inadvertent trampling and the increased incidence of taking.

The Kentucky Department of Highways (DOH) informed the Service of their plans for a project adjacent to *Solidago shortii* populations. Their review of the project impact area and the precise location of the plants has shown that none of the plants will be impacted by the project. The Service has been in contact with DOH on this matter and concurs with DOH's assessment.

The Federal Energy Regulatory Commission concluded ". . . that listing Short's goldenrod as an endangered species would have no effect on any hydroelectric project under the Commission's jurisdiction." The Service concurs with this statement.

The Department of the Army, Corps of Engineers (CoE), referred to the Falmouth Lake Project, but does not believe that a serious conflict would arise because (1) the project is presently inactive and likely will not be built and (2) if it were built, the flood pool elevation would likely not reach the 650.0-foot elevation where the plants are found. CoE also stated, "If further detailed investigations of the Falmouth Lake would be approved and funded, additional coordination will be effected between our respective agencies to assure that Federal and State environmental policies and guidelines are satisfied." The Service appreciates the concern the CoE has shown for this species, and will be available to assist CoE in meeting Endangered Species Act responsibilities if the Falmouth Lake Project is approved.

A University of Kentucky professor with considerable expertise concerning this species supported endangered species status for the plant and supplied

information on one newly found population of *Solidago shortii* in Robertson County, Kentucky. He concluded that this new population should ". . . in no way affect the proposal for endangered species status of this species." The Service has analyzed this new information, which is included in the "Background" section of this rule. The Service concludes that, as this population is in the same area as the other populations and is threatened by the same factors, the existence of this additional population does not measurably alter the species' status.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Solidago shortii* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Solidago shortii* Torrey and Gray (Short's goldenrod) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range. Solidago shortii* occurs at five locations in an extremely limited portion of Robertson, Nicholas, and Fleming Counties, Kentucky. One of these populations is within Blue Licks Battlefield State Park. In the middle 1970s, a major segment of the park's population was lost during construction of a new campground. Most of the plants remaining at the park (about 2,000 individuals) are within a 1.5-acre area that has been dedicated by the Kentucky Nature Preserve Commission as a nature preserve. Research is needed to determine proper management techniques for maintenance of the species at this site. Additional protection from accidental trampling or inadvertent destruction is also needed. The remaining four sites are located on private property. No plans to develop these sites are known at this time; however, they could be lost to building and other construction activities in the future. Changes in land use, such as more intensive agricultural activities, could further reduce or eliminate *Solidago shortii* from these sites. Kral (1983) states that fire could adversely affect *Solidago shortii*. The populations on private land are susceptible to fires as these plants are adjacent to roadsides. Although no known highway alterations that would impact the plants are planned at this time, alterations that are not designed in a manner to minimize impacts to *Solidago shortii* could adversely affect the species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The largest population (up to half of the known plants) occurs within a Kentucky park. Increased recreational use at the park could adversely impact the species if recreation activities are not carefully directed to areas away from the *Solidago shortii* population. As mentioned above, a major segment of the park's population was destroyed by campground construction. The remaining individuals are vulnerable to accidental trampling by park visitors. The small total number of individual plants in existence (Medley, 1980; Baskin and Baskin, 1984) makes the species vulnerable to overcollecting for scientific purposes. The plants within the park cannot be collected without a permit from the Department of Parks and the Kentucky Nature Preserves Commission. However, the much smaller and consequently more vulnerable populations on private land have no protection from this potential threat.

C. *Disease or predation.* No diseases are known to be adversely impacting *Solidago shortii*. Kral (1983) states that grazing could adversely impact the species.

D. *The inadequacy of existing regulatory mechanisms.* The Blue Licks Battlefield State Park Nature Preserve population of *Solidago shortii* is afforded protection from unauthorized taking. Taking is authorized through a permit system administered by the Department of Parks and the Kentucky Nature Preserves System. Permits are only issued for valid scientific purposes. Currently, there are no other forms of protection provided to the species. The Endangered Species Act will afford additional protection to *Solidago shortii*.

E. *Other natural or manmade factors affecting its continued existence. Solidago shortii* has been reduced to a small number of populations with a limited number of individuals in each population. Therefore, the plant is particularly vulnerable to any natural or human-induced factors, such as fire, that might further reduce population size. Although fire may have been important historically in maintaining suitable habitat, a fire in the plant's existing remnant habitat could destroy an entire population.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Solidago shortii* as an endangered species. Only five populations of this species are known to exist. Four of the five populations are on privately owned property and currently receive no protection or management designed to enhance their continued existence. The fifth population is on property administered by the Kentucky Department of Parks and the Kentucky Nature Preserves Commission. Although this population is within a State park and a dedicated nature preserve, it could still be lost through inadvertent human-induced alterations of its habitat, natural fluctuations in the population, or perturbations of human or natural origin, such as fire. Critical habitat is not being designated for reasons discussed in the "Critical Habitat" section of this rule.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The 1.5-acre site in Blue Licks Battlefield State Park, which contains the largest remaining population of *Solidago shortii*, has been registered as a nature preserve. Both the Kentucky Department of Parks and the Kentucky Nature Preserves Commission believe that any publicity about the preserve and the extremely rare species that it contains would be disadvantageous to the continued existence of *Solidago shortii*. Although taking without a State permit is prohibited, this prohibition is difficult to enforce. Taking is not prohibited by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. No Federal lands are involved here. Publication of critical habitat descriptions and maps would increase the vulnerability of *Solidago shortii* and would create additional enforcement problems for the Kentucky Department of Parks. Critical habitat designation may stimulate increased visitation to all the population sites and result in inadvertent trampling, habitat destruction, and taking. The Kentucky Department of Parks and the private landowners on whose property the populations of *Solidago shortii* occur are aware of the plants' locations and the

importance of protecting the plants and their habitat. No additional benefits would result from a determination of critical habitat. Therefore, it is not prudent to designate critical habitat for *Solidago shortii* at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No Federal projects have been identified that would require formal consultation under section 7(a)(2) with respect to *Solidago shortii*. As this species does not occur on Federal lands, Federal involvement is expected to be minimal.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Solidago shortii*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since *Solidago shortii* is not common in cultivation or in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. The new prohibition will apply to *Solidago shortii* if it ever is discovered on Federal lands. Permits for exceptions to this prohibition are available through section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made final following public comment. *Solidago shortii* is not known to occur on Federal lands, and therefore no requests for permits are anticipated.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of 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).

Literature Cited

Baskin, J.M., and C.C. Baskin. 1984. Rediscovery of the rare Kentucky endemic *Solidago shortii* T. & G. in Fleming and Nicholas Counties. Transactions of the Kentucky Academy of Science 45:159.

Braun, E.L. 1941. A new locality for *Solidago shortii*. Rhodora 43:484.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. USDA, Forest Service, Southern Region, Technical Publication R8-TP2.

Medley, M.E. 1980. Status of *Solidago shortii*. Unpublished report produced under contract to the U.S. Fish and Wildlife Service, Atlanta, Georgia. 14 pp.

Torrey, J., and A. Gray. 1842. A flora of North America. New York Botanical Garden, New York. Vol. II: p. 222.

Authors

The primary authors of this final rule are Mr. Robert R. Currie and Mr. Richard G. Biggins, Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 8/672-0321).

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 continues to read 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 § 17.12(h) by adding the following, in alphabetical order under the family Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Asteraceae—Aster family:						
Solidago shortii	Short's goldenrod	U.S.A. (KY)	E	198	NA	NA

Dated: August 13, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-21090 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Erigeron maguirei var. maguirei (Maguire daisy)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for *Erigeron maguirei* var. *maguirei* (Maguire daisy). It is known to occur only at the upper end of a sandstone canyon in Emery County, Utah. Only seven plants were seen there in 1982, all on Bureau of Land Management land. Any surface disturbance could easily cause the extinction of this taxon, and it may also be depleted genetically as a consequence of reduced population size. This action implements the protection provided by the Endangered Species Act of 1973, as amended, for the Maguire daisy.

DATE: The effective date of this rule is October 7, 1985.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours of the Service's Endangered Species Regional Staff at the following locations: 134 Union Boulevard, Fourth Floor, Lakewood, Colorado 80228; Room 2078 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104; and Suite B-109, Independence Plaza, 551 25½ Road, Grand Junction, Colorado 81501.

FOR FURTHER INFORMATION CONTACT: Larry England, Salt Lake City (801/524-4430 or FTS 588-4430), or John Anderson, Grand Junction (303/241-0563 or FTS 322-0348), at the above addresses.

SUPPLEMENTARY INFORMATION:

Background

Erigeron maguirei var. *maguirei* (Maguire daisy) is a small perennial daisy, up to 5 inches tall, which blooms in mid-June; it has leafy and stiffly hairy stems, and bears 1-5 flower heads with relatively few white to pinkish ray flowers surrounding a yellow center of disc flowers. It was first collected by Dr. Bassett Maguire in 1940 in the dry, rocky, sandy bottom of Calf Canyon in the San Rafael Swell, Emery County, Utah. *Erigeron maguirei* was described by Dr. Arthur Cronquist in his monograph of the genus (Cronquist 1947). It was not seen again until 1980, when James Harris, a temporary employee of the Bureau of Land Management (BLM), engaged in floristic inventory, found a single plant in the bottom of Pine Canyon, a side canyon of Calf Canyon. This one plant, which was on State of Utah land, was looked for in 1981, 1982, and 1984, but not found. In 1982, John Anderson, a Service botanist, hiked the entire length of Calf Canyon and its two side canyons, Cow Canyon and Pine Canyon, and found only seven plants of this taxon, all at the upper ends of branches of Pine Canyon on sandstone ledges or among boulders. These seven plants were on BLM land at about 5,800 feet elevation in the pinyon-juniper zone, growing with *Amelanchier utahensis* (Utah serviceberry), *Fraxinus anomalus* (single-leaf ash), *Rhus trilobata* (skunkbush), and *Philadelphus microphyllus* (little-leaf mock-orange) (Anderson 1982). Only five plants were seen in 1984. The Maguire daisy is thus one of the rarest taxa in Utah and the nation. In April 1983, *Erigeron maguirei* var. *harrisonii* was described as a new variety. It is a rare related plant in Wayne County, Utah, outside the historical and current range of *E. maguirei* var. *maguirei* (Welsh 1983a, 1983b).

There are mining claims for uranium, and oil and gas leases in the area in which this species grows, as in much of this part of Utah. No commerical deposits are known in the area at present; however, annual assessment work on the claims must still be done, and energy exploration may occur. The canyon bottoms where the Maguire and Harris collections were made are grazed by cattle, which may have affected the Maguire daisy. There is also some recreational motorcycle use in the canyon bottoms. In addition, the five to seven plants are all that remain of a formerly larger population and may not be viable without some management.

Section 12 of the Endangered Species Act of 1973 (Act) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. In the **Federal Register** of July 1, 1975 (40 FR 27823), the Service published a notice of its acceptance of this report as a petition within the context of section 4(c)(2) of the Endangered Species Act of 1973 (petition acceptance is now governed by section 4(b)(3) of the Act, as amended), and of its intention thereby to review the status of the plant taxa named within. In the **Federal Register** of June 16, 1976 (41 FR 24523), the Service published a proposed rule to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act. The list of these taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the **Federal Register** notice of July 1, 1975. *Erigeron maguirei* was included in the notice of July 1975 (40 FR 27880), and the proposal of June 1976 (41 FR 24531). General comments received in response to the 1976 proposal were summarized in a publication in the **Federal Register** of April 26, 1978 (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one-year grace period was provided for proposals already over two years old. In the **Federal Register** of December 10, 1979 (44 FR 70796), the Service published a notice of the withdrawal of the still applicable portions of the proposal of June 16, 1976, along with other proposals that had expired. The notice of July 1, 1975, was replaced by the Service's publication in the **Federal Register** of December 15, 1980 (45 FR 82480), of a new notice of review for plants, which included *Erigeron maguirei*. No comments on this taxon were received in response to the 1980 notice. In the **Federal Register** of February 15, 1983 (48 FR 6752), the Service published a notice of its prior finding that the petitioned action on this taxon may be warranted, in accordance

with section 4(b)(3)(A) of the Act, as amended in 1982.

On October 13, 1983, the petition finding was made that listing *Erigeron maguirei* var. *maguirei* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of the finding was published in the **Federal Register** of January 20, 1984 (49 FR 2485). In the case of such a finding, the petition is recycled and another finding becomes due within 12 months. In the **Federal Register** of July 27, 1984 (49 FR 30211), the Service published a proposed rule to determine endangered status for *Erigeron maguirei* var. *maguirei*, and that document incorporated the required 12-month finding.

Summary of Comments and Recommendations

In the proposed rule of July 27, 1984 (49 FR 30211), 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. A newpaper notice, inviting general public comment, was published in the *Emery County Progress*, Castledale, Utah, on August 10, 1984. Three comments were received and are discussed below. No public hearing was requested or held.

Two comments, one from BLM and one from a private individual, supported the proposed listing. A third comment pointed out a typographical error in the proposed rule. BLM also noted the presence in portions of Pine Canyon of mining claims and oil and gas leases, but that no current or planned activities associated with these were known. In addition, no grazing is authorized by the BLM in one of the upper side canyons of Pine Canyon (which contains potential habitat but not the seven plants). The comment from the private individual was addressed to Senator Orrin Hatch of Utah, who requested information on the proposal for his constituent.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Erigeron maguirei* var. *maguirei* (Maguire daisy) should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Erigeron maguirei* Cronquist var. *maguirei* (Maguire daisy) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Maguire daisy is extremely rare. First discovered in 1940, it appears to have been extirpated at two of the three sites from which it is historically known. Only five to seven plants are now known to occur at the third site, which is on BLM land. There are mineral claims for uranium, and oil and gas leases in the area. Even minor surface disturbance, associated with exploration or assessment of these claims and leases, could cause extinction if it occurred where the plants grow. Recreational motorcycle use of the canyon bottom also may threaten these plants.

It should be noted that the present rocky sites might be a marginal habitat that is not suitable for the taxon's survival in the long term. The few existing plants occur at the upper ends of canyons on sandstone ledges or among boulders in less accessible and thus naturally protected areas. This is different habitat from the canyon bottomland where the plants were seen in 1980 and first seeen in 1940 ("dry rocky sandy canyon bottom"). Bottomland is more susceptible to impacts such as cattle grazing and off-road vehicle activity. Since the remaining plans are found only at less accessible sites, this upper canyon area may, in fact, be ecologically marginal habitat for a minor remnant of the population of the Maguire daisy. The vulnerable lower canyon bottoms may represent the prime, long-term habitat, and the Maguire daisy's absence there may be a reflection of past land use rather than of the habitat suitability of the upper canyons. This speculation is supported by the fact that the most robust of the remaining plants is one found among boulders on the shallow wash bottom of the upper canyon in soil somewhat deeper than that in which the other plants occur.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not now known to be a problem, but the extremely low numbers of this taxon make it very vulnerable to any taking that might occur.

C. *Disease or predation.* The presently known plants are in rocky areas inaccessible to cattle grazing. The absence of plants in the canyon bottoms, where they were originally found in 1940 and 1980, may be a result of cattle grazing pressure. Studies are needed to determine the actual impact of cattle grazing and its compatibility with the survival of the daisy. Presumably, this small herbaceous perennial is palatable to cattle. Two of the seven plants have shown some grazing damage, perhaps from deer.

D. *The inadequacy of existing regulatory mechanisms.* No Federal or State laws currently protect *Erigeron maguirei* var. *maguirei*. The Endangered Species Act offers possibilities for protection of this taxon through section 7 (interagency cooperation) requirements and through section 9, which prohibits removal and reduction to possession of specimens from areas under Federal jurisdiction.

E. *Other natural or manmade factors affecting its continued existence.* Because only five to seven plants of the Maguire daisy now appear to exist, its vulnerability is greatly magnified by any inadvertent human actions in the area that do not take its presence into account, or by any natural catastrophe. Its gene pool may be depleted because of the known loss of individuals since 1940.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Erigeron maguirei* var. *maguirei* as an endangered species. With only five to seven individuals known, endangered status seems an accurate assessment of the taxon's condition. A decision to list as threatened would not adequately reflect the threats to the species or the possibility of its extinction. It is not considered prudent to designate critical habitat for this species, because doing so would increase risk to it, as detailed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Maguire daisy at this time. BLM has been informed of this rule, is aware of the location of the Maguire daisy, has acknowledged the threats to the taxon, and is considering this information in its management and planning. Therefore, no further benefits would accrue to the daisy by critical habitat designation. Because of the very

low number of plants, the accessibility of the nearby canyon bottoms to off-road vehicles (i.e., motorcycles), and the potential for vandalism, it could be detrimental to the taxon to publish a critical habitat map and exact location description.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by other Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. With respect to *Erigeron maguirei* var. *maguirei*, BLM may be required to consult concerning its administration of mining or oil and gas exploration permits, and grazing leases, where the taxon has been found and may be affected.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Erigeron maguirei* var. *maguirei*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species, under certain circumstances. No such trade in *Erigeron maguirei* var. *maguirei* is known. It is anticipated that few trade permits will ever be issued, since this plant is not common in the wild or in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. This prohibition now applies to *Erigeron maguirei* var. *vaguirei*. Permits for exceptions to this prohibition are available through section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated these will be made final following public comment. This daisy is currently only known to occur on Federal (BLM) land. It is likely that few taking permits for it will ever be requested. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, 6th Floor Broyhill, Washington, D.C. 20240 (703/235-1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References

Anderson, J. 1982. Search for *Erigeron maguirei*. U.S. Fish and Wildlife Service, Denver, Colorado, 3pp.

Cronquist, A. 1947. Revision of the North American species of *Erigeron*, north of Mexico. Brittonia 6(2):121-302.

Harris, J. 1980. Inventory of land in the San Rafael Resource Area for the presence of endangered or threatened plants. Bureau of Land Management, Price, Utah, 3 pp.

Welsh, S.L. 1983a. Utah flora: Compositae (Asteraceae). Great Basin Naturalist 43(2):179-357.

Welsh, S.L. 1983b. A bouquet of daisies (*Erigeron*, Compositae). Great Basin Naturalist 43(2):365-368.

Authors

The primary author of this final rule is Mr. John Anderson, Botanist, of the Grand Junction address given above (303/241-0563 or FTS 322-0348). Mr. John L. England, Botanist, of the Salt Lake City address given above (801/524-4430 of FTS 588-4430), served as editor.

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 continues to read 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 § 17.12(h) by adding the following, in alphabetical order under the family Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
ASTERACEAE—Aster family:						
Erigeron maguirei var. *maguirei*	Maguire daisy	U.S.A. (UT)	E	199	NA	NA

Dated: August 22, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-21091 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 50458-5048]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of the recreational salmon fishery in the fishery conservation zone (FCZ) for the subareas between Cape Falcon and Cape Blanco, Oregon, and between Cape Blanco and the Oregon-California border at midnight, September 2, 1985, because the coho salmon quota will be reached. The Director, Northwest Region, NMFS (Regional Director), has determined, in consultation with the Oregon Department of Fish and Wildlife (ODFW) and the California Department of Fish and Game (CDFG), that the recreational fishery quota of 170,000 coho salmon for the area south of Cape Falcon will be reached by midnight, September 2, 1985. Immediately following this closure, the recreational salmon fishery in the FCZ between Cape Blanco and the Oregon-California border will reopen for all salmon species except coho. The intended effect is to ensure conservation of coho salmon.

EFFECTIVE DATE: Closure of the FCZ between Cape Falcon, Oregon, and the Oregon-California border to recreational fishing for all salmon species is effective at 2400 hours Pacific Daylight Time (PDT), September 2, 1985. At 0001 hours PDT, September 3, 1985, the FCZ between Cape Blanco and the Oregon-California border is open to recreational fishing for all salmon species except coho.

ADDRESS: Information relevant to this notice has been compiled in aggregate form and is available for public review at the Northwest Region, NMFS, 7600 Sand Point Way NE., Building 1, Seattle, Washington, from 8:00 a.m to 4:30 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Director, Northwest Region, NMFS) 206-526-6150.

SUPPLEMENTARY INFORMATION: The regulations implementing the framework amendment to the ocean salmon management plan (49 FR 43679, October 31, 1984) specify at § 661.21(a)(1) that: "When a quota for the commercial or the recreational fishery, or both, for any salmon species during any period open to fishing in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register**, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Under the provisions of the framework amendment, the 1985 management measures were published on May 2, 1985 (50 FR 18672). The 1985 recreational season in the FCZ between Cape Falcon, Oregon, and Cape Blanco, Oregon, was established as July 1 through the attainment of a quota of 170,000 coho salmon for the area south of Cape Falcon. The same recreational season was established in the FCZ between Cape Blanco, Oregon, and the Oregon-California border with an additional season to follow immediately for all salmon species except coho through October 31, 1985. Based on the most recent catch and effort information supplied by ODFW and CDFG, the recreational fishery catch in the area south of Cape Falcon is projected to reach the 170,000 coho salmon quota by midnight, September 2, 1985. The Secretary therefore issues this notice closing the recreational fishery in the FCZ between Cape Falcon, Oregon, and the Oregon-California border at midnight, September 2, 1985. The recreational fishery in the FCZ between Cape Blanco, Oregon, and the Oregon-California border reopens for all salmon species except coho effective 0001 hours, September 3, 1985.

The Regional Director consulted with the Director of ODFW regarding this closure. The Director of ODFW has confirmed that Oregon will close the recreational fishery in State waters adjacent to the area of the FCZ between Cape Falcon and the Oregon-California border effective midnight, September 2, 1985, and will reopen the recreational fishery in State waters adjacent to the area of the FCZ effective 0001 hours, September 3, 1985.

This notice does not apply to the regularly scheduled recreational fishery for all salmon species in the FCZ between the Oregon-California border and the U.S.-Mexico border because this area is not affected by the attainment of the coho salmon quota for the area south of Cape Falcon.

Other matters

This action is taken under the authority of 50 CFR Part 661 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

(16 U.S.C. 1801 *et seq.*)

Dated: August 30, 1985.

Carmen J. Blondin,

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

[FR Doc. 85-21169 Filed 8-30-85; 3:11 pm]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 50458-5048]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of the recreational salmon fishery in the fishery conservation zone (FCZ) between the U.S.-Canada border and the Queets River, Washington, at midnight, September 1, 1985, to ensure that the chinook salmon quota is not exceeded. the Director, Northwest Region, NMFS (Regional Director), has determined in consultation with the Washington Department of Fisheries (WDF) that the recreational fishery quota of 2,450

chinook salmon for the area will be reached by midnight, September 1, 1985. The intended effect is to ensure conservation of chinook salmon.

EFFECTIVE DATE: Closure of the FCZ between the U.S.-Canada border and the Queets River, Washington, to recreational salmon fishing is effective at 2400 hours Pacific Daylight Time, September 1, 1985.

ADDRESS: Information relevant to this notice has been compiled in aggregate form and is available for public review at the Northwest Region, NMFS, 7600 Sand Point Way NE., Building 1, Seattle, Washington, from 8:00 a.m. to 4:30 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Regional Director), 206–526–6150.

SUPPLEMENTARY INFORMATION: The regulations implementing the framework amendment to the ocean salmon fishery management plan (49 FR 43679, October 31, 1984) specify at § 661.21(a)(1) that: "When a quota for the commercial or the recreational fishery, or both, for any salmon species during any period open to fishing in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register**, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Under the provisions of the framework amendment, the 1985 management measures were published on May 2, 1985 (50 FR 18672). The 1985 recreational season in the FCZ between the U.S.-Canada border and the Queets River, Washington, was established as June 30 through the earliest of September 19 or attainment of a quota of either 1,700 chinook salmon or 28,400 coho salmon. The quotas were changed subsequently to 2,450 chinook and 25,400 coho salmon (50 FR 33344, August 19, 1985). Based on the most recent catch and effort information supplied by WDF, the recreational fishery catch in the area is projected to reach the 2,450 chinook salmon quota by midnight, September 1, 1985. The Secretary therefore issues this notice to close the recreational fishery in the FCZ between the U.S.-Canada border and the Queets River, Washington, effective midnight, September 1, 1985. This notice does not apply to treaty Indian fisheries operating in the same area or other fisheries which may be operating in other areas.

The Regional Director consulted with the Director of WDF regarding this closure. The Director of WDF has confirmed that Washington will close the recreational fishery in State waters adjacent to this area of the FCZ effective midnight, September 1, 1985.

Other Matters

This action is taken under the authority of 50 CFR Part 661 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: August 30, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85–21170 Filed 8–30–85; 3:11 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 172
Thursday, September 5, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Peeled Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Peeled Potatoes. The proposed rule was developed by the United States Department of Agriculture (USDA). This proposal would: (1) Eliminate the reference to sulfur dioxide (SO_2) in the product description and (2) replace dual grade nomenclature with single letter designations. Its effect would be to improve the grade standards and promote orderly and efficient marketing of peeled potatoes.

DATE: Comments must be received on or before: November 4, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Paul Jennings, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, Telephone (202) 447-6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers: individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The currently effective standards for grades of peeled potatoes reference the use of sulfur dioxide (SO_2) as a treatment to prevent discoloration in the product. The use of sulfites in food is purported to be a possible health hazard to some consumers. This proposal would delete the reference to sulfur dioxide in the product description but retain the reference to treatment, to prevent discoloration, by means permissible under provisions of the Federal Food, Drug, and Cosmetic Act.

Following the policy of making grade standards simpler to understand, the dual grade nomenclature would be replaced with single letter grade designations.

List of Subjects in 7 CFR Part 52

Fruits and vegetables, Food grades, Standards.

Accordingly, the United States Standards of Grades of Peeled Potatoes (7 CFR 52.2421-52.2432) are proposed to be amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, 1090 as amended (7 U.S.C. 1622, 1624).

1a. Section 52.2421 is revised to read as follows:

§ 52.2421 Product description.

"Peeled potatoes" are clean, sound, fresh tubers of the potato plant prepared by washing, peeling, trimming, sorting, and by proper treatment, to prevent discoloration, by any means permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. The product is properly packed in suitable containers and securely closed to maintain the product in a sanitary condition.

§ 52.2423 [Amended]

2. Section 52.2423 is amended in paragraph (a) by removing the phrase "or U.S. Fancy," in paragraph (b) by removing the phrase "or U.S. Extra Standard" and in paragraph (c) by removing the phrase "or U.S. Extra Standard."

§ 52.2428 [Amended]

3. Section 52.2428 is amended in paragraph (b) by removing the phrase "or U.S. Extra Standard."

§ 52.2430 [Amended]

4. Section 52.2430 is amended in paragraph (c) by removing the phrase "or U.S. Extra Standard."

§ 52.2431 [Amended]

5. Section 52.2431 is amended in paragraph (b) by removing the phrase "or U.S. Extra Standard."

Done at Washington, D.C. on: August 30, 1985.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 85-21217 Filed 9-4-85; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 309

[Docket No. 84-023]

Biological Residues; Rescission of Obsolete Regulatory Provision Concerning Cattle Which Had Been Treated With DES

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service [FSIS] is proposing to rescind an obsolete regulatory provision concerning cattle which had been treated, or were suspected of having been treated, while diethylstilbestrol (DES) on or after November 1, 1979. The program which is the subject of that provision has been terminated and the provision is, therefore, obsolete.

DATE: Comments must be submitted on or before November 4, 1985.

ADDRESS: Comments concerning this proposal may be addressed to the

Department of Agriculture, Food Safety and Inspection Service, ATTN: Hearing Clerk, Room 3803, South Building, 14th and Independence, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
Dr. John E. Spaulding, Director, Residue Evaluation and Planning Division, Food Safety and Inspection Service, Department of Agriculture, 14th and Independence, SW., Washington, D.C. 20250, (202) 447-2807.

SUPPLEMENTARY INFORMATION:

Executive Order 12291/Effect on Small Entities

The Administrator has determined that this proposed rule would not be a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a majorn increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, the Administrator has determined that this proposal will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601 *et seq.*).

These determinations have been made because this amendment will simply rescind an obsolete regulatory provision without affecting current Agency policies or impacting upon industry or the consuming public.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and must bear reference to the docket number located in the heading of this document. All comments submitted pursuant to this proposal will be made available for public inspection in the Hearing Clerk's office (see "Dates" for address and location) between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

In 1979 the FDA withdrew approvals for use of diethylstibestrol (DES) as a feed additive and as a subcutaneous implant. During March of 1980, it came to the attention of FDA and USDA that some cattle producers were continuing to treat cattle with DES implants under the mistaken impression that DES supplies on hand could be used until exhausted. This finding prompted a joint USDA/FDA program to identify violators or suspected violators of the ban, and provide for pre-slaughter segregation of treated and untreated cattle.

In the **Federal Register** of April 22, 1980, USDA took "emergency action . . . in order to protect the public health from animals exposed to DES." [45 FR 26947] This rule was codified at 9 CFR 309.16(c).

The new rule announced a special program requiring that cattle which had been treated with DES on or after November 1, 1979 would be processed for slaughter separately from untreated cattle. This program permitted the slaughter of treated cattle provided that the implant was surgically removed by or under the supervision of a USDA-accredited veterinarian, and imposed certain other procedural requirements to ensure meat safety. That program was brought to a successful conclusion. Paragraph 309.16(c) has since remained in the regulations, but is now considered obsolete and no longer needed to ensure meat safety.

List of Subjects in 9 CFR Part 309

Meat inspection; Livestock.

For reasons explained in the preamble, Part 309, Subchapter A, Chapter III of Title 9, Code of Federal Regulations, is proposed to be amended as set forth below.

PART 309—ANTE-MORTEM INSPECTION—[AMENDED]

9 CFR Part 309 is amended as follows:

1. The authority citation for Part 309 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C., 601 *et seq.*, 33 U.S.C. 1254(b), unless otherwise noted.

§ 309.16 [Amended]

2. In Part 309, § 309.16 is amended to delete a reference to paragraph (c) in the first sentence of paragraph (a).

3. In Part 309, § 209.16(c) is removed and reserved for future use.

Dated: August 26, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 85-21136 Filed 9-4-85; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-72-AD]

Airworthiness Directives: Saab-Fairchild Corp. Model SF-340A Series Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt air airworthiness directive (AD) that would require modification of the rudder limiter mechanism to reduce the range of travel on certain Model SF-340A airplanes. This action is proposed to assure that structural limits are not exceeded with maximum rudder deflection at high speeds.

DATE: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, attention: Airworthiness Rules Docket No. 85-NM-72-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Saab-Fairchild, Product Support, S.58188, Linkoping, Sweden. This information may be examined at the FAA Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals

contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-72-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Swedish Board of Civil Aviation (BCA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which exists on certain Model SF-340A airplanes. Analysis and tests have shown that it is necessary to reduce the range of travel allowed by the rudder limiter mechanism in the higher speed ranges so that structural limits will not be exceeded with maximum rudder deflection. To achieve this, the BCA, on May 10, 1985, mandated that the rudder limiter must be modified in accordance with Saab-Fairchild Service Bulletin SF340-27-018.

This airplane model is manufactured in Sweden and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require modification in accordance with the service bulletin.

It is estimated that 10 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $1,600.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model SF-340A airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

Saab-Fairchild: Applies to Model SF-340A series airplanes, serial numbers 340A-003 to -048 inclusive, certificated in any category. Compliance is required within 60 days after the effective date of this AD. To prevent rudder overloads, accomplish the following, unless already accomplished:

1. Modify the rudder limiter in accordance with Saab-Fairchild Service Bulletin SF340-27-018 dated May 10, 1985.

2. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modfications required by this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Saab-Fairchild, Product Support, S.58188, Linkoping, Sweden. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-21099 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-ASW-48]

Airworthiness Directives; Hughes Helicopters, Inc., Model 369 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) which supersedes Amendment 39-4940 (AD 84-18-08). Amendment 39-4940 required a one-time inspection and modification of certain tail rotor blades on Hughes Helicopters, Inc., Model 369, 369A, D, E, H, HE, HM, and HS helicopters. Amendment 39-4940 was prompted by a report of loss of a tail rotor blade tip cap assembly during helicopter operation with subsequent loss of tail rotor control. Compliance requires riveting the tip cap assembly in position. This proposed new AD includes the requirements of the previous AD except it extends the applicability to tail rotor blades previously excluded and also includes the Model 369F helicopter.

DATE: Comments must be received on or before October 23, 1985.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, or delivered in duplicate to: Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Comments delivered must be marked: Docket No. 84-ASW-48. Comments may be inspected at Room 158 between 8 a.m. and 4 p.m. weekdays, except Federal holidays.

The applicable service information may be obtained from Hughes Helicopters, Inc., Centinela Avenue and Teale Street, Culver City, California 90230.

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

FOR FURTHER INFORMATION CONTACT: Jerry Sullivan, Aerospace Engineer, Airframe Section, ANM-172W, Western Aircraft Certification Office, Northwest Mountain Region, FAA, P.O. Box 92007, Worldway Postal Center, Los Angeles.

California 90009-2007, telephone (213) 536-6166.

SUPPLEMENTARY INFORMATION: 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 number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, Office of the Regional Counsel, Southwest Region, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 84-ASW-48." The postcard will be date/time stamped and returned to the commenter.

Amendment 39-4940 (AD 84-18-08) was issued because of a report of a tail rotor blade tip cap assembly separating from a tail rotor blade with subsequent loss of tail rotor control. The tail rotor tip cap assembly is bonded to the tail rotor blade with an adhesive which has experienced at least one incident of deterioration in service, resulting in separation of the tip cap assembly. Amendment 39-4940 was published in the Federal Register on October 26, 1984 (49 FR 43046), and requires inspection of the bond joint and modification of certain tail rotor blades on Hughes Helicopter Inc., Model 369, 369A, D, E, H, HE, HM, and HS helicopters. Tail rotor blades with tip caps showing evidence of debonding are required to be removed from service. Tail rotor blades with acceptable tip cap bonds are required to be modified by having rivets added to strengthen the joint.

After Amendment 39-4940 was issued, the FAA determined that (1) another model helicopter is affected and should be added to the applicability paragraph of the existing AD, (2) tail rotor blades previously excluded must also be included, and (3) Hughes Helicopters, Inc., has issued a new service information notice applicable to tail rotor blades not covered by the earlier service information notice. Therefore, the FAA proposes to supersede Amendment 39-4940 (AD 84-18-08) with a new AD applicable to Model 369 series helicopters equipped with certain part numbered and serial numbered tail rotor blades and also to require compliance with a specific Hughes Helicopter, Inc., service information notice. The first service information notices are DN-129, EN-18, HN-195, dated August 27, 1984, and the second are DN-132.1, EN-21.1, FN-9.1, HN-199.1 dated May 1, 1985.

Since this condition of tail rotor blade tip cap debonding is likely to exist on other helicopters of the same type design, the proposed AD would require inspection and modification of tail rotor blades on Model 369 series helicopters.

The FAA has determined that this proposed regulation affects approximately 1,700 helicopters, and it is estimated that the one-time cost of compliance for United States registered aircraft is less than $544,000. 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); 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 evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By superseding Amendment 39-4940, AD 84-18-08 (49 FR 43046; October 26, 1984), with the following new AD:

Hughes Helicopters, Inc., (Hughes Helicopters): Applies to Model 369 series helicopters including military Models YOH-6A and OH-6A, certificated in all categories, equipped with tail rotor blades Part Numbers (P/N) 369A1613-3, -7, -501, and -503, Serial Numbers (S/N) 6928 and prior; P/N's 369D21613-11, -41, and -51, S/N's 5144 and prior; P/N 369D21606, S/N's 0077 and prior; P/N 369D21615, S/N's 0480 and prior; and P/N's 421-088-BSC and -3, all serial numbers.

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

To prevent the loss of a tail rotor blade tip cap in flight and subsequent loss of tail rotor control, accomplish the following:

(a) Remove, inspect, and modify blades in accordance with paragraphs a through g, Part I "PROCEDURE" section, of Hughes Service Information Notices (SIN) DN-132.1, EN-21.1, FN-9.1, and HN-199.1 dated May 1, 1985, or SIN's DN-129, EN-18, and HN-195 dated August 27, 1984.

(b) An equivalent method of compliance with this AD may be used when approved by the Manager of the Western Aircraft Certification Office, Hawthorne, California.

(c) Special flight permits may be issued in accordance with FAR §§ 21.197 and 21.199 to ferry aircraft to a maintenance base in order to comply with the requirements of this AD.

Issued in Fort Worth, Texas, on August 20, 1985.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 85-21098 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-83-AD]

Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections of the wing structure at rib 134.366 and adjacent area on all British Aerospace (BAe) Model HS 748 airplanes. This action is prompted by reports of cracks and is necessary to maintain the structural integrity of the wing.

DATE: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules

Docket No. 85-NM-83-AD, 17900 Pacific Highway South, C-68966, Seattle Washington 98168. The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.]

FOR FURTHER INFORMATION CONTACT:
Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-83-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on BAe Model HS 748 airplanes. Cracks have been reported in dagger fittings and stringers adjacent to rib 134.366, which could compromise the structural capability of the wing if allowed to grow. To prevent this from occurring, the CAA has required inspections and repairs, where necessary, in accordance with BAe Service Bulletin 57/75, dated August 1984.

This airplane model is manufactured in the United Kingdom and type of certification in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspections and repairs, where necessary, in accordance with the service bulletin.

It is estimated that 4 airplanes of U.S. registry would be affected by this AD, that it would take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $4,800.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, BAe Model HS 748 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

British Aerospace Aircraft Group: Applies to all BAe Model HS 748 airplanes, certificated in any category. Compliance is required within the next 750 hours time in service after the effective date of this AD or upon accumulating the service threshold as specified in paragraph 1.D of Service Bulletin 57/75, Revision 1, dated August 1984, whichever occurs later, and thereafter at the intervals as specified in the service bulletin. To detect cracks in the wing structure, accomplish the following, unless already accomplished:

A. Inspect the wing structure at rib 134.366 and adjacent areas in accordance with BAe Service Bulletin 57/75, Revision 1, dated August 1984. Repair any damage found in accordance with the requirements specified in the service bulletin.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,
Director, Northwest Mountain Region.

[FR Doc. 85-21100, Filed 9-4-85; 8:45am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-90-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection of the cargo compartment blowout panel assemblies on certain Boeing Model 757 airplanes for adhesive bonding, subsequent rework if necessary, and reinstallation. Several blowout panels have been

detected that were glued to the retainer. Gluing may prevent proper separation during a sudden decompression, which could result in overloading of the main deck floor.

DATES: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–90–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certication Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Airframe Branch, ANM–120S; telephone (206) 431–2924. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–90–Ad, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

There have been several reported cases on Boeing Model 757 airplanes of the cargo compartment blowout panels being glued to the retainer during manufacture. The cargo compartment blowout panels, which supplement the main deck floor venting, are designed to blow out in case of a sudden decompression to minimize the differential pressure on the main deck floor. The blowout panels, if glued to the retainer, may not properly separate during a sudden decompression, which could result in overloading of the main deck floor.

Since these conditions are likely to exist on other airplanes of this model, an AD is proposed that would require inspection, rework if necessary, and reinstallation of the cargo compartment blowout panels on certain Boeing Model 757 airplanes.

It is estimated that 29 airplanes of U.S. registry would be affected by this AD, that it would take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $11,600.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant ruled pursuant to the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 757 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 757 airplanes listed in Boeing Service Bulletin Number 757–25–0047, Revision 1, certificated in any category. To prevent the overloading of the main deck floor as the result of a sudden decompression, accomplish the following within 120 days after the effective date of this AD, unless already accomplished:

A. Inspect and, if necessary, rework and reinstall the cargo compartment blowout panel assemblies in accordance with paragraph III of Boeing Service Bulletin 757–25–0047, Revision 1, or later FAA approved revision.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–21108 Filed 9–4–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–NM–84–AD]

Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modifications to the overwing escape hatches on all British Aerospace (BAe) Model HS 748 airplanes. This action is prompted by reports of hatches opening and detaching in flight, and is necessary to prevent the inadvertent opening of these hatches.

DATE: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal

Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–84–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM–113; telephone (206) 431–2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–84–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on BAe Model HS 748 airplanes. There have been several reports of overwing escape hatches opening and detaching during flight. To prevent this from recurring, the CAA has required compliance with BAe Service Bulletin 52/115, dated July 4, 1984, which prescribes a modification to the hatches.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, and AD is proposed that would require compliance with the previously mentioned service bulletin.

It is estimated that 4 airplanes of U.S. registry would be affected by this AD, that it would take approximately 32 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Modification parts are estimated at $1200 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $9,920.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, BAe Model HS 748 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

British Aerospace Aircraft Group: Applies to all BAe Model HS 748 airplanes, certificated in any category. Compliance is required within 60 days after the effective date of this AD. To prevent the overwing escape hatches from opening and becoming detached during flight, accomplish the following, unless already accomplished:

A. Modify the overwing escape hatches in accordance with BAe Service Bulletin 52/115 dated July 4, 1984.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued In Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–21103 Filed 9–4–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–NM–71–AD]

Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections of the microswitch rocker arms in the autofeather system on all British Aerospace (BAe) Model 748 airplanes which have not incorporated Modification 6909. This action is necessary to insure the autofeather system operates properly in the event of an engine failure.

DATE: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–71–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM–113; telephone (206) 431–2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Council, Attention: Airworthiness Rules Docket No. 85–NM–71–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on BAe Model 748 airplanes which have not incorporated Modification 6909. If the microswitch rocker arm in the propeller autofeather system has failed, autofeathering will not take place in the event of an engine failure. To prevent this from occuring, the CAA, in November 1983, mandated compliance with BAe Service Bulletin 76/15, which requires repetitive inspections of the microswitches. Terminating action is provided by the installation of modified rocker arm assemblies.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, and AD is proposed that would require compliance with the previously mentioned service bulletin.

It is estimated that 4 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $160 per inspection.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, BAe Model 748 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

British Aerospace Aviation Group: Applies to all Model BAe HS 748 airplanes on which Modification 6909 has not been incorporated, certificated in any category. Compliance is required within the next 500 flight hours time in service after the effective date of this AD, unless accomplished within the last 500 flight hours time in service, and thereafter at intervals not to exceed 1000 flight hours time in service. To prevent the loss of autofeather capability, accomplish the following:

A. Inspect the microswitch rocker arm assemblies in accordance with BAe Service Bulletin 76/15, Revision 3, dated November 1983. Replace any cracked rocker arm assemblies prior to further flight.

B. The installation of modified rocker arm assemblies in accordance with the service bulletin terminates the requirements for inspection of paragraph A., above.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–21104 Filed 9–4–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–NM–85–AD]

Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a visual inspection and modification, as necessary, of the

windshield wiper actuating arm on certain British Aerospace (BAe) Model HS 748 airplanes. This action is necessary to detect cracks in the actuating arm which could allow the arm to detach and strike the propeller.

DATE: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-85-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to paricipate 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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-85-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on certain BAe Model HS 748 airplanes. A number of windshield wiper arms have failed at the locating pinhole, causing the arm to detach and strike the propeller disc. In one instance, the fuselage was punctured. In order to prevent this from recurring, the CAA has mandated compliance with Dunlap Limited Aviation Division Service Bulletin 30-92, dated March 7, 1985, which prescribes a one-time visual inspection and modification of the actuating arm.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require compliance with the previously mentioned service bulletin.

It is estimated that 4 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Modification parts are estimated at $20 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $880.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Proedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, BAe Model HS 748 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

British Aerospace Aircraft Group: Applies to all BAe Model HS 748 airplanes, certificated in any category. Compliance is required within 60 days after the effective date of this AD. To prevent the detachment of the windshield wiper actuating arm, accomplish the following, unless already accomplished:

A. Inspect and modify, as necessary, the windshield actuating arm in accordance with Dunlap Limited Aviation Division Service Bulletin 30-92 dated March 7, 1985.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issed in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1985.

Charles E. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-21105 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-69-AD]

Airworthiness Directives; Short Brothers Ltd. Model SD3-30 and SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that requires modifications to the elevator torque tube assembly to strengthen

existing structural components on certain Short Brothers Model SD3-30 and SD3-60 airplanes. An incident has been reported in which elevator control was lost, requiring the airplane to be landed using elevator trim. Subsequent inspection revealed that four rivets had been lost from the torque shaft assembly. This condition, if uncorrected, could lead to the loss of the structural integrity of the elevator control circuit.

DATE: Comments must be received on or before October 27, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-69-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-69-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion:

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on certain Short Brothers, Ltd. Model SD3-30 and SD3-60 airplanes. An incident has been reported in which elevator motion was lost on a model SD3-30 airplane; the airplane was landed using trim only. The problem was traced to four rivets which were lost from the torque shaft assembly. In order to prevent this from recurring, the CAA has required that certain SD3-30 and SD3-60 airplanes be modified in accordance with Short Brothers Ltd. Service Bulletins SD3-27-29 and SD360-27-06, dated April 1985.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require modification in accordance with the previously mentioned service bulletins.

It is estimated that 101 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Repair parts are estimated at $150 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $35,350.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Short Brothers Models SD3-30 and SD3-60 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 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.

2. By adding the following new airworthiness directive:

Short Brothers, LTD.: Applies to Models SD3-30 and SD3-60 airplanes as listed in Short Brothers, Ltd. Service Bulletins SD3-27-29 dated April 1985 (for SD3-30 airplanes), and SD360-27-06 dated April 1985 (for SD3-60 airplanes), certificated in any category.

To prevent the loss of elevator control, accomplish the following within the next 90 days after the effective date of this AD, unless already accomplished:

1. Modify the elevator torque tube assembly in accordance with Short Brothers Ltd. Service Bulletin SD3-27-29 dated April 1985 (for SD3-30 airplanes), or SD360-27-06, dated April 1985 (for SD3-60 airplanes).

2. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, FAA, Northwest Mountain Region.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to Shorts aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-21107 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 3

Floor Broker Registration Processing; Petition for Rulemaking

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for comment.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is requesting comment on a petition for rulemaking submitted by the Chicago Board of Trade ("Board of Trade") on May 23, 1985, with respect to the registration for floor brokers. The petition proposes a number of amendments to the Commission's regulations which, if adopted, would permit the designated contract markets to process and, where appropriate, grant applications for registration as a floor broker. A copy of the petition and proposed amendments may be obtained from the Commission's Office of the Secretariat at the address set forth below.

DATE: Comments must be submitted by November 4, 1985.

ADDRESS: Comments should be submitted to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Philip V. McGuire, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Background

On May 23, 1985, the Chicago Board of Trade submitted a petition for rulemaking under Commission rule 13.2 requesting the Commission to amend proposed rule 1.62 and other related rules to authorize the designated contract markets, pursuant to section 8a(10) of the Commodity Exchange Act ("Act"), 7 U.S.C. 12a(10) (1982), to process and, where appropriate, grant initial and renewal applications for floor broker registration.[1] In a related matter, on June 5, 1985, the Commission published final rule 1.62, which requires each contract market to adopt and enforce rules prohibiting any person from acting in the capacity of a floor broker on the floor of that contract market unless that person is first registered with the Commission as a floor broker in accordance with the provisions of sections 4e and 4f(1) of the Act, 7 U.S.C. 6a, 6f(1) (1982), and the regulations thereunder.[2] Noting that the obligation of contract markets under rule 1.62 to ensure that anyone acting as a floor broker is registered as such would not be altered whether or not the contract markets were eventually authorized to perform the proposed registration function, the Commission determined to proceed with the adoption of rule 1.62.[3]

In support of its proposal, the Board of Trade made the following argument:

> [O]ur proposal not only is consistent with the Commission's policy, as stated in the [notice requesting public comment on proposed rule 1.62], "of requiring direct regulation in the first instance by the contract markets" but also with the self-regulatory theme of the Act in general and with section 8a(10) in particular. Indeed, Congress has specifically noted that section 8a(10) and other 1982 amendement to the Act's registration provisions provide for the establishment of a "framework for delegation of the registration functions," and were intended to enhance the "evolution of self-regulation in the commodities industry and to permit the Commission to move to an oversight role in connection with the registration of commodity professionals."[4]

The CFTC already has authorized National Futures Association ("NFA") to process the intitial and renewal applications for registration of all of its members—FCMs, IBs, CPOs, CTAs, and their associated persons.[5] Floor brokers are not members of NFA and thus NFA is not authorized to handle floor broker registration. The Commission, therefore, has continued to register floor brokers. Floor brokers are subject now to extensive exchange oversight and must satisfy exchange requirements to be eligible for exchange membership. The exchanges are thus best suited to perform the similar secreening function involved in the registration of floor brokers by the Commission.

Although Congress contemplated that registered futures associations would be authorized by the Commission under section 8a(10) of the Act to perform certain of its registration functions, Congress expressly did not limit this authority to such association.[6] Thus, the Commission's power to authorize "any person" to perform "any portion" of Commission registration functions under section 8a(10) of the Act clearly would encompass Commission authorization of contract markets to process and grant floor broker registrations.

As discussed in more detail below, under the Board of Trade's proposal, each contract market would be authorized to process and, where appropriate, grant initial and renewal applications for floor broker registration.[7] Pursuant to section 8a(10) of the Act and pursuant to a Commission order of delegation issued under section 8a(10) of Act, each contract market would adopt rules setting forth its authority and function, and would then submit the rules governing its floor broker registration program for Commission approval. In addition, the Board of Trade's proposal would extend the registration period of a floor broker from one year to four years and permit apparently qualified applicants to receive a temporary license to act in the capacity of a floor broker pending registration as such.

Congress adopted section 8a(10) of the Act in 1982 at the specific request of the Commission. The purpose of this provision, as the Board of Trade correctly notes, is to permit the Commission to delegate direct responsibility for performance of its registration functions and to assume an oversight role in this area. In this connection, the Commission has authorized NFA to process and, where appropriate, grant registration to applicants for initial and renewal registration for every category of registrant other than floor brokers, leverage transaction merchants and associated persons of leverage transaction merchants. The Commission

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[1] In its petition, the Board of Trade indicated that its petition had been circulated to the other twelve boards of trade designated as contract markets, but that it had submitted the petition prior to the various exchanges' final review in order to accommodate the Commission's scheduled consideration of proposed rule 1.62 on May 29, 1985. The Board of Trade also stated that its petition was "the result of a series of discussions among the boards of trade concerning exchange assumption of floor broker registration.

[2] 50 FR 23666 (June 5, 1985) (effective date October 1, 1985) (to be codified at 17 CFR 1.62). The Commission extended twice the comment period to permit the Board of Trade and other exchanges to evaluate the practicability of submitting a petition for authority under section 8a(10) of the Act to perform registration functions with respect to floor brokers. 49 FR 44105 (November 2, 1984); 49 FR 48570 (December 30, 1984).

[3] 50 FR 23666, n.2.

[4] S. Rep. No. 97-384, 97th Cong., 2d Sess. 109 (1982).

[5] Commodity Futures Trading Commission Order Authorizing the Performance of Registration Functions, 49 FR 39593 (Oct. 9, 1984); 49 FR 45418 (Nov. 16, 1984) (notice of effective date of order).

[6] *E.g.*, H.R. Rep. No. 97-565, 97th Cong. 2d Sess. 101-2 (1982) provides that pursuant to new paragraph (10) of section 8a of the Act, "any person (such as a registered futures association) . . . [may] perform any portion of [the Commission's] registration functions, in accordance with rules approved by the Commission, and subject to applicable provisions of the Act. . . . [R]egardless of who performs the registration functions, registrants will continue to be registered with the Commission."

[7] The contract markets would have authority only to grant registration. Authority to deny, condition, suspend, restrict or revoke registration would continue to be vested solely in the Commission.

is committed to delegate responsibility for performance of its registration functions with respect to these latter categories of registrant by no later than October 1, 1986, and intends to work with the several self-regulatory organizations to develop the most appropriate program to achieve this goal.

The Commission, therefore, welcomes the interest of the Chicago Board of Trade and other contract markets in strengthening and expanding their self regulatory responsibilities with respect to floor brokers as an important first step toward this end. The Commission staff has carefully reviewed the petition for rulemaking submitted by the Board of Trade and has identified a number of issues which it believes should be addressed before further action is taken on the petition. In this connection, the Commission is requesting comment from the affected contract markets, in particular, and the public with respect to the issues discussed herein. This discussion is preceded by a more detailed explanation of the Board of Trade's proposal.

II. The Proposal

A. Initial Registration Procedure

The Board of Trade's proposal sets out the following registration procedure. An applicant for floor broker registration would file a registration application with the exchange on which the floor broker has trading privileges, or intends to trade. If the applicant has trading privileges or intends to trade on more than one exchange, he would be required to select one exchange as the "registering exchange," and then file only with that exchange. The registering exchange would be responsible for the floor broker's registration until the registration was suspended, revoked, or withdrawn, or the floor broker ceased having trading privileges on the registering exchange. The floor broker would be required to notify any other exchange where he intends to trade that another exchange has been designated for registration purposes. Additionally, the applicant must take and pass any required exchange floor broker qualification test.[8]

B. Temporary Licensing

The registering exchange would grant a temporary license if certain conditions were met: First, an applicant must have trading privileges on the registering exchange and must have passed any required qualification test; second, an applicant must file with the exchange a fingerprint card and Form 8–R with no derogatory information; and third, an applicant or any firm he controls must not be currently charged or subject to pending proceedings invlolving the violation of any rule and must not have been, within the past six months, subject to disciplinary sanctions by that exchange (excluding minor summary penalties and minor housekeeping sanctions).[9] The Board of Trade's proposal also provides that if a floor broker has, or has applied for trading privileges on any other exchange, the registering exchange will notify the other exchange(s) that the temporary license has been issued to the applicant.

C. Final Registration

Following the issuance of the temporary license, the exchange would conduct the necessary background investigation. This process would consist of a review of the relevant exchange files, NFA files, Securities and Exchange Commission ("SEC") files and Federal Bureau of Investigation ("FBI") files (including FBI review of fingerprint cards).[10] In the event that this review reveals adverse information about the applicant indicating that he may be subject to a statutory disqualification, the registering exchange would terminate his temporary license, and forward the application and negative information to the Commission. As noted above, the Commission would retain the authority to condition, deny, revoke or suspend floor broker registrations.

Following these review steps, if the applicant meets the statutory and Commission registration requirements, the exchange would issue a final registration, which would be for a four-year period. The registering exchange would advice all other exchanges listed on the applicant's Form 8–R that the applicant's registration had been granted. The registration granted by the

[8] The Board of Trade's proposal also contemplates that the procedures for granting exchange membership and floor broker registration may in the future be combined to eliminate much of the duplication between these two procedures. In this connection, the Commission notes that the standards for membership on an exchange are not always as high as the fitness standards for registration as a floor broker. Therefore, the standards for membership on such exchanges must be raised before the Commission could consider a merger of the membership and registration procedures.

[9] In this connection, the Commission notes that an exchange sanction may be the basis of a statutory disqualification from registration, whether or not such sanction was imposed within six months preceding the filing of an application.

[10] The Commission notes that release of criminal history information from the FBI is governed by Department of Justice regulations, which provide in relevant part:

> Criminal history record information contained in any Department of Justice criminal history record information system will be made available: (1) To criminal justice agencies for criminal justice purposes; and (2) To Federal agencies authorized to receive it pursuant to Federal statute or Executive order; (3) Pursuant to Pub. L. 92–544 (86 Stat. 115) for use in connection with licensing or local/state employment or for other uses only if such dissemination is authorized by Federal or state statues and approved by the Attorney General of the United States. 28 CFR 20.33(a), (b) (1984). *See also* 28 CFR 0.85(j), 20.31(b), 534(a)(4) (1984).

The Board of Trade asserts that under current law, if authorized by the Commission under rules approved in accordance with section 8a(10) of the Act, exchange receipt and processing of criminal history record information comports with Department of Justice rules limiting the release of such information. In this connection, however, the Commission notes that section 8a(10) of the Act simply permits the Commission "to authorize any person to perform any portion of the registration functions under the Act" but does not specifically address whether such person may receive criminal history information from the FBI. In contrast, section 17(b)(4)(E) of the Act provides that, "[n]otwithstanding any other provision of law," a registered futures association, such an NFA, "may receive from the Attorney General all results of [fingerprint] identification and processing." Because of this difference between the two provisions, the Commission has not resolved whether the contract markets may receive such information and has specifically requested the views of the Department of Justice in this regard. The Commission also requests comments on this issue from the other contract markets and the public.

exchange would be in the name of the Commission and would be considered the official floor broker registration for purposes of the Commodity Exchange Act.

D. Multiple Exchange Membership

As noted above, in the case of multiple exchange memberships and floor brokerage operations, the exchange that registers a floor broker would be required to notify immediately each other exchange listed on the floor broker's latest Form 8–R if the floor broker's registration is terminated for any reason or if a floor broker who trades on more than one exchange terminates his association with that exchange. The non-registering exchanges on which a floor broker has or has applied for trading privileges would have a corresponding obligation to notify the registering exchange if the floor broker's registration is terminated for any reason or if the floor broker terminates his association with any of the exchanges.

If the floor broker ceases trading on the registering exchange, for reasons other than a statutory disqualification, his registration would terminate immediately unless the floor broker has trading privileges on another exchange and his floor broker registration has not expired. In that event, the floor broker's registration would not lapse so long as he thereafter files a new Form 8–R and fingerprint card with such other exchange and the Form 8–R reveals no statutory disqualifications.

III. Request for Comment

A. Access to Registration Records

An essential element of any registration program is the ability to obtain accurate information with respect to applicants and registrants promptly. In this connection, the Board of Trade's proposal anticipates that each exchange would provide prompt access to it floor broker registration records, including on-line or equivalent access to its data base. The Commission notes that if such on-line access to the registration data base at each exchange were provided, it would appear that an integrated or unified data base would be more efficient in order that the Commission would not have to access thirteen different computer systems. In that connection, the Commission believes the exchanges themselves would want to be able to respond to public inquiries about the status of individuals and should be able to tell an inquirer whether a multiple registrant is registered on its exchange irrespective of whether it was the initial registering exchange.

Commission staff estimates that approximately 20 percent of registered floor brokers have trading privileges on more than one exchange.

An analysis of the cost of providing the Commission with on-line access to the floor broker registration data base would depend on the type of system selected and whether a unified data base were established. In addition, each exchange would have to consider whether it would want to maintain on-line access to the Commission's and NFA's computer systems for the purpose of conducting background examinations on applicants or whether it would prefer to conduct such examinations manually.

The Commission notes that the registration files relating to floor brokers are Commission files for all purposes, and the exchanges must be prepared to treat and deal with them as such. Each exchange, therefore, would be required to develop procedures to maintain the security of those documents, produce them to the Commission, courts and other governmental agencies and the public upon request and, when necessary, certify to their accuracy for the purposes of administrative or judicial proceedings. Moreover, in certain instances, written certification may not be acceptable and testimony as to custodianship and recordkeeping may be required. In this connection, the Commission notes that during the period January 15 through July 15, the Commission received and completed 178 requests for copies of floor broker applications and prepared 69 certifications of floor broker registration files.

Commission staff has found that registration files can be difficult to maintain and, therefore, it is of particular importance that a relatively stable staff with experience with the registration files be in place. The prospect of having to work with the staffs of thirteen exchanges until the necessary expertise is achieved raises serious concern of delays and errors. These concerns are exacerbated by the possibility that files may be transferred among exchanges as floor brokers move from exchange to exchange. Moreover, since the registering exchange would be responsible for being aware of the status of a registrant on every exchange on which he had trading privileges, the registering exchange would also be responsible for ensuring that all documents submitted by non-registering exchanges with respect to a floor broker were properly maintained. The Commission, therefore, requests the contract markets, in particular, to address whether and, if so, how they would develop a unified data base and filing system and whether they are prepared to develop appropriate procedures to maintain access to and the security of Commission records.

B. Temporary Licensing

In support of its contention that its proposal to extend temporary licensing to floor brokers is consistent with the temporary licensing program for associated persons,[11] the Board of Trade asserts:

> Through the process of obtaining exchange approval of floor trading privileges, floor brokers already are subject to preliminary screening by an entity regulated by the Commission. The application process for floor trading privileges on most, if not all, exchanges requres an applicant to submit information on his employment or educational background and other matters bearing on his qualification to be admitted to membership. This requirement parallels the certification requirement for associated persons' temporary licenses (footnote deleted). In addition, each exchange is required as part of its self-regulatory responsibilities to determine on an ongoing basis whether the floor broker is complying with its rules.
>
> Thus, the elements of pre-screening and supervision on which the Commission based its determination to adopt temporary licensing of associated persons will apply equally to floor brokers. Furthermore, the concerns of business disruption which the Commission expressed with respect to other categories of registrant are no more applicable to floor brokers than to associated persons.

In this connection, however, the Commission notes that there are differences between an associated person and a floor broker. First, the sponsor of an associated person certifies that it has performed the background examination before a temporary license is issued, and the exchange apparently would not make such a certification. More important, if a temporarily licensed associated person who is subsequently not registered injures a customer, the customer is able to look to the sponsor for satisfaction. Such would not be the result in the case of a temporarily licensed floor broker, however, unless such floor broker were employed by a futures commission merchant. Therefore, comment is requested on whether the exchanges are prepared to certify that they have performed the necessary background examinations and on the alternative measures that could be developed to provide relief to an injured customer.

[11] *See* 49 FR 8208 (March 5, 1984).

C. Extension of Registration Period

The Board of Trade also proposes that the period of registration of a floor broker be extended to four years in order to relieve registrants of unnecessary burdens while requiring periodic screening to ensure the continued fitness of floor broker registrants. The Commission staff believes this period may be too long, since floor brokers are not subject necessarily to continuous supervision as are associated persons. Exchanges obviously have an obligation to supervise the activities of floor brokers while they are acting on the floor of the exchange. However, the Commission understands that once an individual purchases a membership on an exchange, there is generally no requirement that he trade on the floor. Therefore, it is possible a floor trader or floor broker could be absent from the exchange for an extended period of time. The floor trader or floor broker would have no obligation to explain his absence to the exchange, although he may have been engaged in activities that would subject him to statutory disqualification.

This contrasts with the relationship between an associated person and his sponsor. In general, an associated person is in daily contact with his sponsor and any absences will be explained. Therefore, a sponsor is more likely to be aware of the non-commodities related activities of an associated person that may subject that person to a statutory disqualification from registration. In this connection, the Commission requests comment on the extent to which exchanges currently have systems in place for advising themselves of the activities of floor brokers off the exchange floor and what systems may be developed for this purpose.

D. Resource Requirements

The Commission notes that each exchange must agree to perform the registration function if the Commission is to proceed with its consideration of the Board of Trade's proposal. Under section 8a(10) of the Act, the Commission may authorize, but may not require, a person to perform its registration functions. Therefore, unless every exchange accepts this responsibility, the Commission would be compelled to continue processing at least some floor broker applications, or delegate such function to another self-regulatory organization prepared to accept it. The Commission, therefore, requests each exchange to advise the Commission whether it is prepared to assume responsibility for the registration of floor brokers with trading privileges on that exchange.

As the Board of Trade's petition noted, one purpose of section 8a(10) was to permit the Commission to move into an oversight role with respect to registration. However, in spite of other efficiencies that self-regulation might generate, this move may not be practicable if the Commission were required to expend more resources overseeing the activities of the exchanges than would be required to perform the registration functions directly. The Commission is concerned that this may be the result if the Commission must oversee thirteen different programs. The Commission is also concerned that the SEC and FBI may find it burdensome to process information requests from each exchange.

E. Potential Alternatives

Finally, the Commission notes that many of the concerns of its staff would be obviated if the processing of registration applications for floor brokers were performed by a single entity. In particular, the security and integrity of the Commission's registration documents would be ensured more effectively and the resources required for oversight would be reduced. The Commission, therefore, requests comment on whether it would be desirable for a single entity to process floor broker registration applications. Such entity could be a new organization established by the exchanges or an existing self-regulatory organization.

In this connection, the Commission further wishes to note that it could present NFA to perform this function under section 8a(10) of the Act. This alternative has certain advantages in that it would result in all of the Commission's registration records being in one location and all computer information with respect to applicants and registrants being contained in one unified data base.

It also may be advantageous from the perspective of floor broker applicants as well. As noted above, unless each exchange intends to have on-line access to both the Commission's and NFA's computer systems, the necessary review of each agency's files will have to be accomplished manually. This will add significantly to the time required to process an application. Moreover, NFA is developing procedures by which the review of the SEC's files will also be achieved automatically, as is the case with the Commission, rather than manually. It is uncertain that each exchange would have the volume of applications necessary to justify the development of such a system or that the SEC would be willing to provide such access to thirteen exchanges. Yet, a manual system will again increase the time required to process an application. For these reasons, therefore, the Commission requests comment on the feasibility of authorizing NFA to process floor broker registration as an alternative to the Board of Trade proposal.

The Commission wishes to emphasize that, if it were to pursue this latter alternative and if NFA were to accept this responsibility, the Commission would not expect to authorize NFA to conduct proceedings to deny, condition, suspend, restrict or revoke the registration of any floor broker. The Commission has authorized NFA to conduct such proceedings effective September 30, 1985, with respect to futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and their respective associated persons.[12] However, each of these categories of registrant is also required to be a member of NFA and, thus, NFA otherwise has regulatory authority over such registrants. Floor brokers, on the other hand, are not members of NFA, and NFA has no regulatory authority over their activities as such. As a result, the Commission does not believe it would be appropriate to authorize NFA to take adverse action with respect to floor brokers. Essentially, therefore, NFA would be serving only in a clerical capacity in connection with the processing of floor broker registration applications and the Commission would continue to have sole authority to initiate a proceeding to affect the registration of such registrants.

Issued in Washington, D.C. on August 30, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85-21159 Filed 9-4-85; 8:45 am]

BILLING CODE 6351-01-M

[12] 50 FR 34885 (August 28, 1985).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Prorating SSI Monthly Benefit Payments

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: We propose to revise our regulations to reflect section 1611(c) of the Social Security Act (the Act), as amended by section 181 of Pub. L. 97–248 (the "Tax Equity and Fiscal Responsibility Act of 1982") which was effective on October 1, 1982. The revised regulations will provide that Supplemental Security Income (SSI) benefit payments for the month of initial eligibility will be prorated from the date of application or the date an individual meets all eligibility requirements, whichever is later. They will also provide that the SSI benefit payments for the month after a month or more of ineligibility will be prorated from the date an individual again meets all eligibility requirements.

DATE: Your comments will be considered if we receive them no later than November 4, 1985.

ADDRESSES: Comments should be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–B–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: Fred Miranda, Legal Assistant, 3–B–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7341.

SUPPLEMENTARY INFORMATION:

Prior Law

From January 1974 through September 30, 1982, an individual was paid SSI benefits from the first day of the first month the individual met all eligibility requirements, regardless of what day during that month he or she applied or on what day in the month he or she met the other factors of eligibility (attainment of age 65, onset of disability, etc.) for SSI benefits. Further, a person was also paid SSI benefits from the first day of the month in which he or she reacquired eligibility after a month or more of ineligibility, without regard to what day during the month all factors of eligibility were again met. Consequently, some individuals, when they met all eligibility requirements on a day other than the first day of the month, received an SSI benefit check which included benefits for days before the individual met all eligibility requirements.

Section 181 of Pub. L. 97–248

Section 181 of Pub. L. 97–248 amended section 1611(c) of the Act to change the way the amount of SSI benefits is determined in the month of initial eligibility and in the first month in which an individual again meets all eligibility requirements after a month or more of ineligibility. Effective October 1, 1982, such SSI benefits payments must be prorated.

When SSI benefit payments are prorated, an individual who meets all factors of eligibility on a day other than the first day of the month of initial eligibility or on a day other than the first day of the month after a month or more of ineligibility is paid an amount which is less than a full month's benefits. The amount of benefits for such month is based on the number of days in the month the individual meets all eligibility requirements, beginning with the day in that month the individual first meets the requirements through the end of the month.

The purpose of prorating SSI benefit payments is to ensure that SSI benefits are paid only for the period individuals meet all eligibility requirements for benefits.

The Proposed Regulations

General

The proposed regulations provide that in a month of initial eligibility the amount of the SSI benefit payment is based on the number of days from and including the day on which an individual first meets all of the requirements for eligibility (filing an application is a requirement of eligibility) through the end of the month. When an individual again meets all eligibility requirements after a month or more of ineligibility, the amount of the SSI benefit payment is based on the number of days from and including the day on which an individual again meets all factors of eligibility through the end of month. Under the proposed regulations, proration will apply to both Federal SSI benefits and federally administered optional State supplemental (OSS). Proration will not, however, apply to mandatory minimum State supplementation (MMSS).

Subpart B—Eligibility

Section 416.211 currently provides that with certain limited exceptions an individual is not eligible for SSI benefits for any month throughout which he or she is a resident of a public institution. This section has been expanded by the proposed regulations also to provide that an individual, who is a resident of a public institution at the time he or she applies for and first meets all other eligibility factors for SSI benefits, will be considered ineligible until the date on which he or she is no longer a resident of the public institution. That is, the SSI benefit amount for such a month will be prorated based on the date of discharge from the public institution.

We have proposed this change because the purpose of section 1611(c) is to assure that the amount of the SSI benefits payable for a month of initial eligibility or re-eligibility reflects only the number of days in which individuals establish their need for such benefits by meeting all eligibility requirements. The legislative history of this provision states, ". . . since SSI is available only to the needy the committee believes that benefits should not be provided for periods prior to the time the individual recognizes his need and requests assistance." S. Rep. No. 97–494, Vol. I, 97th Cong., 2d Sess. 56(1982).

Section 1611(e) of the Act, which describes the limitations on eligibility for SSI benefits of certain individuals, provides in part that any individual who is a resident of a public institution throughout a month cannot be eligible for SSI benefits. The proration provisions of section 1611(c) of the Act do not change the SSI eligibility requirements nor do they expressly provide that benefits can be prorated based on the date of discharge from a public institution. On the other hand, section 1611(c) does not specify those situations in which we must prorate SSI benefits. The statute merely specifies the month to which proration applies and the date to use as the basis for determining the prorated amount. Therefore, it is within the Secretary's authority to determine when SSI eligibility is met or restored for purposes of implementing proration.

The purpose of the proration provision as previously noted, is to pay an amount based on the days in the month an individual meets all eligibility requirements for such benefits. In carrying out this purpose, the proposed

regulations would prorate benefits from the date of discharge from the public institution both in cases of initial eligibility and reeligibility. During these months the needs of the individual are being met by the public institution until the date of discharge. Therefore, to pay SSI benefits from the date of discharge is within the purpose of section 1611(c).

Subpart C—Filing of Applications

The proposed regulations will amend several sections of Subpart C to implement section 1611(c) as amended by section 181 of Pub. L. 97–248, to make changes that are technical and clarifying, and to make other changes that will make the regulations within Subpart C consistent with each other and to make them as consistent as is practicable with the rules dealing with the filing of applications that we follow in the Old-Age, Survivors, and Disability Insurance (OASDI) programs.

The current rules in § 416.325(b) that discuss the exceptions to the general rule as to when an application is considered filed and in § 416.340 that discuss the use of the date of a written statement as the application filing date are inconsistent. Section 416.325(b) provides that, when an application for SSI benefits is mailed, if using the date we receive the application results in a loss of benefits, we consider the application as being filed on the date shown by a United States postmark. Section 416.340 provides that the date a written statement, such as a letter, is received at a Social Security office (whether or not it was mailed) is to be considered the application filing date if the use of that date will result in eligibility for additional benefits. The proposed regulations would make §§ 416.325(b) and 416.340 consistent with one another.

We are proposing to revise §§ 416.325(b) and 416.340 to provide that we consider an application for SSI benefits as being filed on the date that the document (application or written statement) is received by us or by someone authorized to act on our behalf. If the application or written statement is mailed to us, we will use the date of mailing as shown by a United States postmark. By amending § 416.340 to permit the use of the postmark date of a written statement as an application filling date we would also make the rules of Title XVI more consistent with the rules in the OASDI programs that deal with the filing of applications, and thus eliminate an element of confusion that now exists. Further, a written statement constitutes an intent to file for benefits. Therefore, a written statement should be given the same consideration as a mailed written application.

Sections 416.325(b) and 416.340 would provide further that if there is no postmark or if it is unreadable, we will use the date of signature (if dated) or 5 days before the day the signed application or written statement was received, whichever date is later. In effect this revision would also amplify on and make these rules more specific. At present, § 416.325(b) simply indicates that when the postmark is not available or there was no postmark, we consider other evidence of when the application was mailed to us.

Section 416.325(b) will be revised by the proposed rules to provide that SSI benefits will be paid effective with the date on which an application is filed, if all other factors of eligibility are met on that date. The proposed rules will also provide that benefits cannot be paid for any period before the date of application, when the application is filed on a date after all other factors of eligibility are met.

The proposed revisions to § 416.330, for the most part, reflect changes that were proposed on May 16, 1983, in a separate NPRM that was published in the **Federal Register** at 48 FR 21967 to implement the provisions of section 306 of Pub. L. 96–265, the Social Security Disability Amendments of 1980. These changes relate to the effective period of applications when a hearing decision on the application in pending. The additional change that we are making in § 416.330 is simply to provide that if an individual meets all requirements of eligibility while an application is in effect, we will pay SSI benefits from the first day (rather than the first month) that he or she meets all the requirements.

We have changed the example in § 416.315 to reflect proration. The revision to the rules in § 416.320 is not substantive; it corrects a technical error. The revision to the rules in § 416.345 is editorial in nature.

Subparts D-Amount of Benefits and E-Payment of Benefits

Amendments to Subpart E (Payment of Benefits) that implement proration appear in the final rules implementing section 1611(c)(1) as amended by section 2341 of Pub. L. 97–35 which provides for retrospective monthly accounting (RMA). These final rules also include a change to Subpart D.

Section 1611(c) as amended by section 2341 of Pub. L. 97–35 requires, with certain exceptions, the use of RMA in the SSI program. The NPRM dealing with RMA, which was published in the **Federal Register** on October 29, 1981, (46 FR 53449) included amendments to Subpart D to implement RMA. The final RMA regulations that are being published separately, are being updated to take account of provisions of section 1611(c) as amended section 181 of Pub. L. 97–248, so that the rules contained therein will not be incorrect and outdated. For this reason, amendments to § 416.501 and § 416.502 of Subpart E and § 416.420(b)(1) of Subpart D have not been included in these proposed rules.

Section 416.420 as included in the RMA regulations will provide that in the month of initial eligibility or reeligibility the SSI benefit amount will be prorated according to the number of days in the month that the individual is eligible beginning with the date of application or the date all eligibilty requirements are met, whichever is later. Formerly, an application was considered to have been received on the first day of the month in which we received the application and SSI benefits were paid for the entire month.

Section 416.501, as amended in the RMA regulations, will provide that SSI benefits will be prorated and they will be paid beginning on the first day on which the individual meets all requirements for eligibility regardless of whether it is a month of intitial eligibility or a month following a month or more of ineligibility. Since it is now possible for members of a couple to become eligible for SSI benefits on Different days of the month, this section also provides that each member of a couple may receive different SSI payment amounts for a month if each meets the eligibility requirements on different days of the month.

Section 416.502, which describes the manner in which we pay SSI bendfits, as included in the RMA regulations, provides that SSI benefits payable to an individual will not be paid before the day on which the individual acquires or reacquires eligibility. This section also provides that, unless otherwise indicated, the monthly amount of SSI benefits payable to an eligible couple will be equally divided and paid.

These proposed rules also amend Subpart D to include a new § 416.421 that explains the way we compute prorated benefits. Under these proposed rules, the amount of the SSI benefit payment is prorated based on the date all eligibiltiy factors, except income and resources, are met. For a fuller discussion of the policy on income and resources, see below under the heading "Subpart M—Suspensions and Terminations".

Payment Computation

In determining the amount of SSI benefit payments due for a month in which benefits are to be prorated:

(1) We first compute the amont of the SSI benefit payment which the claimant would receive for the month without proration. (We call this the unprorated benefit.)

(2) We then determine the date in the month on which the claimant meets all factors of eligibility. (We call this the proration date.)

(3) We then count the number of days in the month a claimant meets all eligibility factors, beginning with the proration date and counting through the end of the month. (We call these the benefit days.)

(4) We then multiply the unprorated benefit by the number of benefit days and divided by the number of days in the month for which benefits are being determined. The result is the amount of the SSI benefit payment due for the month in which the benefits are to be prorated.

These steps will be followed in computing the federally administered OSS also. We will do this since it is SSA policy to maintain consistent rules for determining OSS and Federal SSI benefits. We do this under our authority in section 1616(b) of the Act to establish rules, when consistent with the Act, that facilitate efficient administration of both the SSI and OSS programs.

Under the proposed regulations, if an individual is eligible for both a Federal SSI benefit and a federally administered OSS, we compute and proprate the Federal SSI and OSS benefit amounts separately. The results in either computation that include a fraction of a cent will be raised to the next higher cent. We then add the two prorated amounts to get the total payment due for the month.

Under these proposed rules, proration will not apply to federally administered mandatory minimum State supplements (MMSS). Although we have the authority to apply the rules for Federal SSI benefits to the MMSS we can do so only if the rule is consistent with the purpose of MMSS. The purpose of the MMSS is to assure that an individual's total income is not reduced below its December 1973 level. Since the application of proration could result in a reduction in an individual's December 1973 level, it cannot be applied to MMSS.

Subpart M—Suspensions and Terminations

Subpart M provides in part that suspension of SSI benefit payments is required when an individual is alive but no longer meets the requirements of eligibility under title XVI of the Act and termination in accordance with §§ 416.1331–416.1335 does not apply. SSI benefit payments are not resumed until the individual again meets all requirements for eligibility except for the filing of a new application. These rules also provide, upon requesting reinstatement of SSI benefit payments, that an individual is required to submit such evidence as may be necessary to establish that he or she again meets all the requirements for eligibility.

The proposed revisions to the rules in Subpart M provide that the amount of the SSI benefit payments for the first month in which an individual again becomes eligible after a month or more of ineligibility will be prorated. A month of ineligibility for purposes of determining when to prorate the SSI benefit payment for a subsequent month, is a month for which the individual is ineligibile for any Federal SSI benefit and any federally administered State supplementation.

When an individual again meets all eligibility requirements after a month or more of ineligibility, under the proposed rules, proration will apply only when an individual reacquires eligibility after being ineligible for at least one of the following reasons:

(1) The individual was a resident of a public institution throughout a month. Eligibility is reacquired as of the date of discharge if all other eligibility requirements are met (see § 415.1325).

(2) The individual failed to comply with the requirement to accept treatment for drug addiction or alcoholism. Eligibility is reacquired as of the earliest date of the first month on which the recipient complies with the required treatment or other direction, and all other eligibility requirements are met (see § 416.1328).

(3) The individual was absent from the United States throughout a month. If the individual is outside the United States for 30 consecutive days or more, the individual is considered as remaining outside the United States until he or she has returned and remained in the United States for 30 consecutive days. Eligibility is reacquired as of the day following the 30th consecutive day of presence in the United States if all other eligibility requirements are met. If the individual is outside the United States for a full calendar month but less than 30 days (i.e. absent during February) eligibility is reacquired as of the day the individual returns to the United States if all other factors of eligibility are met (see § 416.1327).

(4) The individual was not a resident of the United States. Eligibility is reacquired as of the date the individual is a resident of the United States if all other eligibility requirements are met (see § 416.1329).

(5) The individual did not meet the definition of United States citizen, "alien lawfully admitted for permanent residence", or permanent resident of the United States under color of law. Eligibility is reacquired as of the date on which the individual regains his or her status in one of these categories, if all other eligibility requirements are met (see § 416.1329).

(6) The individual failed to comply with the requirement to accept vocational rehabilitation services. Eligibility is reacquired as of the date on which he or she complies if all other eligibility requirements are met (see § 416.1328).

(7) The individual failed to comply with the requirement to file for and obtain other benefits. Eligibility is reacquired as of the date the individual complies, if all other eligibility requirements are met (see § 416.1330).

Under the proposed rules, if the reason that a recipient's benefits were suspended was excess resources, excess income, or failure to comply with a request for information, benefits for the first month that benefits are reinstated will not be prorated. We have not proposed to prorate benefits for the first month that benefits are reinstated under each of these circumstances for differing reasons. First, we will not prorate based on income since we count income for the entire month. If an individual has excess income for a month he or she is ineligible for that month. Income cannot be spent down and eligibility established during the month. In addition, using countable income for the entire month is necessary to calculate the prorated benefit amount under section 1611(c)(2)(B) of the Act. Second, we regarded the failure to provide information as being not so much a factor of eligibility as it is a failure to substantiate eligibility based on other factors. The proposed rules clarify that once the information is provided, benefits are reinstated for any previous months the individual met the eligibility requirements. Last, regarding resources, the reason we have not proposed to have proration apply to the first month for which benefits are reinstated after suspension due to excess resources is that, like income, resources are counted for an entire month. Resources cannot be spent down and eligibility established during the month. Also, not prorating in these instances reflects our

ongoing concern for effective and efficient administration. Paying benefits for only full months in these situations is simpler, will result in fewer errors and in less costly to administer because it is less complicated than the prorating of benefits in these instances.

Subpart R—Relationships

Current regulations at § 416.1802(d) of Subpart R provide, if an individual gets married during a month, even on the first day of the month, that we will treat that individual as being single until the next month. Alternatively, this section provides that if an individual's marriage ends, even on the first day of the month, we will treat that individual as married until the next month. Thus, an individual's marital status at the beginning of a given month determines whether we consider that individual to be single or married when we compute the amount of that individual's SSI benefits for the month.

Before the proration of benefits pursuant to section 1611(c) as amended by section 181 of Pub. L. 97-248 began, this policy worked effectively at assuring that the SSI benefit which we paid an individual for a month accurately reflected the individual's marital status at the point in time at which he or she became eligible for SSI benefits. This was because an individual was considered to have filed for benefits on the first day of the month and was paid benefits for the full month as long as he or she became eligible to receive benefits at some point during that month.

Now that SSI benefits are being prorated, our regulations can no longer provide this assurance. For this reason we propose to amend § 416.1802(d) of Subpart R. Under our proposed rule, the current provisions of § 416.1802(d) would remain in effect. However, this section would also include one very limited exception. The proposed exception provides that during the month in which two individuals get married to one another, we will treat them as an eligible couple if each become eligible for SSI benefits in such month on a day after the date on which they were married. A very limited number of individuals would be affected by our proposed change; for the individuals that would be affected, the amount of benefits they receive will be less than that which they would be paid if we treated them as single. However, to treat them as single seems incongruous, since they are married at the point at which their eligibility for SSI benefits is first met. Similarly, if in the month a marriage ends, each member of the couple becomes eligible for SSI benefits after the date the marriage ends, we will treat them as eligible individuals.

Regulatory Procedures

Executive Order No. 12291

These proposed regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major rule. The policies reflected in these proposed rules will generate estimated program savings at $21 million and no administrative costs in fiscal year (FY) 1985. In FY 1984 the estimated program savings were $21 million and in FY 1983 the estimated program savings were $21 million and the administrative costs were $7.2 million. Also, implementation of these provisions will result in annual Medicaid savings of $20 million because the Medicaid program follows SSI policy. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980

These proposed regulations impose no reporting and recordkeeping requirements requiring clearance by the Office of Management and Budget.

Regulatory Flexibility Act

We certify that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because they primarily affect the States and individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

Dated: February 28, 1985.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: May 21, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

Subpart B—Eligibility

1. The authority citation for Subpart B of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1602, 1611, 1614, and 1631 of the Social Security Act as amended, secs. 211 and 212 of Pub. L. 93-66, 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1446, 86 Stat. 1471, and 86 Stat. 1475 (42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383).

2. In § 416.211, paragraph (a) is revised to read as follows:

§ 416.211 You are a resident of a public institution.

(a) *General rule.* (1) You are not eligible for SSI benefits for any month throughout which you are a resident of a public institution (defined in § 416.201). In addition, if you are a resident of a public institution when you first apply for SSI benefits and meet all other eligibility requirements you cannot be eligible until the day of your release from the institution. The amount of SSI benefits for the month of your release will be prorated (see Subpart D) beginning with the date of your release.

(2) By "throughout a month" we mean that you reside in an institution as of the beginning of a month and stay the entire month. If you have been a resident of a public institution, you remain a resident if you are transferred from one public institution to another or if you are temporarily absent for a period of not more than 14 consecutive days. A person also is a resident of an institution throughout a month if he or she is born in the institution during the month and resides in the institution the rest of the month or resides in the institution as of the beginning of a month and dies in the institution during the month.

* * * * *

Subpart C—Filing of Applications

3. The authority citation for Subpart C of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1611 as amended, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1475 (42 U.S.C. 1302, 1382, 1383).

4. In § 416.315 the example is revised to read as follows:

§ 416.315 Who may sign an application.

* * * * *

Example: Mr. Smith comes to a Social Security office to file an application for SSI disability benefits for Mr. Jones. Mr. Jones, who lives alone, just suffered a heart attack and is in the hospital. He asked Mr. Smith, whose only relationship is that of a neighbor and friend, to file the application for him. We will accept an application signed by Mr. Smith since it would not be possible to have Mr. Jones sign and file the application at this

time. SSI benefits are payable starting with the day an application is filed or the date all other requirements for eligibility are met, whichever is later. If Mr. Smith could not sign an application for Mr. Jones, a loss of benefits would result if it is later determined that Mr. Jones is in fact disabled.

5. In § 416.320 the last sentence of paragraph (a)(2) is amended by removing the words "or an institution" and adding the words "of an institution" in lieu thereof.

6. In § 416.325 paragraph (b)(1) is revised to read as follows:

§ 416.325 When an application is considered filed.

* * * * *

(b) *Exceptions.* (1) When we receive an application that is mailed, we will use the date shown by the United States postmark as the filing date if using the date the application is received will result in a loss of benefits. If the postmark is unreadable or there is no postmark, we will use the date the application is signed (if dated) or 5 days before the day we receive the signed application, whichever date is later.

* * * * *

7. Section 416.330 is revised to read as follows:

§ 416.330 Filing before the first month you meet the requirements for eligibility.

If you file an application for SSI benefits before the first month you meet all the other requirements for eligibility, the application will remain in effect until we make a final determination on your application unless there is a hearing decision on your application. If there is a hearing decision, your application will remain in effect until the hearing decision is issued.

(a) If you meet all the requirements for eligibility while your application is in effect, we will pay you benefits from the first month that you meet all the requirements. The amount of such benefits is based on the number of days you meet all eligibility requirements beginning with the first day you meet all of the requirements through the end of the month.

(b) If you first meet all the requirements for eligibility after the period for which your application was in effect, you must file a new application for benefits. In this case, we will pay you benefits only from the first month that you meet all the requirements based on the new application. The amount of such benefits is calculated as in § 416.330(a) above.

8. Section 416.335 is revised to read as follows:

§ 416.335 Filing in or after the month you meet the requirements for eligibility.

When you file an application in the month that you meet all the other requirements for eligibility, your application is good for payment as of the first day in the month that you meet all eligibility requirements. If you file an application after the month you first meet all the other requirements for eligibility, you cannot be paid for any months before the month you filed an application. See §§ 416.340, 416.345 and 416.350 on how a written statement or an oral inquiry made before the filing of the application form may affect the filing day of the application. The amount of SSI benefits you are paid in the first month that you meet all eligibility requirements is based on the number of days you meet all such requirements, starting with the first day on which you meet all eligibility requirements through the end of the month.

9. Section 416.340 of is amended by revising the introductory text and revising paragraph (d)(1) to read as follows:

§ 416.340 Use of date of written statement as application filing date.

We will use the date of a written statement, such as a letter, an SSA questionnaire or some other writing, is received at a social security office, at another Federal or State office designated by us, or by a person we have authorized to receive applications for us as the filing date of an application for benefits, only if the use of that date will result in your eligibility for additional benefits. If the written statement is mailed, we will use the date the statement was mailed to us as shown by a United States postmark. If the postmark is unreadable or there is no postmark, we will use the date the statement is signed (if dated) or 5 days before the day we receive the written statement, whichever date is later, as the filing date of an application for benefits. In order for us to use your written statement to protect your filing date, the following requirements must be met:

* * * * *

(d)(1) The claimant is alive when the application is filed on a prescribed form, or

* * * * *

10. In § 416.345, paragraph (e)(1) is revised to read as follows:

§ 416.345 Use of date of oral inquiry as application filing date.

* * * * *

(e)(1) The claimant is alive when the application is filed on a prescribed form, or

* * * * *

Subpart D—Amount of Benefits

11. The authority citation for Subpart D of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1611, 1612, and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1488, 86 Stat. 1475 (42 U.S.C. 1302, 1382, 1382a, and 1383).

12. A new § 416.421 is added to read as follows:

§ 416.421 Determination of benefits; computation of prorated benefits.

(a) In the month you are first eligible for benefits, your benefit will be prorated according to the number of days in the month that you are eligible beginning with the date of application or the date on which you meet all eligibility requirements, whichever is later. In the month that you reacquire eligibility after a month or more of ineligibility (see § 416.1321(b)), your benefit will be prorated according to the number of days in the month that you are eligible beginning with the date on which you meet all eligibility requirements.

(b) In determining the amount of your benefit for a month in which benefits are to be prorated, we first compute the amount of the benefit that you would receive for the month as if proration did not apply. We then determine the date on which you meet all factors of eligibility. (The income limits must be met based on the entire month and the resource limit must be as of the first day of the month.) We then count the number of days in the month beginning with the day on which you first meet all factors of eligibility through the end of the month. We then multiply the amount of your unprorated benefit for the month by the number of days for which you are eligible for benefits and divide that figure by the number of days in the month for which your benefits is being determined. The result is the amount of the benefit that you are due for the month in which benefits are to be prorated.

Example: Mr. X applies for SSI on April 16, 1984. He has no income. He first meets all factors of eligibility on April 16, 1984. His Federal benefit rate is $314 per month. Mr. X's unprorated benefit for April is $314. The number of days from when he first meets all factors of eligibility (including that day) through the end of the month is 15. The unprorated benefit ($314) multiplied by the number of days for which he is eligible for benefits (15) is $4710. That amount divided by

the number of days in April (30) is $157. This is the amount that Mr. X is due for the month of April.

Subpart M—Suspensions and Terminations

13. The authority citation for Subpart M of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1611–1615 and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1466–1477 (42 U.S.C. 1302, 1382–1382d, 1383), unless otherwise noted.

14. In § 416.1321, paragraph(b) is revised to read as follows:

§ 416.1321 Suspensions; general.

* * * * *

(b) *Effect of suspension.* (1) When payments are correctly suspended due to the ineligibility of a recipient, payments shall not be resumed until the individual again meets all requirements for eligibility except the filing of a new application. Such recipient, upon requesting reinstatement, shall be required to submit such evidence as may be necessary (except evidence of age, disability, or blindness) to establish that he or she again meets all requirements for eligibility under this part. Payments to such recipient shall be reinstated effective with the first day such recipient meets all requirements for eligibility except the filing of a new application.

(2) A month of ineligibility for purposes of determining when to prorate the SSI benefit payment for a subsequent month, is a month for which the individual is ineligible for any Federal SSI benefit and any federally administered State supplementation.

* * * * *

15. Section 416.1322 is revised to read as follows:

§ 416.1322 Suspension due to failure to comply with request for information.

(a) Suspension of benefit payments is required effective with the month following the month in which it is determined in accordance with § 416.714(b) that the individual is ineligible for payment due to his or her failure to comply with our request for necessary information. When we have information to establish that benefit payments are again payable, the benefit payments will be reinstated for any previous month for which the individual continued to meet the eligibility requirements of § 416.202. If the reason that an individual's benefits were suspended was failure to comply with our request for information, the payments for the months that benefits are reinstated will not be prorated under § 416.421.

(b) A suspension of payment for failure to comply with our request for information will not apply with respect to any month for which a determination as to eligibility for or amount of payment can be made based on information on record, whether or not furnished by an individual specified in § 416.704(a). Where it is determined that the information of record does not permit a determination with respect to eligibility for or amount of payment, notice of a suspension of payment due to a recipient's failure to comply with a request for information will be sent in accordance with §§ 416.1336 and 416.1404.

16. In § 416.123, paragraph (b) is revised to read as follows:

§ 416.1323 Suspension due to excess income.

* * * * *

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the first month in which a recipient's monthly countable income becomes less than the applicable Federal benefit rate (or the sum of that rate and the level for any federally administered State supplementary payment) for that month. If the reason that a recipient's benefits were suspended was excess income, the payment for the first month that benefits are reinstated will not be prorated under § 416.421.

17. In § 416.1324, paragraph (b) is revised to read as follows:

§ 416.1324 Suspension due to excess resources.

* * * * *

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the start of the month after the month in which a recipient's countable resources no longer exceed the limit that applies. If the reason that a recipient's benefits were suspended was excess resources, the payment for the first month that benefits are reinstated will not be prorated under § 416.421.

18. Section 416.1325 is revised to read as follows:

§ 416.1325 Suspension due to status as a resident of a public institution.

(a) Except as provided in § 416.211(b) and (c), a recipient is ineligible for benefits for the first full calendar month in which he or she is a resident of a public institution (as defined in § 416.201) throughout the calendar month (as defined in § 416.211(a)), and payments are suspended effective with such first full month. Such ineligibility continues for so long as such individual remains a resident of a public institution.

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month in which a recipient is no longer a resident of a public institution. See § 416.421. A transfer from one public institution to another or a temporary absence from the institution lasting 14 days or less, however, will not change his or her status as a resident, and the suspension will continue.

19. Section 416.1326, paragraph (b) is revised to read as follows:

§ 416.1326 Suspension for failure to accept treatment for drug addiction or alcoholism.

* * * * *

(b) *Resumption of payments.* When payments are suspended because a disabled recipient who is medically determined to be a drug addict or an alcoholic is not undergoing the required treatment, such ineligibility continues until he or she demonstrates compliance by actually undergoing the required treatment and such compliance is verified by the responsible authority at the institution or facility providing the treatment (see Subpart Q of this part). Benefits will be resumed effective with the earliest day of the month on which the recipient complies with the required treatment or other direction, provided such compliance is first verified by the responsible official and provided the recipient otherwise establishes eligibility for benefits for such month. See § 416.421.

Example: Payments to C, a drug addict, were supsended effective May because C failed to report for treatment. On June 25, C reported for treatment and otherwise established eligibility for benefits. The responsible State official reported on August 2 that C had reported June 25 and was complying with the required treatment. SSI payment may be resumed effective with June. The amount of SSI benefits payable for June will be based on the number of days starting with June 25 through the end of the month.

20. Section 416.1327 is revised to read as follows:

§ 416.1327 Suspension due to absence from the United States.

(a) *Suspension effective date.* A recipient is not eligible for SSI benefits if he is outside the United States for a full calendar month. For purposes of this paragraph—

(1) "United States" means the 50 States, the District of Columbia, and the Northern Mariana Islands;

(2) "day" means a full 24-hour day; and

(3) In determining whether a recipient has been outside the United States for a full calendar month, it must be established whether the recipient is outside the United States for 30 consecutive days or more. If yes, he or she will be treated as remaining outside the United States until he or she has returned to and remained in the United States for a period of 30 consecutive days. When a recipient has been outside the United States, the first period of 30 consecutive days of absence is counted beginning with the day after the day the recipient departs from the United States and ending with the day before the day on which he or she returns to the United States. When a recipient has returned to the United States, the second period of 30 consecutive days starts on the day the individual returned and ends on the 30th day of continuous presence in the United States. Benefits will be suspended effective with the first full calendar month in which a recipient is outside the United States.

(b) *Resumption of payments after absence from the United States.* If benefits are otherwise payable they will be resumed—

(1) Effective with the day following the 30th day of continuous presence in the United States after the recipient's return if the absence was for 30 consecutive days or more.

(2) Effective with the day the recipient returned to the United States, if the absence from the United States was for a full calendar month, but for less than 30 consecutive days (this can occur only for the calendar month of February).

Example 1: Mike left the United States on March 1 and returned on April 1. Counting March 2 through March 31, he was outside the United States for 30 consecutive days; thus he is also deemed to be outside the United States for 30 additional consecutive days. Therefore, for April 1 through April 30, he is deemed to be outside the United States and not eligible for the calendar month of April. Payments start effective May 1.

Example 2: Mary left the United States on April 15 and returned on July 1. Counting April 16 through June 30, she was actually outside the United States and not eligible for the calendar months of May and June. Since she was absent for more than 30 consecutive days, she is deemed to be outside the United States for 30 additional consecutive days. Therefore, for July 1 through July 30, she is deemed to be outside the United States and not eligible for payment until July 31.

21. In § 416.1328, paragraph (b) is revised to read as follows:

§ 416.1328 Suspension due to refusal to accept vocational rehabilitation services.

* * * * *

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month on which the recipient no longer refuses without good cause to accept vocational rehabilitation services. See § 416.421.

22. Section 416.1329 is revised to read as follows:

§ 416.1329 Suspension due to loss of United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

(a) A recipient ceases to be an eligible individual or eligible spouse, under section 1614(a)(1)(B) of the Act, when he or she ceases to meet the requirement of § 416.202(b) with respect to United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. Payments are suspended effective with the first month after the last month in which a recipient meets the requirements of § 416.202(b).

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month on which the recipient again meets both the residence and citizenship or lawfully admitted alien or color of law requirements. See § 416.421.

23. Section 416.1330 is revised to read as follows:

§ 416.1330 Suspension due to failure to apply for and obtain other benefits.

(a) *Suspension effective date.* A recipient ceases to be an eligible individual or eligible spouse when, in the absence of a showing of incapacity to do so, or other good cause, he or she fails within 30 days after notice from the Social Security Administration of probable eligibility, to take all appropriate steps to apply for and, if eligible, to obtain payments such as an annuity, pension, retirement, or disability benefit, including veterans' compensation, old-age, survivors, and disability insurance benefit, railroad retirement annuity or pension, or unemployment insurance benefit. Benefit payments are suspended due to such ineligibility effective with the

month in which the recipient was notified in writing or the requirement that he or she file and take all appropriate steps to receive the other benefits. See § 416.210(e).

(b) *Resumption of payment.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month on which the recipient takes the necessary steps to obtain the other benefits. See § 416.421.

Subpart R—Relationship

24. The authority citation for Subpart R of Part 416 continues to read as follows:

Authority: Secs. 1102, 1614 (b), (c), and (d), and 1631(d)(1) of the Social Security Act; 49 Stat. 647 as amended, 86 Stat. 1473 and 1476 (42 U.S.C. 1302, 1382c (b), (c), and (d), and 1383(d)(1)).

25. In § 416.1802, paragraph (d) is revised to read as follows:

§ 416.1802 Effects of marriage on eligibility and amount of benefits.

* * * * *

(d)(1) *General rule:* Benefits depend on whether you are married or not married at the beginning of each month. If you get married, even on the first day of a month we will treat you as single until the next month. If your marriage ends, even on the first day of a month, we will treat you as married until the next month.

(2) *Exception: If you both meet eligibility requirements after your date of marriage or after your marriage ends.* If, in the month that you marry each of you first meets all eligibility requirements after the date of your marriage, we will treat you as an eligible couple for the month. If, in the month that your marriage ends, each of you first meets all eligibility requirements after the date your marriage ends, we will treat you as eligible individuals.. (See Subparts D and E regarding how your benefits will be prorated.)

[FR Doc. 85-21052 Filed 9-4-85; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 223

Financial Guidelines for Qualification of Surety Companies

AGENCY: Financial Management Service, Treasury.

ACTION: Revised proposed guidelines.

SUMMARY: The proposed guidelines supplement the current financial standards which are used to assist Treasury (FMS) in making a statutorily required determination that a surety company is solvent and able to keep and perform its contracts in order to qualify as an acceptable surety on Federal bonds. Treasury (FMS) has determined that its current guidelines and practices (as set forth in its regulations at 31 CFR Part 223) do not adequately provide such assistance in all instances. In view of rapidly changing insurance industry technology and the need to effectively and efficiently utilize fewer resources, Treasury (FMS) proposes to amend its guidelines and alter its practices to strengthen the financial standards governing surety companies doing business with the United States.

DATES: The proposed additional financial guidelines for companies seeking or holding Treasury authority are proposed to become effective December 31, 1985.

Comment Deadline: All comments or inquiries received on or before November 4, 1985 will be given due consideration.

In evaluating comments, Treasury will give more weight to those comments which include a practical means of accomplishing the desired end, and less weight to those responses which merely object to the revisions without offering a workable alternative. In addition, more weight will be given to alternatives which include supporting data.

ADDRESS: Comments or inquiries may be mailed to Surety Bond Branch, Finance Division, Financial Management Service Department of the Treasury, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Terry L. Boyer, Telephone (202) 634-2345.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Department of the Treasury has determined that this proposal is not major for purposes of E.O. 12291. Therefore, no regulatory impact analysis is required.

Background

Pursuant to 31 U.S.C. 9305, the Secretary of the Treasury is required, among other things, to be satisfied that a surety company is able to keep and perform its contracts before authorizing that company to write Federal bonds. By Treasury Department Order No. 145-18 dated September 22, 1983, the Fiscal Assistant Secretary delegated to the Commissioner, Financial Management Service (FMS), the authority of the Secretary of the Treasury under 31 U.S.C. 9304-9308 (formerly 6 U.S.C. 6-13), and the regulations issued thereunder to carry out those responsibilities.

The applicable regulations are set forth in 31 CFR Part 223 (Treasury Circular 297) entitled "Regulations Governing Surety Companies Doing Business with the United States." The guidelines applied in assessing a company's financial condition are in the "Instructions Relating to the Submission of Annual Financial Statements of Surety Companies to the Treasury Department." *See,* 31 CFR 223.8(b) and 223.9. These instructions are transmitted to surety companies annually with the Treasury's "Annual Letter to Surety Companies Reporting to the Treasury."

Treasury's practices for assessing a company's financial condition involve the review of the company's annual financial statements, application of the criteria set forth in the regulations and guidelines, and establishing a Treasury underwriting limitation in accordance with the criteria. If a company no longer meets the set criteria, Treasury terminates a company's authority to act as a surety on Federal bonds. The proposed guidelines will better enable Treasury (FMS) to furnish Federal bond-approving officers with a list of surety companies which are not only solvent and able to keep and perform their contracts at the time of the listing, but which can be expected to remain so for a reasonable period in the future.

The guidelines published herein are a revision of guidelines published in the **Federal Register** on August 7, 1984 at page 31455. We received numerous comments pertaining to the August 7 publication. This revision incorporates many of those responses.

The Department of the Treasury proposes to adopt the following financial guidelines:

Additional Financial Guidelines:

Effective December 31, 1985, in order to qualify for a Certificate of Authority to do business with the Government as a surety, or to be recognized as an admitted reinsurer on non-federal business, a company will be expected to maintain usual results for the following ratios.

Ratio	Acceptable ranges	
	Over	Under
1. Premium to surplus		300
2. Change in writings	-33	33
3. Surplus aid to surplus		25
4. Two year overall operating ratio		100
5. Investment yield	6	
6. Change in surplus	-10	50
7. Liabilities to liquid assets		105
8. Agents' balances to surplus		40

Ratio	Acceptable ranges	
	Over	Under
9. One year reserve development to surplus		25
10. Two year reserve development to surplus		25
11. Estimated current reserve deficiency to surplus		25

In those instances where a company's ratio results do not fall within the usual ranges, the Treasury may issue a warning to the company indicating Treasury's concern over its financial condition.

If information submitted by the company to support its continued financial strength is not sufficient to convince the Treasury of the company's continued ability to keep and perform its contracts, Treasury will commence proceedings to terminate the company's Certificate of Authority.

Termination procedures as described at 31 CFR 223.17 will be followed in all instances.

Treasury has the option of revising these guidelines in the future should industry conditions change significantly.

Dated: August 22, 1985.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 85-21106 Filed 9-4-85; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-84; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Confirmation or Revision of Maximum Allowable Operating Pressure for Gas Pipelines

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice invites comments on whether it is necessary for safety to confirm or revise the maximum allowable operating pressure of gas pipelines in the vicinity of isolated buildings or outdoor places of assembly where 20 or more people gather in normal use. The current requirements may be too conservative and costly compared to the benefits attained. Comments received may result in a Notice of Proposed Rulemaking to adopt the most practical and beneficial alternatives to the current rule.

DATE: Interested persons are invited to submit written comments on this advance notice before November 4, 1985. Late filed comments will be considered so far as practicable. All interested persons must submit as part of their written comments all the material that they consider relevant to any statement of fact made by them.

ADDRESS: Comments should be sent to the Dockets Branch, DMT-62, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Please identify the docket and notice numbers. All comments and docket materials will be available in Room 8426 for inspection and copying between the hours of 8:30 a.m. and 5:00 p.m. each working day. Non-Federal employee visitors are admitted to the DOT Headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: Robert F. Langley, (202) 426-2082, regarding the contents of this advance notice, or the Dockets Branch, (202) 426-3148, regarding copies of the advance notice or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

Section 192.611 was originally derived from existing industry standards. Briefly stated, § 192.611 requires the operator of a gas pipeline segment which has a hoop stress at its present operating pressure in excess of that corresponding to the maximum allowable operating pressure (MAOP) for the present class location to reduce the pipeline segment's operating pressure or the pipeline must be changed (to increase its strength), or relocated. The rule is designed to provide safety benefits by reducing internal stress levels on the particular pipeline when class location changes, based on an increase in the number of dwellings intended for human occupancy adjacent to the pipeline, occur after construction. Section 192.611 also establishes time limits within which this revision or confirmation of MAOP must be accomplished. However, the rule does make allowance for an affected segment of a pipeline if it had been previously tested in place to 90 percent of its specified minimum yield strength (SMYS) for at least 8 hours, or is subsequently tested in accordance with applicable parts of Subpart J. For such a line the MAOP could be maintained to one class location higher but the MAOP may not exceed that established prior to the confirmation or revision. For example, such a tested segment of pipeline found to be in a Class 3 location after change from Class 2 would retain an MAOP of 60 percent of the SMYS rather than the 50 percent of SMYS otherwise required by Part 192 for Class 3 pipelines. Unlike the industry standard, which recommended making necessary revisions in the affected pipeline(s) as soon as the location changes were noted, the Federal pipeline safety regulations allow 18 months from the time the change has taken place until the applicable requirements of § 192.611 must be met.

The class location concept in the Federal gas pipeline safety standards was derived from the 1968 edition of the Standard Code, USAS B31.8-1968, "Gas Transmission and Distribution Piping Systems," and relates such pipeline operating parameters as design pressure and MAOP to population density adjacent to the pipeline. Section 192.5 defines the class location unit as an area that extends 220 yards on either side of the centerline of any continuous one-mile length of pipeline; and with two exceptions the class location of a pipeline is determined by the number of buildings (dwellings) intended for human occupancy in the class location unit. Section 192.5(d)(2) is very significant in its effect on pipeline operations when the class location change occurs some time after initial construction and the determination of a MAOP for a line segment.

Under § 192.5(d)(2) a Class 3 location is an area where the pipeline lies within 100 yards of any of the following:

(i) A building that is occupied by 20 or more persons during normal use.

(ii) A small, well-defined outside area that is occupied by 20 or more persons during normal use, such as a playground, recreation area, outdoor theater, or other place of public assembly.

There are three elements in § 192.5(d)(2) that control when a gas pipeline becomes subject to Class 3 location requirements due to a single building or well defined outside area intended as a place of public assembly which otherwise would be considered a Class 1 or Class 2 location. These are: (1) a pipeline within 100 yards of the single building or outside area (2) the building or outside area is occupied by 20 or more persons; (3) the occupation occurs as normal use. A § 192.5(d)(2) class location may include churchs occupied by more than 20 persons for a few hours one day per week or nursing homes occupied by more than 20 persons all of the time.

A § 192.5(d)(2) class location change often takes place after the gas pipeline has been constructed resulting in a

major cost impact on the operator. These isolated areas of public assembly make it necessary for a pipeline operator who has a pipeline constructed to meet requirements for a Class 1 or Class 2 location to relocate or change a segment of that pipeline to conform to the requirements of § 192.611 when the segment becomes a Class 3 location. The impact is especially costly where an otherwise Class 1 location becomes a Class 3 under § 192.5(d)(2) criteria.

Petitions for waiver of the above two rules have been received by MTB and a list of those follows:

Docket No. 74–17W, § 192.611(e)(1), Great Lakes Transmission Company;
Docket No. 83–5W, §§ 192.5(d)(2) and 192.611, Transcontinental Gas Pipe Line Corporation;
Docket No. 84–3W, §§ 192.5(d)(2) and 192.611, United Gas Pipeline Company;
Docket No. 85–4W, § 192.611(e), El Paso Natural Gas Company; and
Docket No. 85–5W, § 192.5(d)(2)(i), Texas Gas Transmission Corporation.

Each of the above petitioners requested waivers from the requirements for segments of pipeline amounting to approximately 600 feet each. The above waivers were requested because an isolated building of some sort, housing 20 or more persons at some time, had been erected within 100 yards of the pipeline. Since these pipelines were operating at or near full capacity, the operators preferred, if necessary, to replace the segment rather than reduce the MAOP. To reduce the MAOP, in particular during the winter peak load periods, would lead to unnecessary hardship for the consumers. Therefore, all of the operators requesting waivers cited the costs of replacing the short segments. For the above listed operators alone, the total costs of replacement, including cost of gas "blown down" to the atmosphere amounted to nearly two million dollars. None of the above listed waivers were granted because the petitioners did not demonstrate that the safety of the public would be assured if the pipeline's MAOP were not confirmed or revised as a result of granting the waiver.

However, MTB is considering the waiver petitions involving § 192.611, directly or indirectly, as a request for a rule change and is pursuing rulemaking action to possibly amend § 192.611 or § 192.5(d)(2) as appropriate. The alternative of processing the large number of waiver requests anticipated in the future would be substantially more time consuming and costly for both the operators and the Department than adopting new or modified rules which change these requirements while assuring pipeline safety.

Problem

In many areas of the country, thousands of miles of major gas transmission pipelines (20 inch or larger) are installed to what have become known as Class 1 or Class 2 location specifications. The concept of increased strength or additional piping design and operating specifications being related to increased population near the pipeline dates back over 40 years, and was codified in early editions of the USAS B31.8 Code. The concept derives from the theory that risks, whether they be physical damage to the pipeline or potential hazards to persons and dwelling places adjacent to the pipeline, increase as population increases and greater risks require greater protection through more stringent safety standards.

MTB believes that there is a real question whether the requirement of § 192.611 for an operator to upgrade or cut the pressure on a pipeline in an otherwise rural Class 1 location can be justified on a cost/safety benefit basis when an area becomes Class 3 merely because of the application of § 192.5(d)(2). RSPA does not have supporting safety or accident data to verify that any additional safety benefits balance the costs of reducing the MAOP, replacing the pipe segment with higher strength pipe, or relocating either the pipeline or the building or outdoor place. Perhaps an equivalent degree of safety may be achieved in a different and more economical manner than the application of the § 192.5(d)(2) criteria in § 192.611. RSPA is studing this matter and seeks public comments on how to define the safety benefits that compliance with § 192.611 provide, if any, and what other approaches there are to achieve that safety.

Discussion

The criteria in § 192.5(d)(2) were incorporated into § 192.5 because the Department believed at that time that they would provide a higher degree of safety for the isolated buildings and outside areas of congregation which would otherwise be Class 1 or Class 2 locations. MTB now believes that this concept, while valid, may be too conservative for at least two important reasons. First, the exposure of persons at risk in most "normal use" situations covered by § 192.5(d)(2) are more comparable to a Class 2 population density than to a Class 3 population density based on a dwelling unit count. A 1983 study, "Characteristics of Population," by the Bureau of Census shows that the average number of full time occupants, nationwide, of buildings intended for human occupancy is 2.75. The normal designation of a Class 1 location, as defined by § 192.5(b) is 10 or less buildings intended for human occupancy. Likewise, a Class 2 location defined by § 192.5(c) is a class location with more than 10 but less than 46 buildings intended for human occupancy. When we use the Bureau of Census figure of 2.75 occupants per building, the upper limit of person count for Class 1 and Class 2 locations is 28 and 124 occupants, respectively. It appears, therefore, based on the above, that under § 192.5(d)(2) defining the occasional occupancy of a building or area within 100 yards of a pipeline by "20 or more persons during normal use" as a Class 3 location may be overly conservative.

Further, MTB has recently reviewed earlier work on the strength testing of line pipe which indicates that there is significant conservatism in the yield strength of pipe grades covered by Part 192. The Battelle Memorial Institute's Columbus (Ohio) Laboratories conducted a research project [1] for the American Gas Association (AGA) titled "Study of Feasibility of Basing Natural Gas Pipeline Operating Pressure on Hydrostatic Test Pressure." The conclusions of that study were that there is conservatism in the yield strength designated by the manufacturer because of the manner in which yield strength has been traditionally determined. The study discusses the Bauschinger effect which refers to the fact that prior plastic deformation of steel in compression lowers the yield strength in tension. The usual test by pipe manufacturers for the yield strength of pipe is to take a specimen parallel to the circumference of the pipe and then flatten it. The flat specimen is then put under tension in a tensile test machine and yield strength is determined by recording the stress. The preparation by flattening causes plastic deformation thus indicating a lower yield strength than the pipe actually possesses. Another method of testing for yield strength of pipe, but more complicated, applies internal hydraulic loading to a complete ring of pipe duplicating more closely the internal stress placed on a working pipeline. It was found that yield strength of the pipe was higher than that designated by the manufacturer by about 4.6 percent when this latter test was used.

In addition to the impacts of the 192.5(d)(2) criteria on MAOP

[1] AGA Cat. No. L30050, Project NG–18, A.R. Duffy and others (1968).

requirements in § 192.611, those criteria also affect many other requirements in Part 192 that are based on class location. The most significant ones are: Subpart C—Pipe Design; Subpart D—Design of Pipeline Components; Subpart J—Test Requirements, and §§ 192.179, 192.243, 192.327, 192.607, 192.609, 192.619, 192.625, 192.705, 192.706, and 192.707.

Based on information in the waiver petitions and RSPA's review of the above data, a rulemaking proposal was drafted and presented to the Technical Pipeline Safety Standards Committee (TPSSC) at a public meeting on October 30, 1984. The TPSSC did not take formal action on the proposal, but their comments favored appropriate rulemaking action on this matter.

Alternatives

1. Continue present rules §§ 192.5(d)(2) and 192.611 unchanged.
2. Modify § 192.5(d)(2) by changing number of persons to some number greater than 20, possibly the range of numbers in the other Class 3 location using Census data.
3. Quantify the term "normal use." This could be on the basis of days of use per year or percentage of time used.
4. Place the criteria presently in § 192.5(d)(2) under § 192.5(c), thus making such a location a Class 2 location.
5. Revise § 192.611 to increase the MAOP allowed for those pipelines impacted by the criteria of § 192.5(d)(2) to that allowed for pipelines in Class 2 locations.
6. Except the § 192.5(d)(2) defined Class 3 locations from § 192.611.

Request for Information

To help MTB decide which alternative, or combination of alternatives, to choose, interested persons are invited to participate in this rulemaking by commenting on the above altlernatives, suggesting additional ones, and answering the following questions. Substantiating information for any comments should also be submitted.

1. Are the requirements of § 192.611 needed for the safety of pipelines in general? If so, are they needed for pipelines in Class 3 areas defined by § 192.5(d)(2)?
2. If the requirements of § 192.611 are needed for safety in general or in § 192.5(d)(2) areas, what safety problem does compliance with § 192.611 help to resolve, and are there any alternative less costly solutions to that problem?
3. If the rules are modified under any alternative above, should other safety requirements be proposed to maintain safety in the vicinity of the isolated building or outside area as defined in § 192.5(d)(2)? If so, what should they be and why? If not, why not?
4. What data can be provided from experience or studies about degree of risks associated with a pipeline in proximity to the § 192.5(d)(2) type locations? In this regard, is an isolated pocket of population within 100 yards of a pipeline a factor in the occurrence of a pipeline accident? What data can you provide about such adjacent population density in relationship to the severity of (or hazardous results from) a pipeline accident?
5. Is "20 or more persons" the appropriate size group on which to base this class location criteria? Cite any research, experience, or safety studies.
6. Can a better criteria be developed from research, study, or risk analysis upon which to base possible exposure of the public to hazard than "normal use?" What is it and what is the basis for your recommendation?
7. What data are available from research or experience concerning any relationship between the stress level in a gas pipeline and the cause of a pipeline accident or the magnitude of accident consequences? Do accidents on higher stress level pipelines normally result in greater damages than lower stress level pipelines, given the same population denisty and mixture?
8. If change is not provided in the regulation from the effects of the criteria in § 192.5(d)(2) on the MAOP resulting from such class location changes, what are the estimated costs to comply for an operator's impacted pipelines? For upgrading? Moving the pipeline? Reducing MAOP? Give estimated number of locations with size and length of each.

The RSPA has long recognized the impact of § 192.611 on pipelines in areas which have become Class 3 locations solely because of § 192.5(d)(2). Because of the possibility that the requirements of § 192.611 are overly conservative and too costly from a safety standpoint for such areas and the difficulties of framing a regulatory solution, the RSPA has evolved a posture of not seeking enforcement of § 192.611 for Class 3 areas brought about solely by § 192.5(d)(2). The RSPA will continue this posture until there is an announced agency position on a regulatory solution or on abandoning the search for a solution.

Authority: 49 U.S.C. 1672; 49 CFR 1.53; Appendix A to Part 1 and Appendix A to Part 106.

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

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Glaucocarpum Suffrutescens To Be an Endangered Species With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine a plant, *Glaucocarpum suffrutescens* (toad-flax cress), to be an endangered species and to designate its critical habitat under the authority of the Endangered Species Act of 1973, as amended. This species is the only one in its genus. It is endemic in the Unita Basin of northeastern Utah on shale barrens of the Green River Formation, in or adjacent to the Hill Creek drainage in southern Uintah County, and at the base of the Badland Cliffs in nearby Duchesne County. The 8 known populations of the species total fewer than 1,900 individuals and show decline due to overgrazing and removal of building stone; future oil shale development without consideration for this species could cause its extinction. Lands on which the species occurs are under the jurisdiction of Bureau of Land Management, Department of Energy, Bureau of Indian Affairs, State of Utah, Uintah and Ouray Indian Reservation, and private individuals or companies. This proposal, if made final, would implement protection provided by the Endangered Species Act. The Service is requesting data and comments from interested parties on this proposal.

DATES: Comments from all interested parties must be received by November 4, 1985. Public hearing requests must be received by October 21, 1985.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and materials received will be available for public inspection, by appointment, during normal business

hours at the Service's Regional Endangered Species Division, fourth floor, 134 Union Boulevard, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Botanist, Regional Endangered Species Staff, at either address above (303/236–7531 or FTS 776–7531).

SUPPLEMENTARY INFORMATION:

Background

This species was first discovered in 1935 and described by Reed C. Rollins as *Thelypodium suffrutescens* in Graham (1937). Following further research, Dr. Rollins (1938) described the monotypic genus *Glaucocarpum* for this species. The toad-flax cress is a member of the mustard family (Brassicaceae); it is a perennial herb from a deep woody root, and forms a clump of several slender simple stems, with elongated loose inflorescences and yellow flowers.

Glaucocarpum suffrutescens is one of several endemic limited to the Green River Formation in the Uinta Basin of eastern Utah. It survives with a few other species mostly on one calcareous shale startum strongly resistant to erosion. The habitat of this plant is disjunct knolls and benches resembling small extremely dry desert islands surrounded by sagebrush or piñon-juniper woodland. *Cryptantha barnebyi* (Barneby cat's-eye), another candidate plant under review for threatened or endangered status (48 FR 53640), occurs at least in part in the habitat of *Glaucocarpum*.

Glaucocarpum occurs in two main population groups near each other in Uintah County. One group is centered in the Gray Knolls between the Green River and Hill Creek, with 800–1000 plants in 3 populations. The other group is centered on Little Rock Pack Mountain between Hill Creek and Johnson Draw, with about 800 individuals in 4 populations. A small third population center about 24 kilometers (15 miles) to the west in Duchesne County has 28 plants. The individual populations range in size from 3 to perhaps 1,000 plants. Most populations occur on land managed by the Bureau of Land Management (BLM).

From 1977 to 1980, considerable field work was undertaken on this species by Larry England, Kathy Mutz, Elizabeth Neese, and Scott Peterson. This work documented range, specific occurrences, approximate number of individuals, and recommended areas of critical habitat for *Glaucocarpum* (England, 1982).

The toad-flax cress habitat is underlain by rich oil shale deposits. Overgrazing and building stone collecting have damaged the species and decreased its range; oil shale development without adequate provision for the species could destroy it in the future.

Section 12 of the Endangered Species Act of 1973 (Act) directed the Secretary of the Smithsonian Institute to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1985. On July 1, 1985, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report as a petition to list the taxa named therein under section 4(c)(2) of the 1983 Act (petition acceptance is now governed by section 4(b)(3) of the Act), and of its intention thereby to review the status of those plants. *Glaucocarpum suffrutescens* included in the July 1985, notice and was proposed by the Service for listing as endangered along with some 1,700 other vascular plant taxa on June 16, 1976 (41 FR 24523). General comments received in relation to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn; proposals already over 2 years old were subject to a 1-year grace period. On December 10, 1979, the Service published a notice of withdrawal of that portion of the June, 1976, proposal that had not been made final, along with four other proposals that had expired (44 FR 70796). The July, 1975, notice was replaced on December 15, 1980, by the Service's publication in the **Federal Register** (45 FR 82480) of a new notice of review for plants, which included *Glaucocarpum suffrutescens* as a category-1 species. Category 1 comprises taxa for which the Service presently has sufficient biological informal to support their being proposed to be listed as endangered or threatened species.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. The deadline for a finding on such petitions, including that for *Glaucocarpum suffrutescens*, was October 13, 1983. On October 13, 1983, and again on October 12, 1984, the petition finding was made that lising this species was warranted but precluded by other listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. Notification of the 1983 finding was published on January 20, 1984 (49 FR 2485). Such a finding requires a recycling of the petition, pursuant to section 4(b)(3)(C)(i) of the Act. Therefore a new finding must be made; this proposed rule constitutes the finding that the petitioned action is warranted, in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424, see revision at 49 FR 38900, October 1, 1984) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Glaucocarpum suffrutescens* (Rollins) Rollins (toad-flax cress) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Over the almost 50 years since its original discovery, there has been decline in the habitat of this species. During repeated fieldwork at the type locality, most recently by Dr. Rollins in 1980, no individuals have been found (England, 1982; Rollins, Harvard University, pers. comm., 1983). Removal of building stone and heavy grazing are probable factors that have contributed to the extirpation of this population (England, 1982). Larger linear flagstones, are, or were, common in the habitat of the species; populations appear denser and more vigorous where these tuff fragments or clasts, which are in great demand, have not been removed.

The entire range of this monotypic genus is underlain by oil shale, which is likely to be mined when economic conditions favor it. The largest population is partly on Naval Oil Shale Reserve No. II of the Department of Energy, with BLM responsible for surface management, and partly on the Uintah and Ouray Indian Reservation, which is owned and managed by the Ute Indian tribe. The other 4 populations with 70 or more plants are partly managed by BLM and partly under private, State, or Indian management, while the 3 smallest populations are solely managed by one of the above entities. Habitat and individuals on two sections of land under State of Utah and private owership are now under lease by an oil shale development firm. Without a concerted effort and coordinated planning, this monotypic genus could inadvertently be brought to extinction (England, 1982).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* None known.

C. *Disease or predation.* The adverse effect of sheep and cattle on this species appears to be due both to grazing and trampling (England, 1982).

D. *The inadequacy of existing regulatory mechanisms.* There are no Federal, State, or local laws or regulations that address this species or directly provide for protection of its habitat.

Although BLM is aware of this plant, it is not currently obligated to regulate activities so as to provide for the conservation of *Glaucocarpum*. The Endangered Species Act offers possibilities for additional protection of this species through the provisions of section 7 of the Act (interagency cooperation) and through section 9 of the Act, which prohibits removing and reducing to possession a listed plant from an area under Federal jurisdiction.

E. *Other natural or manmade factors affecting its continued existence.* The estimated total number of individuals of toad-flax cress that currently exist is less than 1,900. Only 3 of the 8 populations consist of 170 individuals or more, and 3 consist of fewer than 30 plants each. Only the largest populations may have genetic variability sufficient for long-term adaptation.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Glaucocarpum suffrutescens* as an endangered species. With fewer than 1,900 individuals known in 8 populations and the risk of damage to the cress and its habitat, endangered status seems an accurate assessment of the plant's condition. It is prudent to propose critical habitat, because risks from vandalism or collecting are not anticipated in the remote area where the species occurs, and delineating the habitat may aid in its management.

Critical Habitat

Critical habitat, as defined by section 3 of the Act, means—(i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat of about 7,360 acres in the Uinta Basin is being proposed for *Glaucocarpum suffrutescens*. The area proposed supports the majority of known populations of the species and appears to be necessary to its continued survival. The species is confined to a localized geological formation in the area. Buff-colored calcareous shale of the Green River Formation, which directly occupies some 2,552.5 acres on scattered knolls and slopes, is a primary constituent element for the species. The 8 parcels of critical habitat are indicated exactly in the Regulations Promulgation section of this proposal. No critical habitat is proposed for the newly discovered small population in Duchesne County, because it has not yet been adequately delimited.

Section 4(b)(8) of the Act requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by such designation. A large range of surface-disturbing activities could adversely modify the *Glaucocarpum* habitat. The area involved is remote, about 2.5 hours on dirt roads from the nearest town, and it is believed that most human activities will probably be associated with energy development. These could include road building, exploration, drilling, surface mining, servicing or retort sites, oil transportation, and housing and recreation for workers. As in all deserts, available water is a critical factor in plant survival. The effect oil shale development would have on local water supplies for this species is not known. Building stone removal and livestock grazing can also have adverse effects on the critical habitat.

The Bureau of Land Management, the Department of Energy, the Bureau of Indian Affairs, the State of Utah, the Ute Indian tribe, and private individuals or companies have jurisdiction over various parts or aspects of the toad-flax cress habitat. As resident and transient human populations increase in the basin with growth of the energy industry, pressures on the toad-flax cress habitat may change and increase. In complying with section 7 of the Act, Federal agencies might find it necessary to increase regulation and enforcement on the removal of building stone from the habitat and reduce grazing, or require site clearances prior to development or approval of leases. If there is no Federal presence in the activity on State, Indian, or private lands, critical habitat designation would have no effect.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will consider the critical habitat designation, in light of all additional relevant information obtained, at the time of final rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and can result in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Possible Federal involvement with *Glaucocarpum suffrutescens* has already been

discussed under "Critical Habitat," above. Management of some areas is likely to be affected, but not to any major extent.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Glaucocarpum suffrutescens*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species, in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. No trade in *Glaucocarpum suffrutescens* is known. It is anticipated that few trade permits would ever be sought or issued, since this species is not common in the wild or in cultivation, and is of no commercial interest.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. The prohibition would apply to the toad-flax cress. Permits for exceptions to this prohibition are available through section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made following public comment. It is anticipated that few collecting permits for the toad-flax cress will ever be requested, as it is not of commercial interest. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, 6th floor Broyill, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

If this species is listed under the Act, the Service will review it to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preserevation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of each endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning the following:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Glaucocarpum suffrutescens:*

(2) The location of any additional populations of *Glaucocarpum suffrutescens:* and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on *Glaucocarpum suffrutescens;* and

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Final promulgation of the regulations on *Glaucocarpum suffrutescens* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service (see ADDRESSES section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of 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).

Literature Cited

England, J.L. 1982. Status report on *Glaucocarpum suffrutescens* (Rollins) Rollins. Office of Endangered Species, U.S. Fish and Wildlife Service, Region 6, Denver, Colorado. 39 pp.

Graham, E.H. 1937. Botanical studies in the Uinta Basin of Utah and Colorado. Ann. Carnegie Mus. 26:1–432.

Rollins, R.C. 1938. *Glaucocarpum* a new genus in the Cruciferae. Madrovno 4:232–235.

Authors

The primary authors of this proposed rule are J. Scott Peterson, Colorado Natural Heritage Inventory, Denver, Colorado and J. Larry England, Field Office, U.S. Fish and Wildlife Service, Salt Lake City, Utah (801/524–4430 or FTS 588–4430). Dr. James L. Miller of the Service's Denver Office and Dr. Bruce MacBryde, then of the Office of Endangered Species, Washington, D.C., served as editors.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read 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. 9–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Brassicaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Brassicaceae—Mustard family						
Glaucocarpum suffrutescens	Toad-flax cress	U.S.A. (UT)	E		17.96(a)	NA

3. It is further proposed to amend § 17.96(a) by adding critical habitat of *Glaucocarpum suffrutescens*, as follows: (The position of this entry under § 17.96(a) follows the same sequence as the species occurs in 17.12.)

§ 17.96 Critical habitat—plants.

(a) * * *

* * * * *

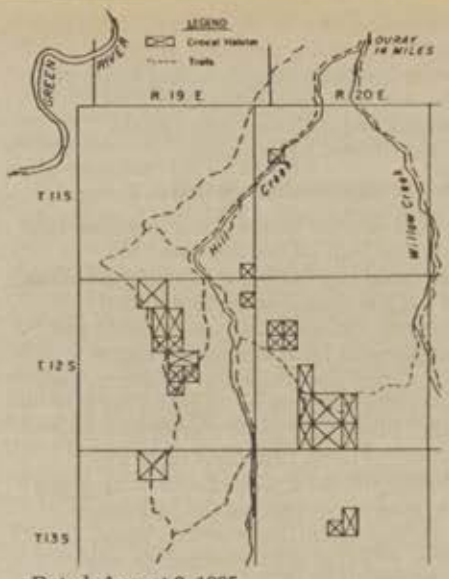
Family Brassicaceae: *Glaucocarpum suffrutescens* (toad-flax cress)

Utah. Uintah County. Hill Creek area south of Ouray: T11S R19E SE¼ Sec. 36; T11S R20E SE¼ Sec. 7; T12S R19E SE¼ Sec. 1, Sec. 4, E½ Sec. 9, W½ Sec. 10, NW¼ and S½ Sec. 15, NE¼ Sec. 16, N½ and SW¼ Sec. 22; T12S R20E SE¼ Sec. 7, SW¼ Sec. 8, NW¼ Sec. 17 NE¼ Sec. 18, E½ Sec. 20, W½ Sec. 27, Sec. 28, E½ Sec. 29, E½ Sec. 32, Sec. 33, W½ Sec. 34; T13S R19E Sec. 4; T13S R20E W½ Sec. 15, SE¼ Sec. 16.

The primary constituent element is buff-colored, calcareous shale found on knolls and slopes of the Green River Formation within the areas designated.

(critical habitat map follows)

* * * * *



Dated: August 9, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-21161 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 50, No. 172
Thursday, September 5, 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

Forms Under Review by Office of Management and Budget

August 30, 1985.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revision

* Farmers Home Administration

Borrower Acknowledgement of Notice to take adverse action FmHA 1924-26; FmHA 1962-1
On occasion
Individuals or households; Farms; 220,000 responses; 65,400 hours; not applicable under 3504(h)
Ron Thelen (202) 382-8030

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 85-21221 Filed 9-4-85; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Stabilization and Conservation Service

National Conservation Review Group; Meeting

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Notice of meeting.

SUMMARY: The Agricultural Conservation Program (ACP) National Conservation Review Group will meet to consider recommendations from State and County ACP review groups with respect to operational features of the program. Also, comments and suggestions will be received from the public concerning the various conservation and environmental programs administered by the Agricultural Stabilization and Conservation Service (ASCS).

DATE: Meeting date: October 3, 1985.

ADDRESS: Meeting location: Room 4960 South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Chief, Conservation Programs Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Room 4723, South Building, Washington, D.C. 20013, 202-447-7333.

SUPPLEMENTARY INFORMATION: The Agricultural Conservation Program (ACP) National Conservation Review Group meeting is scheduled to be held from 9:00 a.m. to 12:00 p.m. on October 3, 1985, in Room 4960, South Building, U.S. Department of Agriculture, Washington, D.C. Meeting sessions will be open to the public. The agenda will include consideration of State and county review group recommendations for changes in the administrative procedures and policy guidelines of the ACP. Also, an opportunity will be provided for the public to present comments on the various conservation and environmental programs administered by ASCS. The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of these programs.

Because of the limitations of space available, persons desiring to attend the meeting should call Mr. Vincent Grimes (202) 447-7333 to reserve a seat.

Signed at Washington, D.C., on August 29, 1985.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 85-21219, Filed 9-4-85; 8:45am]

BILLING CODE 3410-05-M

Forest Service

North Kaibab Grazing Advisory Board; Meeting

The North Kaibab Grazing Advisory Board will meet at 1:00 p.m., Tuesday, October 1, 1985, at the Coconino County Building, Fredonia, Arizona. The purpose of this meeting is development of allotment management plans and utilization of Range Betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona, 86046, telephone (602) 635-2681. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Those attending may express their views when recognized by the chairman.

Dated: August 26, 1985.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 85-21124 Filed 9-4-85; 8:45 am]

BILLING CODE 3410-11-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: Bureau of the Census
Title: 1985 Address Materials Survey
Form Number: Agency—S–561, S–562; OMB—NA
Type of Request: New
Burden: 3,456 respondents; 288 reporting hours
Needs and Uses: This is a survey of small governmental units which will provide information to the Census Bureau about address listings and maps that might be available for their jurisdictions.
Affected public: State or local governments
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB DESK Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: August 29, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85–21180 Filed 9–4–85; 8:45 am]

BILLING CODE 3510–07–M

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: National Oceanic and Atmospheric Administration
Title: Logbook Family of Forms—Amendment 3
Form Number: Agency—NOAA 75–700; OMB—0648–0016
Type of request: Revision of a currently approved collection
Burden: 4,282 respondents; 8,122 reporting hours
Needs and uses: This collection supports the implementation of Amendment 9 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 14 to the FMP for Groundfish of the Gulf of Alaska. Information is used to measure attainment of quotas and adjust allocations of allowable yield to participants
Affected public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion, weekly monthly, quarterly
Respondent's obligation: Mandatory
OMB desk officer: Sheri Fox, 395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Disposal of Fishing Gear, Other Articles
Form Number: Agency—N/A; OMB—N/A
Type of request: New collection
Burden: 30 respondents; 2 reporting hours
Needs and uses: Fishermen accidentally disposing or encountering articles that interfere with fishing or which cause damage to fishery resources or marine mammals are to inform the Coast Guard of the location and nature of the article.
Affected public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's obligation: Mandatory
OMB desk officer: Sheri Fox 395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Atlantic Bluefin Tuna Vessel Allocation
Form Number: Agency—N/A; OMB—N/A
Type of request: Existing collection in use without an OMB control number
Burden: 7 respondents; 2 reporting hours
Needs and uses: The Atlantic Tuna Convention Act authorizes the Secretary of Commerce to implement recommendations of the International Commission for the Conservation of Atlantic Tunas. The application for a purse seine vessel allocation by each of the seven affected operators is used by the National Marine Fisheries Service to divide the quota available to this sector of the fishery
Affected public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: Annually
Respondent's obligation: Mandatory
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, NW, Washington, DC 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: August 29, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85–21181 Filed 9–4–85; 8:45 am]

BILLING CODE 3510 CW–M

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: Bureau of the Census
Title: Current Industrial Reports Program—Unfilled Orders Questionnaire
Form number: Agency—MA300P; OMB—N/A
Type of request: New collection
Burden: 500 respondents; 167 reporting hours
Needs and uses: This questionnaire will collect information on accounting practices regarding unfilled orders from 500 manufacturers in the United States. The results will be used by Census to design a survey on unfilled orders to benchmark this important series in the monthly Manufacturers', Shipments, Inventories, and Orders Survey
Affected public: Business or other for-profit institutions
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814
Agency: Bureau of the Census
Title: Survey of Income and Program Participation 1985 Panel Wave 4 and Wave 8
Form number: Agency—SIPP–5400, 5405L, 4800, 4803, 4805; OMB–0607–0425
Type of request: Revision of a currently approved collection
Burden: 32,760 respondents; 16,380 reporting hours
Needs and uses: This survey is conducted to provide the executive and legislative branches with improved statistics on income distribution and data not previously available on eligibility for and participation in government programs. Changes in status and participation will be measured overtime. The data will support policy and program planning.

Affected public: Individuals or households
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814

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, NW, Washington DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: August 29, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85–21182 Filed 9–4–85; 8:45 am]

BILLING CODE 3510-CW-M

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

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

Agency: Bureau of Economic Analysis
Title: Benchmark Survey of U.S. Services Transactions with unaffiliated Foreign Persons—1985
Form number: Agency—BE–20; OMB—N/A
Type of Request: New collection
Burden: 10,000 respondents; 132,000 reporting hours
Needs and Uses: This data will secure data from U.S. persons on their services transactions with unaffiliated foreign persons. The data will fill major data gaps in the balance of payments and gross national product accounts and will be used to develop U.S. international trade policy and to support U.S. trade policy initiatives
Affected public: State or local governments, farms, businesses or other for-profit institutions; small businesses or organizations
Frequency: Approximately every five years
Respondent's Obligation: Mandatory
OMB desk officer: Tim Sprehe, 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

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

Dated: August 29, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85–21183 Filed 9–4–85; 8:45 am]

BILLING CODE 3510-CW-M

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

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

Agency: National Oceanic and Atmospheric Administration
Title: Dealer Purchases and Trip Interviews—Amendment 3
Form Number: Agency—N/A; OMB—0648–0013
Type of Request: Revision of a currently approved collection
Burden: 5,183 respondents; 8,013 reporting hours
Needs and uses: Fishing effort is expanding into the Caribbean area where no previous landings occurred. Landings data are essential for determining the extent of seasonal closures needed to prevent overfishing. All commercial fishermen in the Caribbean area must report landings
Affected public: Businesses or other for-profit, small businesses or organizations
Frequency: Monthly
Respondent's obligation: Mandatory
OMB desk officer: Sheri Fox, 395–3785

Agency: National Oceanic and Atmospheric Administration
Title: Application for Authorized Chart Agent
Form Number: Agency—NOAA Forms 49–7B and 49–7C; OMB—New
Type of Request: Existing collection in use without an OMB control number
Burden: 400 respondents; 400 reporting hours
Needs and uses: Information provides means to assess requests to enter authorized chart sales agreement with NOS and facilitates compliance with laws and regulations as to whom may be appointed to represent the government as authorized chart sales agents. All requests to become agents originate with potential applicants
Affected public: State and local governments, businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Sheri Fox, 395–3785

Agency: National Oceanic and Atmospheric Administration
Title: Dealer Purchases and Trip Interviews—Amendment 2
Form Number: Agency—N/A; OMB—0648–0013
Type of Request: Revision of a currently approved collection
Burden: 5,258 respondents; 8,119 reporting hours
Needs and uses: Current statistics from dealers provide incomplete information on catch. Information will be collected from all user groups—non-trap fishermen, dealers, processors and charterboat operations—to provide a reliable estimate of total catch. This information will allow NMFS and the Council to more accurately assess optimum yield
Affected public: Businesses or other for-profit, small businesses or organizations
Frequency: By trip
Respondent's obligation: Mandatory
OMB desk officer: Sheri Fox, 395–3785

Agency: National Oceanic and Atmospheric Administration
Title: Logbook Family of Forms—Amendment 1
Form Number: Agency—N/A; OMB—0648–0016
Type of Request: Revision of a currently approved collection
Burden: 4,407 respondents; 8,602 reporting hours
Needs and uses: Current statistics from dealers understate actual landings. Information will be collected from fishermen who sell their catch, bypassing dealers. Identification of the areas fished will enable NMFS and the Councils to more accurately assess landings
Affected public: Businesses or other for-profit, small businesses or organizations
Frequency: Monthly
Respondent's obligation: Mandatory
OMB desk officer: Sheri Fox, 395–3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Oficer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW, Washington, DC 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, DC 20503.

Dated: August 30, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-21184 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Georgetown Export Trading, Inc. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

All products and services, including but not limited to: electronic microwave tubes, power transistors (dissipating), indicator panels, light sensing electronic tubes, and other electronic component parts; and educational and training materials.

Export Trade Facilitation Services (As They Relate to the Export of Products and Services)

Export trade and export management services, including the provision of international market research and information regarding the mechanics of exporting, and the performance of services related to international trade (including taking title to goods, warehousing, shipping, arranging for after-sales product servicing, transportation, export licensing, export financing, providing information about duties and other fees applicable to exporters, providing information and training on quality control, advertising and distribution). Such services also include feasibility studies regarding the establishment of export trading companies among U.S. competitors.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. GETI may enter into exclusive and/or nonexclusive agreements with suppliers individually to provide Export Trade Facilitation Services. "Exclusive" means that the supplier agrees not to purchase such services from anyone except GETI.

2. GETI may assist domestic suppliers in the organization of export trading companies. GETI will gather and analyze information provided to GETI by such suppliers individually about products, prices, and delivery schedules for the Export Markets, as well as information about potential Export Markets, in order to determine whether an ETC is feasible. GETI then will advise the participating suppliers individually regarding the results of the feasibility study.

3. GETI may enter into exclusive and/or nonexclusive agreements with suppliers individually to act as licensee or licensing agent for products and services in Export Trade.

4. GETI may enter into exclusive and/or nonexclusive agreements with suppliers individually to act as an Export Intermediary for products and services in Export Trade wherein:

a. GETI agrees not to represent any competitors of such supplier for products and services in Export Trade unless authorized by the supplier; and/or

b. The supplier agrees not to sell, directly or indirectly, through any other intermediary, into any part of the Export Markets in which GETI exclusively represents the supplier as an Export Intermediary.

5. On behalf of any individual supplier, GETI may act as an agent to identify and appoint exclusive and/or nonexclusive Export Intermediaries for the Export Markets to deal in the supplier's products and services in Export Trade.

6. GETI may enter into exclusive agreements with Export Intermediaries whereby:

a. GETI agrees to deal in products and services in Export Trade in any Export Market only through that intermediary; and/or

b. That intermediary agrees not to deal in particular products and services in particular Export Markets with anyone except GETI.

7. As GETI becomes aware of invitations to bid or sales opportunities in the Export Market, GETI may contact individual suppliers of the products and services specified in the invitation to bid or the purchase specification, invite the suppliers to provide independent quotations to GETI for the products and services, and enter into agreements with individual suppliers whereby GETI will submit a response to the bid invitation or request for quotation.

8. GETI may enter into and terminate exclusive and/or nonexclusive agreements with individual buyers in any Export Market to act as a purchasing agent with respect to particular transactions.

9. GETI may enter into agreements with individual end-users of products and services located in any Export Market under which such end-users may agree to purchase all or part of their requirements of products and services in Export Trade from or through GETI.

10. The foregoing agreements may contain territorial, customer, price and/or quantity restrictions for the Export Markets.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Dated: August 29, 1985.

James V. Lacy,

Director, Office of Export Trading Company Affairs.

[FR Doc. 85-21125 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Amendments to Export Trade Certificates of Review.

SUMMARY: The Department of Commerce has issued twenty-two amendments to Export Trade Certificates of Review. This notice summarizes the amendments.

ADDRESS: The Department requests public comments on the amendments. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985). The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(b), which requires the Secretary of Commerce to publish in the Federal Register a summary of each certificate issued. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amendment

The certificate of review previously issued to each applicant contained the following disclaimer:

This certificate does not apply to sales to the United States Government or to any sale more than half the cost of which is borne by the United States Government.

This language has been deleted and replaced with the following language:

The application of this certificate to conduct in export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

Applicants

International Development Institute, 750 13th Street, SE., Washington, DC. 20003, Application No. 83–00001

U.S. Farm-Raised Fish Trading Company, Inc., 550 High Street, P.O. Box 34, Jackson, Mississippi 39205, Application No. 83–00004

Intex International Trading Company, 199 South Beach Avenue, P.O. Box 288, Old Greenwich, Connecticut 06870, Application No. 83–00008

International Trailer Sales, Inc., 17000 Kentucky Road, Independence, Missouri 64050, Application No. 83–00009

Trade Development Corporation of Chicago, 2049 Century Park East, Suite 416, Los Angeles, California 90067, Application No. 83–00012

U.S. Export & Trading Company, P.O. Box 1698, Carlsbad, California 92008, Application No. 83–A0024

SOR, Inc., P.O. Box 591, Olathe, Kansas 66061, Application No. 83–00027

Micro Products Company, 20 North Wacker Drive, Chicago, Illinois 60606, Application No. 83–00034

VEXTRAC, Ltd., 600 World Trade Center, Norfolk, Virginia 23510, Application No. 83–00036

Farmers' Rice Cooperative, P.O. Box 696, West Sacramento, California 95691, Application No. 84–00005

Fleetwood International, Inc., 88 Pine Street, New York, New York 10005, Application No. 84–00006

United Export Trading Company, Inc., 1605 W. Olympic Boulevard, Suite 900, Los Angeles, California 90015, Application No. 84–00008

Opti-Copy, Inc., 10930 Lackman Road, Lenexa, Kansas 66219, Application No. 84–00009

Equinomics, Inc., International Trade Mart Building, Suite 2317, New Orleans, Louisiana 70130, Application No. 84–00013

The Aries Group, Ltd., 1745 Jefferson Davis Highway, Suite 404, Arlington, Virginia 22202, Application No. 84–00014

AEON International Corporation, 360 Seventh Avenue, Marion, Iowa 52302, Application No. 84–00015

Carolina Western, Inc., P.O. Box 2524, Rutledge Lake Road, Greenville, South Carolina 29602, Application No. 84–00016

Alco World Trade, Inc., 8181 NW 36th Street, Suite 4, Miami, Florida 33166, Application No. 84–00018

Great Agassiz Basin Export Trading Company, 112 North University Drive, Suite 385, Fargo, North Dakota 58102, Application No. 84–00022

Gerhardt's Inc., 819 Central Avenue, P.O. Box 10161, Jefferson, Louisiana 70181, Application No. 84–00024

N.B. Carson & Company, Inc., 4636 Broadway, Cleveland, Ohio 44127, Application No. 84–00027

Bariston, Inc., 223 Derby Street, Salem, Massachusetts 01970, Application No. 84–00028

A copy of each amended certificate is available for inspection and copying in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Dated: August 30, 1985.

James V. Lacy,

Director, Office of Export Trading Company Affairs.

[FR Doc. 85–21229 Filed 9–4–85; 8:45 am]

BILLING CODE 3510-DR-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with §§ 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 85–252. Applicant: Kansas State University, Department of Anatomy & Physiology, VMS 28, College of Veterinary Medicine, Manhattan, KS 66506. Instrument: Equine Treadmill for Horses, Model 4785. Manufacturer: RTC Systems, KB, Sweden. Intended use: The instrument will be used to train and evaluate horses with a standard treadmill exercise test before, during and after the horses have completed specific training programs and following detraining to simulate musculoskeletal injury. Application received by Commissioner of Customs: August 2, 1985.

Docket No.: 85–268. Applicant: Medical College of Virginia, 401 N. 12th street, Richmond, VA 23298. Instrument: NMR Spectrometer. Manufacturer:

Oxford Research Systems, United Kingdom. Intended use: The instrument will be used to investigate biochemical and morphological properties of experimental biological systems. These biological systems fall into two classes: (1) Tissue organ preparations which need to be maintained using chemicals and electrical devices (e.g. cell suspensions) and, (2) intact whole animals. Particular emphasis will be placed on determining the chemical state of water and the metabolic pathways used by the biological system in response to stress and pathologic conditions. The studies will be performed to gain a deeper understanding of the processes of life by studying biological systems with a tool that presents no harmful effects due to the measurements taken or the preparation necessary for measurement. Another objective of these studies involves developing techniques which will allow in-vivo nuclear magnetic resonance to be used medically as a diagnostic tool. Application received by Commissioner of Customs: August 2, 1985.

Docket No.: 85–270 Applicant: The Arthritis Institute, 2455 Army Navy Drive, Arlington, VA 22206. Instrument: Electron Microscope, Model EM 410LS. Manufacturer: N.V. Philips, The Netherlands. Intended use: The instrument is intended to be used to detect and identify viral-like submicroscopic agents during research into the cause and eventual cure of human rheumatoid diseases. Application received by Commissioner of Customs: August 2, 1985.

Docket No.: 85–271. Applicant: University of Rhode Island, 109 Wales Hall, Kingston, RI 02881. Instrument: Thermal Balance, Model 409. Manufacturer: Netzsch Geraetebau GmbH, West Germany. Intended use: The instrument is intended to be used to train the undergraduate and graduate mechanical engineering student to use sophisticated scientific equipment and to conduct experimental investigations into the thermal behavior of polymer composite materials exposed to high temperatures. Application received by Commissioner of Customs: August 6, 1985.

Docket No.: 85–272. Applicant: District 2 Marine Engineers Beneficial Association-Associated Maritime Officers Safety and Education Plan, One Maritime Plaza, Toledo, OH 43604. Instrument: Marine Engine room Machinery Training and Research Simulator. Manufacturer: Haven Automation, Limited, United Kingdom. Intended use: The instrument will be utilized for research for the purpose of studying engine room procedure, development of needed training methods, fuel management, combined plant operational studies, etc. Application received by Commissioner of Customs: August 13, 1935.

Docket No.: 85–274. Applicant: National Oceanic and Atmospheric Administration, Atlantic Oceanographic and Meteorological Laboratory, 4301 Rickenbacker Causeway, Miami, FL 33149. Instrument: Mass Spectrometer System, Model MS 80 with Accessories. Manufacturer: Kratos Analytical, United Kingdom. Intended use: The instrument is intended to be used for the identification of trace organic substances collected in and over the ocean in investigations to determine the effect of the oceans on the chemistry of the lower atmosphere. Application received by Commissioner of Customs: August 9, 1985.

Docket No.: 85–273. Applicant: U.S. Department of Commerce, NOAA, National Marine Fisheries Service, P.O. Box 271, 8604 La Jolla Shores Drive, La Jolla, CA 92038. Instrument: Fisheries Sonar, Model 3133–15. Manufacturer: Fathom Oceanology Limited, Canada. Intended use: The instrument is intended to be used in research to study the distribution of pelagic schooling fish and to improve quantitative surveys of their abundance. Application received by Commissioner of Customs: August 9, 1985.

Docket No.: 85–276. Applicant: University of Maryland, Department of Physics and Astronomy High Energy Physics, College Park, MD 20742. Instrument: Equipment and components to produce streamer tube chambers. Manufacturer: Costruzioni Meccaniche M. Bindi, Italy. Intended use: The device will be used for the manufacture of detectors used only in pure scientific research to detect strongly interacting particle showers. Application received by Commissioner of Customs: August 15, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85–21141 Filed 9–4–85; 8:45 am]

BILLING CODE 3510-DS-M

Kurt Behrens et al; Order Modifying Temporary Denial Order

In the matter of Kurt Behrens, Elisabethbrunnen 5, 5442 Mendig, Federal Republic of Germany and Delta-Avia Fluggerate GMBH, Heliport, D–5405 Ochtendung, Federal Republic of Germany and Flugplatz, D–5406 Winningen, Federal Republic of Germany, Case No. 661.

By order dated February 1, 1985, 50 FR 5288 (February 7, 1985) (Order), Kurt Behrens and Delta-Avia Fluggerate GmbH (hereinafter Respondents), and parties designated in the Order as related to at least one of the Respondents, were temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Parts 368–399 (1985)) (Regulations), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data under the jurisdiction of the United States Department of Commerce (Department).[1] Included among the parties designated as related to at least one of the Respondents, and thereby subject to the provisions of the Order, were Arnold A. Semler, Inc., Associated Industries, Associated Air Services, Arnold A. Semler, Ronald H. Semler and Monte Barry Semler (hereinafter collectively referred to as Associated).

On July 12, 1985, Associated filed a Motion to Modify the Temporary Denial Order (Associated's Motion to Modify). The Department and Associated have represented that they have conducted extensive discussions following the filing of Associated's Motion to Modify. Following those discussions, the Department and Associated have filed a Joint Motion for Order Modifying Temporary Denial Order (Joint Motion) so as to narrow the scope of the denial as it applies to Associated to U.S.-origin helicopters, helicopter parts and specially-designed accessories for helicopters which are subject to the Export Administration Act of 1979 (50 U.S.C. app. §§ 2401–2420 (1982)) (the Act), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985), and the Regulations. In addition, the Joint Motion requests modification of the Order to permit Associated to export Hughes/Schweizer model 300C helicopters and parts and specially-designed accessories therefor, subject to the Department's prior approval, on a case-by-case basis.

The Joint Motion states that Associated and the Department have agreed to a modification of the Order as set forth above. Associated has agreed to withdraw its Motion to Modify if the Joint Motion is granted by the Hearing Commissioner, although the

[1] On June 28, 1985, the Order was modified by deleting National Helicopter Service and Engineering Company as a related party. 50 FR 28001 (July 9, 1985).

modification proposed in the Joint Motion is more restrictive than the modification Associated sought unilaterally in its Motion to Modify. Associated states that its agreement to the modification of the Order as requested in the Joint Motion is done in the spirit of cooperation with the Department and in no way should be considered an admission of any wrongdoing on the part of Associated. In the Joint Motion, the Department states that Associated has been named in the Order only as a party related to at least one of the Respondents and that its investigation into the matters identified in the Order is still ongoing. Associated and the Department have specifically reserved their rights to move to modify, vacate or amend the Order, as revised, to request a hearing on such motion, or to take such other action as is appropriate, in the future. Associated and the Department have also noted that if the Joint Motion is granted, Associated will be permitted to export U.S.-origin commodities or technical data subject to the Act and the Regulations, other than those helicopters, parts and accessories which would continue to be subject to the Order, as amended, provided all such exports are made in accordance with the requirements of the Act and the Regulations.

Based upon the Joint Motion and the representations made therein by Associated and the Department, I find that a modification of the Order as to Associated is justified. In making this finding, I note that Associated has been named in the Order only as a party related to at least one of the Respondents. The purpose of naming related parties in a temporary denial order is to prevent evasion of the order by the named respondents, using others over whom they may have some influence or control. In any event, a temporary denial order serves only as a preventive enforcement measure and does not constitute a charge by the Department that any party named in such an order has violated the Act or the Regulations. Overall, I find that modification of the Order as proposed by Associated and the Department will not jeopardize the purposes of the Order.

Accordingly, it is hereby

Ordered

1. That the Order of February 1, 1985 is modified as it applies to Arnold A. Semler, Inc., Associated Industries, Associated Air Services, Arnold A. Semler, Ronald H. Semler and Monte Barry Semler (hereinafter collectively referred to as Associated) as follows: (a) The denial of export privileges to Associated shall apply only to U.S.-origin helicopters, helicopter parts and specially-designed accessories for helicopters. (b) Associated may apply to the Department on a case-by-case basis for authorization to engage in export-related transactions involving Hughes/Schweizer model 300C helicopters, model 300C helicopter parts and specially-designed accessories for model 300C helicopters. Notwithstanding the foregoing, Associated is authorized to carry on negotiations with respect to the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any such helicopter, helicopter part or specially-designed accessory. Any authorization granted by the Department to Associated to engage in export-related transactions with respect to such helicopters, helicopter parts or specially-designed accessories for such helicopters may be subject to such conditions as the Department deems necessary to fulfill the policies and purposes of the Act and the Regulations.

2. The Order is not modified as it applies to Kurt Behrens or to Delta-Avia Fluggerate GmbH, or to any other party named as a related party in the Order, as modified.

3. Associated's request to withdraw its Motion to Modify is hereby granted.

4. This modification of the Order is effective immediately.

Dated: August 29, 1985, 12 noon E.D.T.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 85-21145 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-DT-M

[C-471-502]

Extension of the Deadline for Final Countervailing Duty Determination: Carbon Steel Wire Rod From Portugal

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of the petitioners, Atlantic Steel Co., Continental Steel Corp., Georgetown Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co., the Department of Commerce is extending the deadline for its final determination in the countervailing duty investigation of carbon steel wire rod from Portugal to correspond to the date of the final determination in the antidumping investigation of the same product pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98-573).

EFFECTIVE DATE: September 5, 1985.

FOR FURTHER INFORMATION CONTACT: Loc Nguyen or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0167 or 377-3464.

SUPPLEMENTARY INFORMATION: .

Case Histories

Dated: On April 8, 1985, we received antidumping and countervailing duty petitions filed by the Atlantic Steel Co., Continental Steel Corp., Georgetown Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co. against carbon steel wire rod from Portugal.

In compliance with the filing requirements of § 353.26 of our regulations (19 CFR 353.36), the antidumping petition alleged that imports of carbon steel wire rod from Portugal are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the countervailing duty petition alleged that manufacturers, producers, or exporters in Portugal of carbon steel wire rod directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petitions contained sufficient grounds on which to initiate antidumping and countervailing duty investigations, and on May 3 and May 6, 1985, respectively, we published the initiation notices of such investigations (50 FR 18900, 50 FR 19065). On July 11, 1985, we published a negative preliminary determination in the countervailing duty investigation (50 FR 28232). The preliminary determination in the antidumping investigation will be made on or before September 16, 1985.

On August 19, 1985, the petitioners filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the date of the final determination in the antidumping investigation.

Section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the

Trade and Tariff Act of 1984, provides that when a countervailing duty investigation is "initiated simultaneously with an [antidumping] investigation . . . which involves imports of the same class or kind of merchandise from the same or other countries, the administering authority, if requested by the petitioner, shall extend the date of the final determination [in the countervailing duty investigation] to the date of the final determination" in the antidumping investigation (19 U.S.C. 1671d(a)(1)). Pursuant to this provision, the Department is granting an extension of the deadline for the final determination in the countervailing duty investigation of carbon steel wire rod from Portugal to December 2, 1985, the current deadline for the final determination in the antidumping investigation.

Dated: August 27, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-21185 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. C-559-501]

Initiation of Countervailing Duty Investigation: Carbon Steel Wire Rod From the Republic of Singapore

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in the Republic of Singapore of carbon steel wire rod, as described in the "Scope of Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before November 4, 1985.

EFFECTIVE DATE: September 5, 1985.

FOR FURTHER INFORMATION CONTACT: Laura Winfrey or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 02030; telephone: (202) 377-0160, 377-2438.

SUPPLEMENTARY INFORMATION:

The Petition

On August 9, 1985, we received a petition in proper form filed by Atlantic Steel Co., Georgetown Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co., on behalf of the U.S. industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Singapore of carbon steel wire rod receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act). Singapore is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise being investigated is dutiable. Therefore, §§ 303 (a)(1) and (b) of the Act apply to this investigation. Accordingly, the petitioner is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessry for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on carbon steel wire rod from Singapore and we have found that it meets the requirements of section 702(b) of the Act.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Singapore of carbon steel wire rod (as described in the "Scope of Investigation" section of the notice), receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination on or before November 4, 1985.

Scope of Investigation

The product covered by this investigation is carbon steel wire rod which is a coiled, semi-finished, hot-rolled product of approximately round solid cross section, other than alloy iron or steel, not under 0.20 inch nor over 0.74 inch in diameter. Carbon steel wire rod is currently classifiable under items 607.14, 607.17, 607.22, and 607.23 of the *Tariff Schedules of the United States* (TSUS).

Allegations of Bounties or Grants

The petition alleges that producers, manufactureres, or exporters in Singapore of carbon steel wire rod receive benefits under the following programs which constitute bounties or grants:

Economic Expansion Incentives Act (Export Subsidies)
—Part IV allows tax exemptions on export profits
—Part IVA allows tax exemptions for export trading companies
—Part VIB allows tax exemptions for export warehouses
—Part VI allows tax reductions or exemptions on royalties, technical assistance fees, and research and development costs

- Economic Expansion Incentives Act (Domestic Subsidies)

—Part II allows tax holidays for "pioneer enterprises"
—Part III allows tax exemptions for "expanding enterprises"
—Part V allows tax-free repayment of interest on loans

- Research and Development Tax Incentives
- Monetary Authority of Singapore Rediscount Facility
- Singapore Economic Development Board
- The Capital Assistance Scheme
- The Product Development Assistance Scheme
- Labor Training
- Double Deduction of Export Promotional Expenses
- Location in Industrial Towns

We are not initiating an investigation on the following allegations:

- *Equity Infusions by the Singapore Economic Development Board*

Petitioners allege that, under the Capital Assistance Scheme, the SEDB makes equity investments which are on terms inconsistent with commercial considerations because they are based on policy priorities rather than financial analyses. However, petitioners provide no information that the government of Singapore has invested in any wire rod producers, nor any information that the wire rod producers are unequityworthy.

In our "Subsidies Appendix" attached to the notice of "Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina" which was published in the **Federal Register** (49 FR 18006), we state that government equity ownership *per se* does not confer a subsidy. Government ownership confers a subsidy only when it is on terms inconsistent with commercial

considerations. Since petitioners provide no information that the Singapore Economic Development Board has made equity investments in wire rod producers or that such investments are on terms inconsistent with commercial considerations, we are not initiating on this allegation.

• *Income Tax Exemption for Shipping*

Petitioners allege that the income derived from a shipping enterprise using Singapore-registered ships is tax-exempt, and that such as exemption acts as a countervailable subsidy to export trade. Since petitioners provide no information on how wire rod producers, manufacturers, or exporters benefit from tax exemptions to shipping enterprises, we are not initiating on this allegation.

• *Export Credit Insurance*

Petitioners allege that the Export Credit Insurance Corporation of Singapore (ECICS) provides export credit insurance at concessional rates inconsistent with commercial considerations. Since petitioners have not alleged that the rates charged by ECICS are inadequate to cover its long-term operating costs, we are not intitiating on this allegation.

The following programs were found not to confer bounties or grants in a prior investigation because they were not limited to a specific enterprise or industry, or group of enterprises or industries [see "Final Negative Countervailing Duty Determinations: Certain Textile Mill Products and Apparel from Singapore" (50 FR 9840)]. Petitioners have not presented any new information, nor have they alleged changed circumstances, with respect to these programs.

• *Part VIA of the Economic Expansion Incentives Act*

• *Skills Development Fund*

• *Public Utility Board Surcharge Exemption Program*

• *Small Industries Finance Scheme*

Dated: August 29, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-21186 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

National Fire Codes; Request for Proposals for Revision of Standards

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise some of its fire safety standards and requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its standards. The publication of this notice of request for proposals by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Secretary, Standards Council, at above address, (617) 770-3000.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Request for Proposals

Interested persons may submit amendments, supported by written data, views, or argument to Secretary, Standrds Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Each person who submit a proposal must include his or her name and address, must identify the notice and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA Committee as the Technical Committee Report. The NFPA will send a copy of the Technical Committee Report to each person who submits a proposal.

Dated: August 29, 1985.

Ernest Ambler,

Director, National Bureau of Standards.

Committees Soliciting Proposals

The following Committees are planning to meet to begin preparation of their respective reports. In accordance with the Regulations Governing Committee Projects, committees are now accepting proposals for recommendations on document content on the documents listed below. Proposals received by 5:00 p.m. e.s.t. on the closing date indicated will be acted on by the Committee, and that action will be published in the Committee's Report. Proposals must be submitted to Arthur E. Cate, Assistant Vice President/Standards, on Proposal Forms available from the NFPA Standards Administration Office.

Aviation:	
NFPA 415-1983, Aircraft Fueling Ramp Drainage.	Nov. 1, 1985.
NFPA 416-1983, Airport Terminal Buildings.	Nov. 1, 1985.
NFPA 419-1983, Master Planning Airport Water Supply Systems.	Nov. 1, 1985.
NFPA 423-1983, Aircraft Engine Test Facilities.	Nov. 1, 1985.
Boiler-Furnace Explosions:	
NFPA 85A-1982, Fuel Oil and Natural Gas-Fired Single Burner Boiler-Furnaces.	Jan. 17, 1986.
NFPA 85F-1982, Pulverized Fuel Systems.	Jan. 17, 1986.
NFPA 85G-1982, Furnace Implosions in Multiple Burner Boiler-Furnace.	Jan. 17, 1985.
Dust Explosion Hazards:	
NFPA 61A-1984, Manufacturing and Handling of Starch.	(open).
NFPA 61C-1984, Dust Explosions in Feed Mills.	(open).
NFPA 61D-1984, Milling of Agricultural Commodities for Human Consumption.	(open).
Emergency Power Supplies: NFPA 110-1985, Emergency Power Supplies.	July 11, 1986.
Fire Inspector and Investigator Professional Qualifications: NFPA 1031-1982, Professional Qualifications for Fire Inspector, Fire Investigator and Fire Prevention Education Officer.	Jan. 17, 1986.
Fire Instructor Professional Qualifications: NFPA 1041-1981, Fire Service Instructors Professional Qualifications.	Jan. 17, 1986.
Fire Officer Profession Qualifications: NFPA 1021-1983, Fire Officer Professional Qualifications.	Jan. 17, 1986.
Fire Service Occupational Safety and Health:	
Proposed NFPA 1500, Fire Department Safety Program.	Jan. 17, 1986.
NFPA 1501-1977, Fire Department Safety Officer.	Jan 17, 1986.
Flammable Liquids:	
NFPA 30-1984, Flammable & Combustible Liquids Code.	Jan. 17, 1986.

NFPA 30A–1984, Service Stations.	Jan. 17, 1986.
Foam:	
NFPA 11–1983, Low Expansion and Combined Agent Systems.	July 11, 1986.
NFPA 11A–1983, High Expansion Foam Systems.	July 11, 1986.
Halogenated Fire Extinguishing Agent Systems:	
NFPA 12A–1985, Halon 1301.	Jan. 17, 1986.
NFPA 12B–1985, Halon 1211.	Jan. 17, 1986.
Hazardous Chemicals:	
NFPA 40–1982, Cellulose Nitrate Motion Picture Film.	Dec. 31, 1985.
NFPA 43A–1980, Liquid and Solid Oxidizing Materials.	Oct. 1, 1985.
Libraries, Museums and Historic Buildings:	
Proposed NFPA 912, Fire Protection in Places of Worship.	Jan. 17, 1986.
Proposed NFPA 913, Protecting Our Heritage.	Jan. 17, 1986.
Proposed NFPA 914, Fire Safety in Building Rehabilitation & Reuse.	Jan. 16, 1987.
Mining Facilities:	
Proposed NFPA 123, Underground Coal Mines.	Jan. 17, 1986.
Proposed NFPA 124, Underground Diesel Mining Equipment.	Jan. 17, 1986.
Ovens and Furnaces: NFPA 86C–1984, Industrial Furnaces Using a Special Processing Atmosphere.	Jan. 17, 1986.
Portable Fire Extinguishers:	
NFPA 10L–1980, Model Enabling Act for the Sale or Leasing and Servicing of Portable Fire Extinguishers.	Dec. 2, 1985.
Properties of Hazardous Chemicals: NFPA 49–1975, Hazardous Chemicals Data.	Jan. 17, 1986.
Public Fire Service Communications: NFPA 1221–1984, Public Fire Service Communications.	July 11, 1986.
Pyrotechnics:	
NFPA 1121L–1982, Model State Fireworks Law.	Oct. 1, 1985.
NFPA 1122–1982, Code for Unmanned Rockets.	Oct. 1, 1985.
NFPA 1123–1982, Public Display of Fireworks.	Oct. 1, 1985.
NFPA 1124–1984, Fireworks Manufacture, Transportation and Storage.	Jan. 17, 1986.
Proposed NFPA 1125, Manufacture of Model Rocket Engines.	Jan. 17, 1986.
Proposed NFPA 1126, Use of Pyrotechnics in the Performing Arts.	Jan 17, 1986.
Safety to Life:	
NFPA 101–1985, Life Safety Code.	Jan. 17, 1986.
Proposed NFPA 101M, Systems Approaches to Life Safety.	Jan. 17, 1986.
Signalling Systems:	
NFPA 71–1985, Central Station Signaling Systems.	Jan. 17, 1986.
NFPA 72H–1984, Testing Fire Alarm Systems.	Sept. 1, 1985.
Waste Water Treatment Plants: Proposed NFPA 820, Waste Water Treatment Plants.	Jan. 17, 1986.
Water Extinguishing Systems:	
NFPA 16–1980, Foam-Water Sprinkler and Spray Systems.	Jan. 17, 1986.
NFPA 22–1984, Water Tanks for Private Fire Protection.	Jan. 17, 1986.
NFPA 24–1984, Private Fire Service Mains & Their Appurtenances.	Jan. 17, 1986.

[FR Doc. 85–21207 Filed 9–4–85; 8:45 am]

BILLING CODE 3510–13–M

National Fire Codes; Request for Comments on NFPA Technical Committee Reports

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At its Fall Meeting in November or its Annual Meeting in May, the NFPA acts on recommendations made by its technical committees

The purpose of this notice is to request comments on the technical reports which will be presented at NFPA's 1986 Annual Meeting. The publication of thisnotice by the National Bureau of Standards (NBS on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Technical Committee Reports are available for distribution. Comments received on or before November 8, 1985, will be considered by the NFPA before final action is taken on the proposals.

ADDRESS: The 1986 Annual Technical Committee Reports are available from NFPA, Publications Department, Batterymarch Park, Quincy, Massachusetts 02269. (Single copy price is $5.00 to cover postage and handling.) Comments on the reports should be submitted to Arthur E. Cote, Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, Secretary, Standards Council, at above address, (617) 770–3000.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal Agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Codes. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its Technical Committee Reports.

Request for Comments

Interested parties may participate in these revisions by submitting written data, views, or arguments to Arthur E. Cote, Secretary, Standards Council, NFPA, Batterymarch Park, Qunicy, Massachusetts 02269. Commentors may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his or her name and address, identify the notice, and give reasons for any recommendations. Comments received on or before November 8, 1985, will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by March 28, 1986, prior to the Annual Meeting.

A copy of the Technical Committee Documentation will be sent automatically to each commentor. Action of the Technical Committee Reports (adoption or rejection) will be taken at the Annual Meeting, May 19–22, 1986, in Portland, Oregon, by NFPA Members.

Dated: August 29, 1985.

Ernest Ambler,

Director, National Bureau of Standards

Action at the NFPA Annual Meeting in May 1986 is being proposed on the NFPA standards listed below:

1986 ANNUAL MEETING; TECHNICAL COMMITTEE REPORTS

Committee reporting	Document	Action
Aviation: Aircraft rescue and fire fighting.	NFPA 424, Airport/Community Emergency Planning.	C
Building construction: Fire doors and windows.	NFPA 80, Fire Doors and Windows.	P
Chemistry laboratories.	NFPA 45, Fire Protection for Laboratories Using Chemicals.	P
Electrical equipment in chemical atmospheres.	NFPA 496, Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations.	C
Electronic computer systems.	NFPA 75, Electronic Computer-Data Processing Equipment.	P
Explosion protection systems.	NFPA 69, Explosion Prevention Systems.	C
Explosives	NFPA 498, Explosives Motor Vehicle Terminals.	R
Fire reporting	NFPA 901, Uniform Coding for Fire Protection.	P
	NFPA 902M, Fire Reporting Field Incident Manual.	P
	NFPA 903M, Fire Reporting Property Survey Manual.	P
	NFPA 904M, Incident Follow-up Report Manual.	R
Firesafety for recreational vehicles.	NFPA 501C, Firesafety Criteria for Recreational Vehicles.	C
	NFPA 501D, Firesafety Criteria for Recreational Vehicle Parks and Campgrounds.	C
Firesafety symbols.	NFPA 171, Visual Alerting Symbols for General Public Firesafety.	N
	NFPA 172, Firesafety Symbols for Architectural and Engineering Drawings.	R
	NFPA 174, Firesafety Symbols for Risk Analysis Diagrams.	R
	NFPA 178, Symbols for Fire Fighting Operations.	P
Halogenated fire extinguishing agent systems.	NFPA 12CT, Halon 2402 Extinguishing Systems.	N
Lightning protection.	NFPA 78, Lightning Protection Code.	P
Loss prevention procedures and practices.	NFPA 601, Guard Service in Fire Loss Prevention.	R
	NFPA 602 (existing NFPA 601A), Guard Operations in Fire Loss Prevention.	R
	NFPA 600 (existing NFPA 27), Private Fire Brigades.	P
Marine fire protection: Marinas and Boatyards.	NFPA 303, Marinas and Boatyards.	C
Protective equipment for fire fighters.	NFPA 1971, Protective Clothing for Structural Fire Fighting.	P
Storage: Fur cleaning and storage.	NFPA 81, Fur Storage, Fumigation and Cleaning.	R
Water extinguishing systems: Form-water sprinklers.	NFPA 16, Installation of Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems.	P

Types of action: C—Complete Revision; P—Partial Revision; R—Reconfirmation; N—Official Adoption.

[FR Doc. 85-21208 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit to the Northeast Fisheries Center

On July 15, 1985, notice was published in the **Federal Register** (50 FR 28605) that an application had been filed by the Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts 02543 for a scientific research permit to take an unspecified number of marine mammals, not listed as endangered or threatened under the ESA, which are killed incidentally to legal fishing operations and in joint venture fisheries within 200 miles of the U.S. coast.

Notice is hereby given that on August 28, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930–3799.

Dated: August 28, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-21210 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory bodies will convene public meetings at the Portland Holiday Inn-Airport, 8439 NE. Columbia Boulevard, Portland, OR, September 17–19, 1985 as follows:

On September 18, the Council meeting will begin at 9 a.m. with a closed session (not open to the public) to discuss litigation and personnel matters. The Council's open session will begin at 10 a.m. with election of officers, appointment of committees for FY86, and consideration of other administrative matters. The Council also will hear from its management team, advisors, and the public on possible changes in measures to manage the groundfish fishery and will review and adopt a policy on domestic utilization of underutilized species. The Council will review and discuss amendment issues relating to the groundfish management plan and give direction on which issues should be included for public review. There will be a public comment period at 4 p.m.

On September 19, the Council will be provided with summaries of the 1985 ocean salmon fishery management events and current status of the fishery, a progress report on comprehensive salmon planning, and other current salmon management matters. It will review salmon management plan amendment issues, adopt proposed amendments for public review, and schedule public hearings.

Meetings of the Council's Habitat Committee, Salmon Advisory Subpanel and team, and Scientific and Statistical Committee will be convened at the same location starting on the morning of September 17, through the afternoon of September 18. Detailed agendas of all meetings will be available for the public around September 5. For further information, contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, OR 97201; telephone: (503) 221–6352.

Dated: August 30, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service

[FR Doc. 85-21209 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Proposed Permit Modification; Southwest Fisheries Center, National Marine Fisheries Service

Notice is hereby given that the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, has requested a modification of Permit No. 482 issued on September 12, 1984 (49 FR 36899), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the Regulations Governing the Taking and Importing of Marine Mammals and the regulations governing

endangered species permits (50 CFR Parts 216 and 222).

The Permit Holder is requesting to take for captive maintenance up to twenty (20) adult and subadult rogue male Hawaiian monk seals (*Monachus schauinslandi*) for scientific research and to enhance the propagation of the species in the wild. The requested animals are the remaining take authorized for translocation under Permit No. 482 and will be maintained instead in qualified scientific research and/or public display facilities.

Concurrent with the publication of this Notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 30, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-21232 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Limits for Certain Apparel Products Produced or Manufactured in the Republic of the Philippines

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 29, 1985. For further information contact Jane Corwin, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

A CITA directive dated December 21, 1984 (49 FR 50231) established limits for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1985. Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by the exchange of notes dated November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines, the 1985 limits for Categories 331, 333/334, 335T, 335NT, 336T, 336NT, 340, 341T, 348NT, 431, 433, 631pt. (only T.S.U.S.A. numbers 704.3215, 704.8525, and 704.9000), 636NT, 638/639, 640 and 652NT are being adjusted, variously, by the application of swing, carryover, carryforward and carryforward used. To the extent the carryforward is used in 1985, it will be deducted from the affected category limits established for 1986. The limits for Categories 331, 336T., 431 and 638/639 are being reduced either to acount for carryforward used during the 1984 agreement year or for swing applied to other categories.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 151750, May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 29, 1985.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel the directive of December 21, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements concerning imports in to the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of the Phillippines and exported during 1985.[1]

Effective on August 29, 1985, paragraph 1 of the directive of December 21, 1984 is hereby further amended to include the adjusted restraint limits for following categories:

Category	Adjusted 12-month restraint limit [2]
331	645,310 dozen pairs.
333/334	94,002 dozen.
335T	47,951 dozen.
335NT	42,455 dozen.
336T	409,004 dozen.
336NT	34,490 dozen.
340	293,163 dozen.
341T	85,229 dozen.
348NT	271,793 dozen.
431	147,123 dozen.
433	3,618 dozen.
631pt. [3]	437,320 dozen pairs.
636NT	50,994 dozen.
638/639	873,767 dozen.
640	130,042 dozen.
652NT	736,461 dozen.

[1] The limits have not been adjusted to reflect any imports exported after December 31, 1984.

[2] In Category 631, only T.S.U.S.A. numbers 704.3215, 704.8525 and 704.9000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 5533 (a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-21142 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment On Bilateral Textile Consultations With the Government of Malaysia to Review Trade in Category 369pt. (Shop Towels);

Correction

On August 15, 1985 a notice was published in the **Federal Register** (50 FR 32882) concerning a request for public comment on bilateral textile consultations with the Government of Malaysia on cotton shop towels in Category 369pt. The prorated specific limit announced for goods exported during the period beginning on October 28, 1985 and extending through December 31, 1985 should have been 142,721 pounds. The level for the ninety-day consultation period for goods exported on and after July 30, 1985 and

[1] The agreement provides, in part, that: (1) Specific limits maybe exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

extending through October 27, 1985 should have been 233,751 pounds.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-21144 Filed 9-4-85 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment On Bilateral Textile Consultations With the Republic of Korea to Review Trade in Categories 342, 352, and 632

On August 19, 1985, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to women's, girls, and infants' cotton skirts in Categories 342, cotton underwear in Category 352 and man-made fiber hosiery in Category 632. This request was made on the basis of the agreement of December 21, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with Korea, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Categories 342, 352, and 632, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985.

Anyone wishing to comment or provide data or information regarding the treatment of these categories from Korea under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-21143 Filed 9-4-85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) on the Operation and Maintenance of the Lake Red Rock Project, Des Moines River

AGENCY: U.S. Army Corps of Engineers, Rock Island District.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: This notice advises the public that the Rock Island District intends to gather information necessary for the preparation of a supplement to the *Final Environmental Impact Statement for Operation and Maintenance of Red Rock Dam and Lake Red Rock, Des Moines River, Iowa.* The Lake Red Rock project encompasses 47,611 acres of fee title land and 29,038 acres of flowage easement land in Marion County, Iowa. Public meetings were held on 26 and 27 March 1985 to solicit public input concerning the study of alternatives for regulation of Lake Red Rock. This notice further solicits input and assistance from the interested public and invites participation by affected Federal and State agencies having special jurisdiction and/or expertise as cooperating agencies.

SUPPLEMENTARY INFORMATION: The Red Rock Dam, completed in 1969, was built for flood control, hydropower, and recreation. The original conservation pool was to provide low-flow augmentation and sediment storage. The extisting conservation pool is used to supplement the low-flow augmentation releases from Saylorville Reservoir, located 70.8 miles upstream. Changes in the conservation pool are required to account for the conservation storage lost as a result of sedimentation. Using existing estimates of sediment losses within the watershed, the conservation pool will eventually have to be raised to approximately 742 feet National Geodetic Vertical Datum (NGVD) in order to provide for 50,000 acre-feet of conservation stroage in addition to the 100-year sediment storage. In anticipation of eventual pool raises, certain changes in the regulation, operation, and maintenance of the Lake Red Rock project will be necessary. Four alternatives to lake regulation were presented in *Alternatives to the Regulation of Lake Red Rock, Des Moines River, Iowa,* March 1985. These alternatives will be used as a basis for development of the SEIS for the Lake Red Rock project. Other alternatives may be developed during study for the draft SEIS, and will be presented in that document for public review. The development of the SEIS will be used to analyze alternative regulation plans in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4371 et seq.), NEPA Regulations (40 CFR Parts 1500–1508), and other appropriate Federal regulations. The final SEIS will accompany a decision document identifying the preferred regulation plan.

DATES: Written comments should be received within 30 days of publication in the **Federal Register.** Public meetings will be scheduled following circulation of the draft SEIS during March 1986. The final SEIS is anticipated to be completed by September 1986. Locations and dates of scheduled meetings will be announced approximately 30 days in advance by area press releases.

Additional information concerning the proposed project may be requested from: District Engineer, U.S. Army Engineer Distric, Rock Island, ATTN: Planning Division, Clock Tower Building, P.O. Box 2004, Rock Island, Illinois 61204–2004.

Dated: August 26, 1985.

William C. Burns,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 85-21128 Filed 9-4-85; 8:45 am]

BILLING CODE 3710-GP-M

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Charity Lake Project, Patrick County, VA

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed project consists of constructing a reservoir on the Smith River in the headwaters of Philpott Lake in Patrick and Franklin Counties, Virginia. This reservoir known as Charity Lake would have a surface acreage of approximately 3,100 acres and a flood pool surface elevation of approximately 1,210 feet mean sea level (m.s.l.). Charity Lake would function in tandem with Philpott Lake as a pumped storage hydropower project. Each reservoir would have a daily pool fluctuation of 3 to 6 feet.

2. Alternatives to the proposed project include variations in damsite location, height of the dam, and construction technique. Also being considered is the no action alternative.

3a. All private interests and Federal, State, and local agencies known to have an interest in the study have been notified of the study start and have been provided an opportunity for input into the study process. All additional agencies, organizations, and interested parties which have not been previously notified are invited to comment at this time.

3b. The significant issues to be analyzed in the DEIS are as follows: (1) The impacts of the impoundment on the wildlife resources of the impoundment area; (2) the conversion of a riverine fishery into a lacustrine fishery; (3) the loss of rainbow trout spawning areas; (4) loss of cultural resources; (5) impacts of the project's operation on the brown trout fishery downstream of Philpott Lake; (6) the loss of whitewater canoeing opportunities in the upper Smith River; and (7) impacts of the project on the water quality of Philpott and on the releases from Philpott.

3c. The U.S. Fish and Wildlife Service is furnishing input into the planning process in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). A Sec. 404 (Pub. L. 95–217) public notice will be circulated to the public.

4. A scoping letter requesting input to the study has been sent to all known interested parties. No formal scoping meetings are currently planned; however, the identification of any significant issues relating to the project by others will result in coordination with appropriate interests as needed.

5. The Feasibility report and Draft Environmental Impact Statement for the project are currently scheduled for distribution to the public in October 1986.

ADDRESS: Questions about the proposed action and reports can be answered by Mr. Ron Fascher, Plan Formulation Branch, U.S. Army Engineer District, Wilmington, Post Office Box 1890, Wilmington, North Carolina 28402, phone: (919) 343–4783 or commercial: FTS 671–4783.

Dated: August 27, 1985.

Wayne A. Hanson,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 85–21120 Filed 9–4–85; 8:45 am]

BILLING CODE 3710–GN–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP85–43–000]

Conoco Inc.; Petition for Declaratory Order

Issued: August 29, 1985.

Take notice that on August 9, 1985, Conoco Inc. filed a petition with the Federal Energy Regulatory Commission for a declaratory order concerning the construction of the "commingling" requirement of the Commission's regulations. 18 CFR 271.1104(d)(1)(ii) (1984). Section 271.1104(d)(1)(ii) sets out the generic delivery allowances for gas delivered through new facilities and states that "the gas hauled must be commingled with other gas at or before the point of the final first sale in order to be eligible for the allowance under this clause."

Conoco and other producer-partners sell and deliver gas to Sea Robin Pipeline Company, at a production platform located in South Marsh Island Block 113, offshore Lousiana. Conoco states that producer-owned facilities collect the gas from all producing wells in South Marsh Island Blocks 112 and 113, and deliver it to Sea Robin at a single point on the platform. Construction of all facilities used for such delivery was begun on or after November 9, 1978. At the time that deliveries began in 1982, there were three gas wells producing from the platform. By July 1984, two of the three wells ceased production, one permanently and one temporarily for various reasons.

Conoco petitions the Commission to issue an order declaring that gas does not become disqualified from receiving the generic delivery allowance for new facilities under § 271.1104(d)(1)(ii) solely because commingling ceases due to depletion or temporary shut-in of gas from the other wells with which the subject gas was commingled at or before delivery.

Within thirty days of publication of this notice in the **Federal Register**, any person may file a protest or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. Persons wishing to become parties to this proceeding must file a petition to intervene pursuant to Rule 214. 18 CFR 385.214 (1984).

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–21163 Filed 9–4–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. SA85–40–000]

Dawson Operating Co., Inc.; Petition for Adjustment and Waiver of Filing Fee

Issued: August 29, 1985.

On June 14, 1985, Dawson Operating Co., Inc. (Dawson) filed with the Federal Energy Regulatory Commission, a petition for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301, *et seq.*) and Part 385, Subpart K of the Commission's regulations. Dawson seeks adjustment under Subpart H of Part 271 of the Commission's regulations.

The petition and additional information indicate Dawson received a final determination in 1980 that the Roetker No. 2 Well in Harper County, Oklahoma, qualified as a stripper gas well. In 1981, Northern Natural Gas Company (Northern), purchaser from the well, filed a notice of disqualification with the Commission based on production of the well during the latter part of 1980 which exceeded stripper gas well limits. On September 14, 1981, Dawson filed a petition for enhanced recovery status with the Oklahoma Corporation Commission. The petition was denied based on the well's disqualification and lack of requalification prior to the enhanced recovery work performed in March of 1981. Data contained in the enhanced recovery filing indicates that had

Dawson filed an application for a new NGPA section 108 determination subsequent to the disqualification, the well, based on sales to Northern could have requalified as of the end of December, 1980. Dawson also states that it would not be able to make refunds to Northern if its petition were denied.

Dawson requests an adjustment under subpart H of Part 271 of the Commission's regulations allowing it opportunity to seek or re-establish qualification of the well as a stripper gas well for a period prior to its enhanced recovery work, so that it may seek reconsideration of its enhanced recovery petition.

In addition, Dawson requests a waiver of the applicable filing fee, pursuant to 18 CFR 381.106.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21164 Filed 9-4-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-180-001]

Equitable Gas Company, a Division of Equitable Resources, Inc.; Tariff Filing

Issued: August 28, 1985.

Take notice that on August 22, 1985, Equitable Gas Company, a division of Equitable Resources, Inc. ("Equitable") tendered the following tariff sheets:

FERC Gas Tariff, First Revised Volume No. 1

Rate Schedule TS-1; Substitute First Revised Sheet No. 10-11
Superseding First Revised Sheet No. 10-11

FERC Gas Tariff, First Revised Volume No. 2

Rate Schedule X-1, Substitute Second Revised Sheet No. 8
Superseding Second Revised Sheet No. 8
Rate Schedule X-2, Substitute Fifth Revised Sheet No. 29
Superseding Fifth Revised Sheet No. 29
Rate Schedule X-8, Substitute First Revised Sheet No. 23-D
Superseding First Revised Sheet No. 23-D
Rate Schedule X-9, Substitute First Revised Sheet No. 111
Superseding First Revised Sheet No. 111
Rate Schedule X-10, Substitute First Revised Sheet No. 124
Superseding First Revised Sheet No. 124
Rate Schedule X-11, Substitute First Revised Sheet No. 134
Superseding First Revised Sheet No. 134
Rate Schedule X-12, Substitute First Revised Sheet No. 145
Superseding First Revised Sheet No. 145

Equitable states that the substitute tariff sheets are submitted in accordance with § 154.63 of the Federal Energy Regulatory Commission's ("Commission") regulations, which tariff sheets relate to an increase in the rate for transportation service. The proposed changes would increase revenues from jurisdictional sales and service by $596,000 based on the twelve-month period ending March 31, 1985, as adjusted.

The proposed changes are necessary for Equitable to recover its cost of operations and to realize a reasonable return on its investment in facilities utilized to provide transportation services.

Equitable ahs requested a waiver of Commission Regulations so as to permit these tariff sheets to become effective on August 30, 1985.

Equitable states that it has served copies of its filing upon all transportation customers to be affected by the proposed change in rates, the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 5, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21165 Filed 9-4-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST80-50-003 et al.]

Houston Pipe Line Co., Extension Reports

Issued: August 28, 1985.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. The following symbols are used for transactions pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations: a "G(HT)", "G(HS)" or "G(HA)", respectively, indicates transportation, sale or assignments by a Hinshaw pipeline; and a "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before September 16, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date[1]
ST80-50-003	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co	07-25-85	C	10-26-85	
ST80-59-003	Oasis Pipe Lince Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co	07-25-85	C	10-26-85	
ST80-307-002 [2]	Southwestern Gas Pipeline, Inc., P.O. Box 4000, The Woodlands, TX 77387.	Natural Gas Pipeline Co. of America	07-19-85	C	10-01-85	10-17-85
ST82-48-002 [2]	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001	Louisiana Gas Intrastrate, Inc	07-23-85	B	10-19-85	10-21-85
ST82-59-002	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	Northern Natural Gas Co	07-25-85	C	10-30-85	
ST82-60-002	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001	Northern Natural Gas Co	07-25-85	C	10-30-85	
ST82-66-002	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Panhandle Eastern Pipeline Co	07-25-85	G	11-03-85	
ST84-31-001 [2]	Florida Gas Transmission Co., P.O. Box 1188, Houston, TX 77001	Tejas Gas Corp	07-18-85	B	10-07-85	10-16-85
ST84-38-001 [2]	Florida Gas Transmission Co., P.O. Box 1188, Houston, TX 77001	Tejas SW Two	07-18-85	B	10-06-85	10-16-85
ST84-43-001	United Texas Transmission Co., P.O. Box 1478 Houston, TX 77001	Tennessee Gas Pipeline Co	07-16-85	C	10-17-85	
ST84-91-001 [2]	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001	Nache's Distributing Co	07-18-85	B	10-10-85	10-16-85
ST84-108-001	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Intralex Gas Co	07-22-85	B	10-20-85	
ST84-114-002	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Cabot Transmission Corp	07-25-85	B	11-01-85	
ST84-125-001	Natural Gas Pipeline Co., of America, P.O. Box 1208, Lombard, IL 60148.	Mississippi River Transmission Corp	07-30-85	G	10-28-85	
ST84-126-001	Natural Gas Pipeline Co., of America, P.O. Box 1208, Lombard, IL 60148.	Cabot Transmission Corp	07-26-85	B	10-24-85	
ST84-187-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Endevco Pipeline Co	07-30-85	B	11-09-85	
ST84-330-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Endevco Pipeline Co	07-25-85	B	11-20-85	
ST84-429-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Louisiana Gas Systems, Inc	07-24-85	B	10-26-85	
ST85-262-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Dayton Power & Light Co	07-31-85	B	11-01-85	
ST85-263-001	Columbia Gas Transmission Corp, P.O. Box 1273, Charleston, WV 25325.	Dayton Power & Light Co	07-31-85	B	11-01-85	
ST85-313-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	UGI Corp	07-31-85	B	11-01-85	
ST85-316-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325.	UGI Corp	07-31-85	B	11-01-85	
ST85-317-001	Columbia Gas Transmission Corp., P.O. Box 1273 Charleston, WV 25325.	Roanoke Gas Co	07-31-85	B	11-05-85	
ST85-399-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Commonwealth Gas Pipeline Corp	07-31-85	B	11-01-85	
ST85-404-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325.	Commonwealth Gas Pipeline Corp	07-31-85	B	11-01-85	

[1] The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.
[2] These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.
NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 85-21166 Filed 9-4-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP85-186-000]

Southwest Gas Corp. v. Northwest Pipeline Corp.; Complaint and Request for Expedited Action

Issued: August 28, 1985.

Take notice that on August 19, 1985, Southwest Gas Corporation (Southwest) tendered for filing a Complaint and Request for Expedited Action against Northwest Pipeline Corporation (Northwest). In its Complaint, Southwest requests that the Commission issue an order requiring Northwest to substitute Canadian gas or other gas with percentages of nitrogen, ethane and propane at or below the tolerance levels of Southwest's liquefied natural gas (LNG) facility for gas Northwest currently supplies to Southwest from the Rychman-Painter field and the Moxa Arch area. Southwest requests that this substitution continue until such time as Northwest can demonstrate that the gas from the Rychman-Painter field and the Moxa Arch area will not increase the levels of nitrogen, ethane and propane above the tolerance levels for Southwest's LNG facility. Southwest requests, in the alternative, that the Commission issue an order requiring Northwest to reimburse Southwest for all additional costs incurred by Southwest as a result of Northwest's failure to supply gas which meets the tolerance levels of Southwest's LNG facility.

Southwest states Northwest is the sole supplier of the gas stored at its LNG facility. According to Southwest, this facility was designed to operate using gas of the quality of Northwest's Canadian gas supplies, which are low in nitrogen, ethane, and propane. Southwest alleges that Northwest has reduced its takes of Canadian gas and has increased its reliance on domestic sources, which contain levels of the stated contaminants in excess of the tolerance levels for Southwest's facility. Among other things, Southwest alleges that the presence of these contaminants during the LNG storage injection period will result in a 10% reduction in the efficiency of the LNG facility. Southwest states it has informed Northwest of this and other difficulties caused by the presence of the contaminants, but the problems have not been resolved.

Southwest requests expedited treatment of its Complaint, as a new storage injection season commences on, or about, August 23, 1985. Southwest alleges it is during this period that the increased costs will be incurred.

Any person desiring to be heard or to

protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 28, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21167 Filed 9-4-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-5131-001, et al]

Sun Exploration & Production Co. et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

August 27, 1985.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5131-001, D, Aug. 19, 1985	Sun Exploration and Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Texas Eastern Transmission Corporation, Hostetter Field, McMullen County, Texas.	[1]	
G-5932-000, D, Aug. 16, 1985	do	Arkansas Louisiana Gas Company, Athens Field, Claiborne Parish, Louisiana.	[2]	
G-5932-001, D, Aug. 16, 1985	do	do	[3]	
G-11762-004, D, Aug. 19, 1985	do	Northern Natural Gas Company, Harper Ranch Field, Clark County, Kansas.	[3]	
CI61-1429-000, D, Aug. 12, 1985	do	El Paso Natural Gas Company, Langlie-Mattix Field, Lea County, New Mexico.	[3]	
CI61-1429-001, D, Aug. 12, 1985	do	El Paso Natural Gas Company, Rhodes Field, Lea County, New Mexico.	[3]	
CI63-150-001, D, Aug. 19, 1985	do	Northern Natual Gas Company Various Fields (Mocane-Laverne Area), Beaver County, Oklahoma.	[7]	
CI63-1351-000, D, Aug. 12, 1985	do	El Paso Natural Gas Company, Rhodes Field, Lea County, New Mexico.	[3]	
CI85-617-000, F, Aug. 13, 1985	Samson Resources Company (Succ. in Interest to ARCO Oil & Gas. Co., A Division of Atlantic Richfield Company), Samson Plaza, Two West Second Street, Tulsa, Oklahoma 74103.	Arkansas Louisiana Gas Company, Certain acreage in Pittsburg County, Oklahoma.	[3]	14.73
CI85-618-000 (CI64-1440), B, Aug. 5, 1985.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Horizon Oil & Gas Company of Texas, Horizon Field, Ochiltree County, Texas.	[3]	
CI85-619-000 (CS82-86), B, Aug. 13, 1985.	W. D. Cutwell, P.O. Box 56203, Houston, Texas 77256.	Transcontinental Gas Pipe Line Corp., Lucy Field, St. Charles Parish, Louisiana.	[10]	
CI85-620-000 (CS75-35), B, Aug. 13, 1985.	RK Petroleum Corporation, P.O. Box 8528, Midland, Texas 79703.	Phillips Petroleum Company, Spraberry Field, Midland County, Texas.	[11]	
CI85-621-000 (CI69-133), B, Aug. 12, 1985.	Blaik Oil Company, a corporation, 5825 North Grand Boulevard, Oklahoma City, Oklahoma 73118.	Northern Natural Gas Company, Northeast Buffalo Field, Harper County, Oklahoma.	[12]	
CI85-622-00 (CI61-1327), B, Aug. 12, 1985.	Blaik Oil Company, a corporation	Northwest Central Pipeline Corporation, Sec. 2-2N-14ECM, Texas County, Oklahoma.	[12]	
CI85-623-000, A, Aug. 16, 1985	Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.	Natural Gas Pipeline Company of America, Vermilion Block 277 (OCS-G 3398), Offshore Louisiana.	[13]	14.73
CI85-624-000 (CS73-0158), B, Aug. 19, 1985.	Partnership Properties Co., P.O. Box 2250, Denver, Colorado 80201.	Transcontinental Gas Pipe Line Corp., Courtney #1 Well, Bassfield Field, Jefferson Davis County, Mississippi.	[13]	
CI85-625-000, B, Aug. 19, 1985	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Phillips Petroleum Company, North Bakke Field, Andrews County, Texas.	[14]	
CI85-626-000 (CI68-776), B, Aug. 16, 1985.	Union Oil Company of California, Union Oil Center, Box 7600, Los Angeles, California 90051.	Transcontinental Gas Pipe Line Corp., Eugene Island Block 179, South Marsh, Island Block 48 Field, Offshore Louisiana.	[17]	
CI85-627-000 (CI74-215), B, Aug. 15, 1985.	Krennerman Oil & Gas Company, Inc., 139 Winterwood Drive, Butler, Pennsylvania 16001.	Gas Transport, Inc., Silverton Field, Jackson County, West Virginia.	[18]	
CI85-628-000, B, Aug. 16, 1985	Conoco, Inc.	Shell Oil Co. & Exxon Co. U.S.A. (Succ. in Interest to The Carter Oil Co.), Bayou Field, Carter County, Oklahoma.	[19]	
CI85-629-000, B, Aug. 16, 1985	do	do	[19]	
CI85-630-000, B, Aug. 16, 1985	do	do	[19]	
CI85-631-000, B, Aug. 16, 1985	do	do	[19]	

[1] Assignment of Gouger Gas Unit No. 3 to Shaw Energy, Inc.
[2] Partial Assignment and Bill of Sale of E.S. McClaman Unit and Joseph Flucas Unit to Getty Oil Company.
[3] Partial Assignment and Bill of Sale of Bishop-Lewis Unit and Dillon, *et al.* Unit to TXO Production Corp.
[4] Assignment of May Havey, *et al.* lease to Egret Energy Corp.
[5] Assignment of Van Zandt Property No. 733542, leases T20193, T20193-001, 002, 003, 004, 005 to Doyle Hartman.
[6] Assignment of Gregory B lease No. T20196 to Doyle Hartman.
[7] Assignment of Morris E. Smith lease to Michael Starkey.
[8] Proposed effective date of assignment: 6-1-85.

[9] The subject contract dated 3-6-64 expired by its own terms on 8-26-84. The dedicated wells, the J.L. Dodson #1-134 & 2-134, no longer produce casinghead gas. As such, Tenneco Oil's purchaser, Horizon Oil & Gas Company of Texas, has elected not to negotiate a replacement contract.
[10] All production has ceased and no further production is planned.
[11] Subject contract will expire under its own terms on 12-12-85. Due to reoccurring high line pressure on Philip's system, venting of excessive volumes of casinghead gas has resulted. Seller desires to enter into a new gas purchase contract with Northern Gas Products Company, who has agreed to maintain a low pressure line in order that 100% of available casinghead gas may be sold.
[12] Production declined to point that further operations were economically unfeasible and insufficient to keep lease in effect and the well has been plugged and abandoned.
[13] Well is not capable of further production.
[14] Applicant is filing under Gas Purchase Contract dated June 5, 1985.
[15] Tubing collapsed. Efforts to rework unsuccessful. Well plugged and abandoned.
[16] Conoco's leasehold interest expired and reverted back to the lessor(s) on August 28, 1980.
[17] Gas reserves were depleted. The lease expired on 6-21-81, 90 days following cessation of production. The only well was temporarily abandoned on 1-22-82.
[18] Purchaser determined the purchase price of gas supplies from the Silverton Field is greater than the price for which it can purchase gas along its pipeline network and it is therefore willing to release the Silverton Field gas from the Gas Purchase Agreement.
[19] Normal depletion and contract passed its primary term.
Filing Code A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 85-21168 Filed 9-4-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. ER85-700-000 et al.]

Electric Rate and Corporate Regulation Filings; Florida Power Corp. et al.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corporation

[Docket No. ER85-700-000]

August 27, 1985

Take notice that on August 19, 1985, Florida Power Corporation (Florida Power) tendered for filing Service Schedules F and X providing for assured capacity and energy interchange service and extended economy interchange service with the City of Vero Beach, Florida. Florida Power states that Service Schedules F and X are executed pursuant to the Contract for Interchange Service dated November 30, 1981 between Florida Power and the City of Vero Beach, which contract is designated as Florida Power's Rate Schedule FERC No. 93. Service Schedules F and X are submitted for inclusion as supplements to that rate schedule.

Florida Power requests that Service Schedules F and X be permitted to become effective September 1, 1985, and, therefore, requests waiver of the sixty day notice requirement. Copies of this filing have been served upon the City of Vero Beach and the Florida Public Service Commission.

Comment date: September 19, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Puget Sound Power & Light Company

[Docket No. ER85-699-000]

August 27, 1985

Take notice that Puget Sound Power & Light Company ("puget") on August 19, 1985 tendered for filing Notice of Termination of Puget's Rate Schedule FERC No. 77, such schedule having terminated by its own terms.

Copies of the filing were served upon the following: G.R. Garman, Director, Energy Resources Planning and Management, City of Seattle—City Light Department, City Light Building, 1015 Third Avenue, Seattle, Washington 98104.

Comment date: September 19, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Power & Light Company

[Docket No. ER85-701-000]

August 27, 1985

Take notice that on August 19, 1985, Puget Sound Power & Light Company (Puget) tendered for filing copies of an Amendment to an exchange agreement with The Washington Water Power Company (Washington) which provides for the exchange of steam-electric generation which, because of plant locations and load area locations, results in substantial saving in both transmission service cost and in transfer losses.

Washington is a 15% owner of the Centralia Steam-Electric Plant in western Washington near Puget's system load area. Puget is a 50% owner of Colstrip Units #1 and #2 and a 25% owner of Colstrip Units #3 and #4 in eastern Montana. The subject agreement provides for the exchange of Washington's Centralia capacity and energy for like amounts of Puget's Colstrip capacity and energy, which, because of the shortening of the transfer distances involved results in substantial savings in both transmission service costs and transfer losses. The savings resulting therefrom both in transmission costs and the transfer losses are shared equally by Washington and Puget under the terms of this agreement.

Comment date: September 19, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Alabama Power Company

[Docket No. ER85-703-000]

August 28, 1985

Take notice that on August 19, 1985 Alabama Power filed in above-referenced docket Twenty-First Revised Sheet No. 34 to its FERC Electric Tariff, Original Volume No. 1. The purpose of this filing is to give notice that effective September 1, 1985, the load normally served from The City of Dothan's North Ross Clark Parkway, South Park Avenue, South Ross Clark Parkway, West Ross Clark Parkway, East Ross Clark Parkway, Flynn Road, Highway 84 West, Michelin Substation and East Haven delivery points will be served from the new Dothan delivery point. The delivery point will be served at the company applicable revision to Rate Schedule MUN-1 incorporated in FERC Electric Tariff, Original Volume No. 1 of Alabama Power Company.

Copies of the filing were served upon the City of Dothan.

Comment date: September 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Black Hills Power and Light Company

[Docket No. ER85-702-000]

August 28, 1985

Take notice that Black Hills Power and Light Company ("Black Hills") on August 20, 1985, tendered for filing the Electric Power and Energy Supply and Transmission Agreement dated August 6, 1985 ("New Agreement") between Black Hills and the City of Gillette, Wyoming ("Gillette").

Black Hills states that the New Agreement supersedes the existing Electric Power and Energy Supply Agreement dated October 3, 1984 ("Existing Agreement") between Black Hills and Gillette.

Black Hills states the major changes in the New Agreement from the Existing Agreement generally are that the New Agreement provides for an extension of the Term to June 30, 2010; provides an increase commencing October 1, 1989, in the amount of firm power and energy to be sold Gillette; provides for Black Hills to furnish transmission service at 230 kV on its bulk transmission system for all of the power and energy requirements of Gillette acquired from sources other than Black Hills and sets a rate therefore, subject to regulation; and sets forth an option to Gillette to require Black Hills to furnish transmission service from the 230 kV system to Gillette's municipal electric system at 69 kV.

Black Hills states that the reasons for the changes are to allow Gillette

flexibility to take advantage of preference rights for government power or other opportunities to cover Gillette's power needs and future requirements because of unusual expected growth and to allow Black Hills to serve Gillette better by allowing a longer lead time for planning and new power and energy resources.

Black Hills requests a waiver of the Commission's notice requirements to permit the rate schedule to become effective August 6, 1985, which it claims is the date of commencement of service.

Copies of the filing were supplied to Gillette and the regulatory commissions of the states of Wyoming, South Dakota and Montana.

Comment date: September 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Black Hills Power and Light Company

[Docket No. ER85-705-000]

August 28, 1985

Take notice that Black Hills Power and Light Company (Black Hills) on August 22, 1985, tendered for filing an agreement between Black Hills and the City of Gillette, Wyoming which provides for an amendment and extension of Black Hills Rate Schedule FERC No. 28 to provide for the continued sale of seasonal nonfirm power and energy.

The reasons for the proposed changes are to extend the term until March 31, 1986, provide Gillette options under certain conditions, to extend the term for additional seasons, and provide changes in the method of determining the energy charge component.

Copies of the filing were supplied to City of Gillette, Wyoming and the regulatory commissions of the states of Wyoming, South Dakota, and Montana.

Comment date: September 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Central Hudson Gas & Electric

[Docket No. ER85-680-000]

August 28, 1985

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson), on August 12, 1985, tendered for filing, as a rate schedule an executed agreement dated May 14, 1985 between Central Hudson and Orange and Rockland Utilities, Inc. (O&R). The proposed rate schedule provides for a transmission agreement between Central Hudson and O&R.

Central Hudson states that the service to be provided by Central Hudson is the transmission of power and energy between (a) Central Hudson's transmission connection with the 345 Kv. Leeds Substation of Niagara Mohawk Power Corporation and (b) Central Hudson's transmission connection with O&R at the 115 Kv. Sugarloaf Substation.

Central Hudson states that copies of the subject filing were served upon: Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, New York 10977.

Comment date: September 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Idaho Power Company

[Docket No. ER85-21-000]

August 28, 1985

Take notice that on August 21, 1985, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Montana, Nevada, Oregon and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Energy Regulatory Commission, pursuant to section 203 of the Federal Power Act, seeking an Order authorizing the Applicant to purchase or acquire securities of other public utilities as a part of a planned expansion of corporate investments. Applicant proposes to limit its holding or ownership of any given class of securities to an amount not to exceed one percent (1%) of the capital stock or funded debt outstanding. Additionally, Applicant is requesting a modification of the reporting requirement under Title 18, CFR 33.8 to allow an annual update and status report only. The application is on file with the Commission and open to public inspection.

Comment date: September 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Missouri Public Service Company

[Docket No. ER85-693-000]

August 28, 1985

Take notice that on August 16, 1985, Missouri Public Service Company (the Company), having changed its name to Utilicorp United Inc., tendered for filing a request for waiver of provision 35.16 of the Commission's rules to file a notice of succession within 30 days.

The Company encloses separate filings to adopt rate schedules and supplements of Missouri Public Service Company by Utilicorp United Inc. Rate Schedules adopted are FERC rate schedules numbered: 47, 41, 36, 37, 39, 38, 46, 34, 26, 24, 17, 18, 19, 7A, and 22.

Comment date: September 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of Oklahoma

[Docket No. ER85-704-000]

August 28, 1985

Take notice that on August 21, 1985, Public Service Company of Oklahoma ("PSO") tendered for filing Notices of Cancellation of PSO's Power Sales and Service Contracts with the following Oklahoma cities and towns: Altus, Comanche, Duncan, Eldorado, Frederick, Granite, Hominy, Marlow, Olustee, Pawhuska, Ryan and Walters. As of July 1, 1985, these cities and towns began taking service from the Oklahoma Municipal Power Authority and ceased taking service from PSO. PSO requested an effective date of July 1, 1985 and, accordingly, requests waiver of the Commission's notice requirements.

Copies of the filing have been served on each of the twelve municipalities and on the Oklahoma Corporation Commission.

Comment date: September 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

11. Southwestern Electrical Power Company

[Docket Nos. ER85—534-002, ER85-424-001, ER85-425-001 and ER85-468-001]

August 28, 1985

Take notice that on August 21, 1985, Southwestern Electric Power Company ("SWEPCO") submitted for filing, in accordance with the Commission's order of July 22, 1985, revised rates applicable to service to the City of Bentonville, Arkansas ("Bentonville"). As directed by the Commission, the revised rates were derived, in all aspects except return on common equity, pursuant to cost of formulas contained in the Contract for Electric Service, as amended, between SWEPCO and Bentonville. The revised rates reflect a fixed return on common equity of 18.75%.

Comment date: September 11, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-21162 Filed 9-4-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59201A; FRL-2892-2]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). TME-84-60. The test marketing conditions are described below.

EFFECTIVE DATE: August 23, 1985.

FOR FURTHER INFORMATION CONTACT: James Alwood, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613C, 401 M St. SW., Washington, DC 20460, (202-382-3374).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-84-60. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-85-60. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

85-60

Date of Receipt: July 19, 1985.

Notice of Receipt: August 9, 1985 (50 FR 32293).

Applicant: Confidential.

Chemical: (G) Substituted phenoxy alkyl acid ester.

Use: (G) Site limited intermediate.

Production Volume: Confidential.

Number of Customers: None.

Worker Exposure: Manufacturing: dermal, a total of up to 8 workers, up to 1 hour/day for up to 12 days/year each.

Test Marketing Period: One year.

Commencing on: August 23, 1985.

Risk Assessment: EPA identified no significant concerns for human health effects. Therefore, the test market substance will not present any unreasonable risk of injury to health. The Agency did identify potential adverse effects on aquatic organisms. However, since wastes from manufacturing will be landfilled, the test market substance will not pose any unreasonable environmental risk.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: August 23, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-21171 Filed 9-4-85; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2892-1]

Science Advisory Board, Radiation Advisory Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Science Advisory Board's (SAB) Radiation Advisory Committee will be held on September 19-20, 1985 in the Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209 in Conference Room Shenandoah. The meeting will begin at 10:00 a.m. on September 19 and adjourn no later than 5:00 p.m. on September 20, 1985.

The Committee is reviewing the March 13, 1985 draft background information document on Low-Level Radioactive Waste Disposal and a number of supporting documents which provide the scientific basis for a standard to be proposed on low-level radioactive waste. The documents are available from G. Lewis Meyer, Office of Radioactive Programs (ANR-460C), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The telephone number is (202) 557-8610. The principal purpose of the meeting is to enable the Committee to complete its scientific report on the technical basis of development of the Low-Level Radioactive Waste Disposal standards. The Committee may also be briefed on other radiation related activities of the Environmental Protection Agency.

The meeting is open to the public; however, seating is limited. Any member of the public wishing to attend or make a statement, or obtain further information should contact Mrs. Kathleen Conway, Executive Secretary, Radiation Advisory Committee, Science Advisory Board, by the close of business Tuesday, September 17, 1985. The telephone number is (202) 382-2552.

Dated: August 28, 1985.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 85-21160, Filed 9-4-85; 8:45 am]

BILLING CODE 6560-50-M

[FRL 2893-2; OPP-100030]

Pesticide Data; Disclosure to Congress

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is providing a complete list of inert ingredients contained in pesticides registered under sections 3 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to the Subcommittee on Health and the Environment of the Committee on

Energy and Commerce of the U.S. House of Representatives. The Subcommittee has requested this information to help it evaluate EPA's regulatory policies and actions concerning inert ingredients in pesticides. Some of the information that is being made available to the Subcommittee may have been claimed by the submitters to be confidential business information (CBI).

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

Office location and telephone number: Rm. 222 CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2613).

SUPPLEMENTARY INFORMATION: In a letter to EPA, the Chairman of the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce stated that the Subcommittee plans to hold a hearing on September 27, 1985 to receive testimony on several issues regarding pesticides, including inert ingredients. The Chairman requested EPA to provide the Subcommittee with a list of inert ingredients to assist it in evaluating EPA's regulatory policies and actions concerning such ingredients.

Under section 10(d)(1)(C) of FIFRA, a deliberately added inert ingredient of a pesticide may be entitled to confidential treatment. Some of the inert ingredients appearing on the list to be provided the Subcommittee may be subject to claims of confidentiality by the pesticide registrants. Pursuant to 40 CFR 2.209(b), which applies to information submitted under FIFRA through 40 CFR 2.307(h), EPA must provide confidential business information to a Congressional subcommittee in response to a written request by the Chairman.

This is a notice to a pesticide registrants under sections 3 and 6 of FIFRA that a list of inert ingredients contained in pesticides registered with EPA, including inert ingredients which may be claimed confidential, will be provided to the Subcommittee. EPA has not yet determined whether the identities of the inert ingredients which will be provided to the Subcommittee are entitled to confidential treatment. However, the Agency has informed the Subcommittee that the requested information may be entitled to confidential treatment and that the provisions of section 10(f) of FIFRA set criminal penalties for unlawful disclosure of confidential business information under FIFRA.

Dated: September 3, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-21374 Filed 9-4-85; 10:57 am]

BILLING CODE 6560-50-M

EXPORT-IMPORT BANK

Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Pub. L. 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

Time and Place: Friday, September 20, 1985 from 9:30 a.m. to 12 noon. The meeting will be held in Room 1141, 811 Vermont Avenue NW., Washington, DC 20571.

Agenda: The meeting agenda will include discussion of the financial report covering the first ten months of FY 1985, status of legislation affecting Eximbank, Eximbank's budget requirements for FY 1986, preview of new Foreign Credit Insurance Association (FCIA) exporter insurance policy, domestic marketing initiatives with State agencies, international outreach including video excerpts, and the Competitiveness Report.

Public Participation: The meeting will be open to public participation; and the last 20 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, Room 935, 811 Vermont Avenue NW., Washington, D.C. 20571, (202) 566-8871, not later than September 16, 1985.

FURTHER INFORMATION: For further information, contact Joan P. Harris, Room 935, 811 Vermont Avenue NW., Washington, D.C. 20571, (202) 566-8871.

Hart Fessenden,

General Counsel.

[FR Doc. 85-21257 Filed 9-4-85; 8:45 am]

BILLING CODE 6690-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

August 28, 1985.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available from the Commission by calling Doris R. Peacock, (202) 632-7513. Persons wishing to comment on this information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-7231.

OMB No.: 3060-0072

Title: Application for Individual Airborne Mobile Radio Telephone License in the Public Mobile Radio Service

Form No.: FCC 409

Action: Extension

Estimated Annual Burden: 3,000 Responses; 750 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-21146 Filed 9-4-85; 8:45 am]

BILLING CODE 6712-01-M

Opal Chadwell; Hearing Designation Order

In re Applications of: MM Docket No. 85-269; Opal Chadwell, File No. BPCT-850103KK; Dorothy O. Schulze and Deborah Brigham, a general partnership, File No. BPCT-850320KG; Blanco Communications, Ltd., File No. BPCT-850320LC; Marie Luckow, File No. BPCT-850320LG (Application Dismissed); For Construction Permit, Blanco, Texas.

Adopted: August 22, 1985.

Released: August 30, 1985.

By the Chief, Video Services Division.

1. The Commission, by the Chief, Video Services Divison, action pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Opal Chadwell (Chadwell), Dorothy O. Schulze and Deborah Brigham, a general partnership (Schulze), Blanco Communications, Ltd. (BCL), and Marie Luckow (Luckow) for authority to construct a new commercial television station on Channel 52, Blanco, Texas; informal; objections filed by the Association of Maximum Service Telecasters, Inc. (AMST) and Balcones Broadcasting Limited (Balcones), an applicant for a construction permit for

Channel 54, Austin, Texas, against Chadwell, and related pleadings;[1] a Petition to Deny filed by Balcones against Schulze; and an amendment filed by BCL.[2]

2. On May 6, 1985, Balcones filed a petition to deny against Schulze's application on the ground that Schulze's proposed site would be 13 miles from Balcones' proposed site, whereas § 73.610 of the Commission's Rules requires a minimum separation of 20 miles between a UHF station operating on Channel 52 and one operating on Channel 54.[3] Schulze would be short-spaced 7 miles. Schulze would also be 7 miles short-spaced to the site of Television 54 Corporation, another applicant for Channel 54 in Austin. Furthermore, § 73.610 of the Rules requires a minimum separation of 175 miles between co-channel UHF stations. Schjulze's proposed site would be short-spaced to the sites proposed by 8 of the 11 applications now pending in hearing in Docket No. 85–130 for a construction permit for a new television station to operate on Channel 52, Forth Worth, Texas.[4] Accordingly, an issue will be specified to determine whether circumstances exist warranting a waiver of the rules. Since an applicant proposing a short-spaced site must make the threshold showing that no suitable fully-spaced site is available, the Administrative Law Judge will, in assessing those circumstances, consider the fact that other applicants in this proceeding have specified fully-spaced sites.

3. Luckow proposes to locate her transmitter at the same coordinates as those specified by ATV Associates, Inc., one of seven competing applicants for a new television station on Channel 54, Austin, Texas. Since § 73.610 of the Commission's Rules requires a minimum separation of 20 miles between a station operating on Channel 52 and one operating on channel 54, Luckow would be 100% short-spaced to the site specified by ATV Associates, Inc.[5] Further, Luckow has not requested a waiver or provided any information to persuade us that the public interest would be served by a total disregard for the spacing requirement involved. We know of no case permitting a waiver of this magnitude. Therefore, Luckow's application will be dismissed, pursuant to § 73.3566(a) of the Rules.

4. Section 76.501(a)(2) of the Commission's Rules prohibits direct or indirect ownership of both a cable television system and a television broadcast station if the station would place a Grade B contour over any part of the service area of the cable television system. Mrs. Chadwell, sole proprietor of the proposed television station, is also the Secretary-Treasurer, director and 39.7% stockholder in Blanco Cablevision Corp., Blanco, Texas. Her husband, Carl Chadwell, is also an officer, director and 39.7% stockholder in the cable company.[6] Consequently, grant of Mrs. Chadwell's application would violate the rule. However, Mrs. Chadwell and her husband have represented to the Commission that they will divest themselves of all interest in, and connection with Blanco Cablevision Corp., in the event of a grant of her application. Accordingly, any grant of a construction permit to Mrs. Chadwell will be appropriately conditioned.

5. The effective radiated visual power, antenna height above average terrain and other technical data submitted by each applicant indicate that there would be a significant difference in the size of the area and population that each proposes to serve. Consequently, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. No determination has been made that the tower height and location proposed by each of the applicants would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

7. As originally, filed, Chadwell's application contained an environmental narrative statement as required by § 1.1311 of the Commission's Rules. On May 6, 1985, however, Chadwell amended her application to specify a different site. Her application, as thus amended, indicates that grant of her application would be a major environmental action, but she did not submit an environmental narrative statement with respect to the new site. Accordingly, Mrs. Chadwell will be required to file, within 20 days of the release of this Order, an environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Video Services Division, who will then proceed in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979) *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

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[1] AMST and Balcones allege that Chadwell has proposed a site that does not meet the Commission's mileage separation requirements; however, Chadwell subsequently amended her application to specify a non-short-spaced site. Accordingly, the AMST and Balcones objections and related pleadings will be dismissed as moot.

[2] BCL filed an amendment to its application on May 6, 1985 (the "B" cut-off date) with a facsimile signature. An original signature page was submitted May 7, 1985. In view of the fact that all parties were put on timely notice concerning the contents of the amendment, none were prejudiced. The amendment was timely filed; only the original signature was missing. These circumstances are governed by a long-standing Commission policy which dictates that the amendment and a signature be accepted *nunc pro tunc*. *Bocanegro/Gerald Broadcasting Group*, Mimeo No. 1470, released December 22, 1982; *Communications Gathersburg, Inc.*, 60 FCC 2d 537 (1976); *B.J. Hart*, 44 FCC 2088 (1960). Accordingly, the signature page will be accepted *nunc pro tunc*.

[3] There are seven pending applications in hearing in Docket Nos. 84–923–931 for a new television station on Channel 54, Austin, Texas. The Austin applicetions were "cut-off" with respect to conflicting applications on July 11, 1984. Schulze's application was filed March 20, 1985. Schulze is, therefore, required to meet the separation requirements to all of the proposed Austin sites.

[4] The eight Fort Worth sites to which Schulze would be short-spaced are:

David Reese (6 miles short-spaced)
Rebecca Rangel Henton (5 miles short-spaced)
Alden Television, Inc. (4 miles short-spaced)
Channel 52 Limited Partnership (3 miles short-spaced)
Fort Worth Television, Inc. (3 miles short-spaced)
Channel 52 Fort Worth Television, Ltd. (3 miles short-spaced)
Texas Spanish Broadcasters (2 miles short-spaced)
Nuevo Mundo Broadcasting, Inc. (2 miles short-spaced)

The Fort Worth applications were "cut off" on January 8, 1985; Schulze's application was filed March 20, 1985.

[5] The Channel 54 applications for Austin were cut-off with respect to conflicting applications on July 11, 1984. Luckow's application was not filed until March 20, 1985. Luckow was, therefore, required to meet the separation requirements to each site specified by the Austin applicants.

[6] There is a rebuttable presumption that the interests of each spouse are attributable to the other spouse. *Reconsideration of Attribution of Ownership Interests*, FCC 85–252, Mimeo No. 35803, released June 24, 1985.

8. Section 73.685(f) of the Commission's rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True North and tabulated at least every 10° plus any minima or maxima. Chadwell has not supplied this data. Accordingly, the applicant will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and copies to the Chief, Television Branch and Chief, Hearing Branch, Mass Media Bureau, within 20 days after the date of the release of this Order.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant would serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, that the application filed by Marie Luckow is dismissed.

11. It is further ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the remaining applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the application of Dorothy O. Schulze and Deborah Brigham, is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules and, if not, whether circumstances exist which would warrant a waiver of the Rule.

2. To determine with respect to each of the applicants, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

3. If a final environmental impact statement is issued with respect to Opal Chadwell which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment:

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which the applications should be granted.

12. It is further ordered, that the informal objections filed by the Association of Maximum Service Telecasters, Inc. and Balcones Broadcasting Limited against Opal Chadwell ARE DISMISSED as moot.

13. It is further ordered, that the signature page filed by Blanco Communications, Ltd. dated May 17, 1985 is accepted *nunc pro tunc*.

14. It is further ordered, that Balcones Broadcasting Limited is made a party respondent to this proceeding.

15. It is further ordered, that, in the event of a grant of the application of Opal Chadwell, the construction permit shall be conditioned as follows:

Prior to commencement of operation of the television station authorized herein, permittee shall certify to the Commission that Opal Chadwell and Earl Chadwell have severed all interest in, and connection with Blanco Cablevision Corp, Blanco, Texas.

16. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 2.

17. It is further ordered, that § 1.1317 of the Commission's Rule's is waived to the extend indicated herein. Within 20 days of the release of this Order, Opal Chadwell, shall submit an amended environmental narrative statement required by § 1.1311 of the Rules to the presiding Administrative Law Judge with a copy to the Chief, Video Service Division.

18. It is further ordered, that Opal Chadwell shall submit an amendment providing the information required by §73.685(f) of the Commission's Rules to the presiding Administrative Law Judge and copies to the Chief, Television Branch and Chief, Hearing Branch, Mass Media Bureau, within 20 days, after the release date of this Order.

19. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

20. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 3.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 3.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 85–21147 Filed 9–4–85; 8:45 am]

BILLING CODE 6712-01-M

Gerald R. Roberts; Hearing Designation

In re Applications of: MM Docket No. 85–265; Gerald; R. Roberts; File No. BPCT–850228KH; Sandra J. Lewis; File No. BPCT–850422KL; Robin C. Brandt; File No. BPCT-850422KW; For Construction Permit, Cookeville, Tennessee.

Adopted: August 19, 1985.
Released: August 30, 1985.

By the Chief, Video Services Division.

1. The Commission, by the Chief, Video Services Division, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Gerald R. Roberts (Roberts), Sandra J. Lewis (Lewis), and Robin C. Brandt (Brandt) for authority to construct a new commercial television station on Channel 28, Cookeville, Tennessee, and a motion to accept a late filed amendment and the amendment filed by Lewis.[1]

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by each applicant indicate that there would be a significant difference in the size of the area and population that each proposes to serve. Consequently, the areas and populations which would be within the predicted 645 dBu (Grade B) contour, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

[1] The deadline for filing amendments to the above-captioned applications was June 7, 1985. Lewis filed a motion to accept a late filed amendment and an accompanying amendment to her application on June 10, 1985. The amendment undates Ms. Lewis' broadcast interests, provides an omitted EEO program and corrects engineering. Since the amendment was required by Section 1.65 of the Commission's Rules, it will be accepted for Section 1.65 purposes only.

3. The transmitter sites proposed by Roberts and Brandt now meet all of the Commission's minimum mileage separation requirements. There is, however, a rulemaking proposal pending which would allocate Channel 42 to Athens, Tennessee. (RM 4814, Docket No. 84–378). If this proposal is adopted both Roberts and Brandt would be short-spaced to the reference point in Athens.[2] An issue would be required to determine whether circumstances exist which would warrant a waiver of the rule. In assessing the circumstances to determine whether a waiver would be warranted, the presiding Administrative law Judge would consider the fact that Lewis has specified a site which would comply with the separation requirements. Accordingly, a contingent issue which respect to the possible short-spaced proposals will be specified.

4. No determination has been made that the tower height and location proposed by Brandt would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applicants are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administration Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. In the event that the rulemaking proposal in Docket No. 84–378, proposing to allocate Channel 42 to Athens, Tennessee, is adopted, to determine, with respect to Gerald R. Roberts and Robin C. Brandt, whether each proposal would be consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules and if not, whether circumstances exist which would warrant a waiver of the rule.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Robin C. Brandt would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that, Sandra J. Lewis' June 10, 1985, Motion to Accept late filed Pleading is granted and the accompanying amendment IS ACCEPTED for filing, for § 1.65 purposes only.

8. It is further ordered, that the Federal Aviation Administration is made a Party Respondent to this proceeding with respect to issue 2.

9. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 85–21148 Filed 9–4–85; 8:45 am]

BILLING CODE 6712-01-M

[2] Section 73.610 of the Commission's Rules requires a minimum separation of 60 miles between a station operating on Channel 28 and a Channel 42 station or reference point. Roberts and Brandt would each be 5 miles short-spaced to the Athens reference point.

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reducation Act of 1980.

Title of information collection: Annual Report of Trust Assets (OMB No. 3064–0024).

Background: In accordance with requirement of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for revising the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington D.C. 20429.

Comments: Comments on this collection of information should be submitted within 15 days of publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4351.

SUMMARY: The FDIC is requesting OMB approval to revise the Annual Report of Trust Assets, Form FFIEC 001. The report is prepared as of December 31 each year by financial institutions which operate trust departments. The revision involves relatively minor changes in one of the two current schedules, plus the addition of two new schedules on an as-applicable basis. The revised reporting would become effective with the report prepared as of December 31, 1985. The revision is the result of the work of an interagency committee of the Federal Financial Institution Examination Council (FFIEC). The reporting burden on FDIC-supervised banks for the revised report is estimated at approximately 3.5 hours per report.

Dated: August 29, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–21134 Filed 9–4–85; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service; Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES

bonuses will be awarded on or after September 20, 1985.

For Further Information Contact: William R. Casey, Acting Director of Personnel, Federal Home Loan Bank Board, (202) 377-6050.

Jeff Sconyers,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 85-21151 Filed 9-4-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-003945-004.
Title: Oakland Terminal Agreement.
Parties:
Port of Oakland (Port)
Maersk Line Pacific, Ltd. (Maersk)
Synopsis: Agreement No. 224-003945-004 modifies Agreement No. T-3945 between the Port and Maersk wherein the port assigned certain marine terminal facilities in the Port's Outer Harbor Terminal Area to Maersk. Agreement No. 224-003945-004 amends Agreement No. T-3945 to extend the time to December 31, 1985, in which Maersk may exercise its right to extend the term of Agreement No. T-3945 for an additional five years.

Agreement No.: 224-004173-001.
Title: Jeffersonville, Indiana, Terminal Agreement.
Parties:
Indiana Port Commission (IPC)
Merchants Grain and Transportation, Inc. (MGTI)
Synopsis: Agreement No. 224-004173-001 amends the basic agreement between the parties which provides for the lease by IPC to MGTI of premises at Clark Maritime Center, Jeffersonville, Indiana, to be used in handling cargo in connection with common carriers by water. The amendment modifies or eliminates the dates by which certain actions were to have been accomplished; modfies the legal description of the property under the lease; adjusts the rental accordingly; and, defines more clearly the location of non-exclusive rights of ingress and egress at the facility. All other provisions of the basic agreement will remain the same.

Agreement No.: 202-010636-010.
Title: U.S. Atlantic-North Europe Conference.
Parties:
Atlantic Container Line (G.I.E.)
Dart-ML Limited
Hapag-Lloyd AG
Intercontinental Transport (ICT)
Sea-Land Service, Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.
Compagnie Generale Maritime (CGM)
Synopsis: On August 23, 1985, the parties filed a correction to their initial filing of amendment number 10 to the agreement. The initial filing was found to encompass matters not covered by exemptions granted in 46 CFR 572.307, requiring a refiling of the amendment. The proposed amendment would set forth rules and procedures for self-policing of the Conference membership. The parties have requested a shortened review period.

Agreement No.: 202-010637-008.
Title: North Europe-U.S. Atlantic Conference.
Parties:
Atlantic Container Line (G.I.E.)
Dart-ML Limited
Hapag-Lloyd AG
Intercontinental Transport (ICT)
Sea-Land Service, Inc.
Trans Freight Lines, Inc.
United States, Lines Inc.
Compagnie Generale Maritime (CGM)
Synopsis: On August 23, 1985, the parties filed a correction to their initial filing of amendment number 8 to the agreement. The initial filing was found to encompass matters not covered by exemptions granted in 46 CFR 572.307, requiring a refiling of the amendment. The proposed amendment would set forth rules and procedures for self-policing of the Conference membership. The parties have requested a shortened review period.

Agreement No.: 202-010693-004.
Title: Florida/Caribbean Liner Association.
Parties:
Bernuth Lines, Ltd.
Calypso Lines
West Indies Shipping Corp.
Tropical Shipping & Construction Co., Ltd.
Shipping Corporation of Trinidad and Tobago
Saquenay Shipping, Ltd.
TEC Lines, Ltd.
Sea-Land Service, Inc.
Concorde/Nopal Lines
Synopsis: The proposed amendment would permit the members of each conference section to exercise their right of independent action upon seven calendar days' notice to the Executive Director of the Association. The parties have requested a shortened review period.

Agreement No.: 221-010812.
Title: Philadelphia Marine Terminal Agreement.
Parties:
Philadelphia Port Corporation (PPC)
Pasha Auto Warehousing, Inc. (PASHA)
Synopsis: The agreement provides that PPC will construct for sublease to PASHA a temporary contract automobile facility and a permanent facility for the loading, discharging, transfer, storage and processing of automobiles to be situated within or adjacent to the Port of Philadelphia. The compensation will be paid by PASHA to PPC and shall consist of a certain percentage of dockage and wharfage charges received by PASHA together with a throughput charge per vehicle. The term of the agreement shall commence as of the date of the completion of the temporary facility and shall end on the tenth anniversary thereof.

Agreement No.: 221-010813.
Title: Philadelphia Marine Terminal Agreement.
Parties:
Philadelphia Port Corporation (PPC)
Pasha Auto Warehousing, Inc. (PASHA)
Synopsis: The agreement provides that PPC will provide PASHA space to operate an automobile facility within the Port of Philadelphia until such time as the construction of the temporary automobile facility provided under the agreement is completed. The compensation to be paid by PASHA to PPC shall consist of 100% of dockage and wharfage assessed at the facility assigned to PASHA.

Agreement No.: 224-010814.
Title: New York Terminal Agreement.
Parties:
Global Terminal & Container Service, Inc. (Global)
Compania Trasatlantica Espanola, S.A. (Spanish Line)
Synopsis: The agreement provides that Global will provide and perform at its marine terminal facility in the Port of New York, container terminal stevedoring and terminal services for

vessels owned by Spanish Line. Spanish Line agrees to utilize exclusively Global's premises for such services at the Port of New York. Spanish Line also appoints Global as its agent for the assessment, billing, collection and administration of free time and demurrage on cargo and container discharged at Global's premises.

Agreement No.: 224-010815.

Title: New York Terminal Agreement.

Parties:

Global Terminal & Container Service, Inc. (Global)

"Italia" di Navigazione, S.p.A. (Italian Line)

Synopsis: The agreement provides that Global will provide and perform, at its marine terminal facility in the Port of New York, container terminal stevendoring and terminal services for vessels owned by Italian Line. Italian Line agrees to utilize Global's premises exclusively for such services at the Port of New York. Italian Line also appoints Global as its agent for the assessment, billing, collection and administration of free time and demurrage on cargo and containers discharged at Global's premises.

Agreement No.: 224-010816.

Title: Wilmington, North Carolina Terminal Agreement.

Parties:

North Carolina State Ports Authority (Authority)

Yangming Marine Transport Corporation (Yangming)

Synopsis: The agreement provides that Yangming will transport through the Port of Wilmington, North Carolina, 50,000 tons of containerized cargo annually with a reduction of wharfage charges on tonnage in excess of 50,000 tons. The wharfage rates shall be assessed against all containerized cargo from, or loaded to, Yangming's vessels according to the Authority's Tariff No. 5, FMC No. T-6. The term of the agreement shall be for a period of one year commencing on the effective date as determined by the Commission with an option to extend for one additional term of two years.

Agreement No.: 224-010817.

Title: Portland Terminal Agreement.

Parties:

The Port of Portland (Port)

Johnson Line AB, The East Asiatic Company, Ltd., and Blue Star Line, Ltd., collectively operating as Johnson Scanstar;

Compagnie General Maritime and Intercontinental Transport (ICT) BV, collectively operating as Pacific Europe Express; and, Hapag-Lloyd AG, operating as Europe-Pacific Service (Lines)

Synopsis: Agreement No. 224-010817 provides for the use by the Lines of a berth, one container crane, and a second whenever available, complete with lifting beams, and a backup area at the Port's Terminal No. 6, to handle the Lines' cargo at the Port of Portland. The term of the agreement will be for two years, with an option to extend the term for an additional three years. The Port will provide the terminal and stevedoring services for the Lines at the premises. The percentage of the wharfage and dockage charges to be paid by the Lines to the Port are shown in the agreement. When this agreement becomes effective it will cancel and supersede Agreement No. T-4154.

Agreement No.: 224-010818.

Title: Anchorage Terminal Agreement

Parties:

Totem Ocean Trailer Express, Inc. (Totem)

Municipality of Anchorage (Anchorage)

Synopsis: The agreement covers a settlement between Totem and Anchorage which resulted from the allision between Totem's vessels and the Port of Anchorage pier in 1983 and 1985. The agreement settles the parties' claims arising out of the allisions. It provides that Totem will pay the costs of repairs to the piers as set out in the agreement.

Agreement No.: 224-010819.

Title: Anchorage Terminal Agreement.

Parties:

Totem Ocean Trailer Express, Inc. (Totem)

Municipality of Anchorage (Anchorage)

Synopsis: The agreement covers a settlement between Totem and Anchorage which resulted from the allision of Totem's vessels and the Port of Anchorage pier in 1983 and 1985. This agreement settles certain claims between the parties arising out of wear and tear damage to the dock. The agreement provides that Totem will pay half of the costs of repairing this damage and of constructing a new fendering system as set out in the agreement. The agreement also sets out the procedures for operating the new fendering system.

Dated: August 30, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-21187 Filed 9-4-85; 8:45 am]

BILLING CODE 6730-01-M

Request for Additional Information; Blue Star Line Ltd.

Agreement No.: 207-009973-012.

Title: Johnson Scanstar Service Agreement.

Parties: Blue Star Line Limited, East Asiatic Company Ltd. A/S, Johnson Line Aktiebolag.

Synopsis: Notice is hereby given that the Federal Maritime Commission, pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C app. 1701-1720), has requested additional information from the parties to the agreement in order to complete the statutory review of Agreement No. 207-009973-012 as required by the Act. This section extends the review period as provided in section 6(c) of the Act.

By Order of the the Federal Maritime Commission.

Dated: August 30, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-21188 Filed 9-4-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citizens and Southern Georgia 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 § 225.21(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 offices of the Board of Governors not later than September 23, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation*, Atlanta, Georgia; to engage *de novo* through its subsidiary, Citizens and Southern Investment Counseling, Inc., Atlanta, Georgia; as an investment and financial advisor, including the rendering of investment advice and portfolio management services to individuals, corporations, pension and profit sharing plans, private foundations and endowments pursuant to § 225.25(b)(4) of Regulation Y.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Irwin Union Corporation*, Columbus, Indiana; to engage *de novo* through its subsidiary, Inland Mortgage Corporation, Indianapolis, Indiana, in the origination of FHA, VA and conventional mortgage loans. Comments on this application must be received not later than September 24, 1985.

Board of Governors of the Federal Reserve System, August 29, 1985.

James McAfee,

Associate Secretary of the Board.

FR Doc. 85-21116 Filed 9-4-85; 8:45 am]

BILLING CODE 6210-01-M

Community Bancorp, 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 September 27, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Community Bancorp, Inc.*, Rhinebeck, New York; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Rhinebeck, Rhinebeck, New York.

B. **Federal Reserve Bank of Atlanta** (Robert R. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Sunbelt Bancshares, Inc.*, Tifton, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank of Tifton, Tifton, Georgia. Comments on the application must be received not later than September 27, 1985.

2. *Williamson County Bancorp, Inc.*, Franklin, Tennessee; to merge with Planters Financial Corporation, Hopkinsville, Kentucky. Comments on this application must be received not later than September 25, 1985.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Chemical Financial Corporation*, Midland, Michigan; to acquire 100 percent of the voting shares of Chemical Bank West, Cadillac, Michigan (in organization). Comments on this application must be received not later than September 25, 1985.

2. *Marshall & Ilsley Corporation*, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of Lancaster Bancshares, Inc., Lancaster, Wisconsin, thereby indirectly acquiring Lancaster State Bank, Lancaster, Wisconsin. Comments on this application must be received not later than September 26, 1985.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Fourth Financial Corporation*, Wichita, Kansas; to acquire 100 percent of the voting shares of Financial and Property Management, Inc., Emporia, Kansas and thereby indirectly acquiring its subsidiary, Educators Investment Company of Kansas, Inc., Emporia, Kansas (direct and indirect parents of Citizens National Bank and Trust Company of Emporia, Emporia, Kansas).

Board of Governors of the Federal Reserve System, August 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21117 Filed 9-4-85; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting

The Consumer Advisory Council will meet on Thursday, October 24, and Friday, October 25. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The October 24 session is expected to begin at 9:00 a.m. and to continue until 5:00 p.m., with a lunch break from 1:00 to 2:00 p.m. The October 25 session is expected to begin at 9:00 a.m. and to continue until 1:00 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

1. *Possible Revision of the Advertising Rules of Regulation Q.* Discussion of possible revisions to the Board's regulation governing the advertising of deposit accounts.

2. *Tie-Ins In the Granting of Consumer Credit.* Discussion of the extent to which certain creditors engage in a practice whereby credit insurance is automatically sold to consumers without their explicit request or knowledge.

3. *Disclosures for Adjustable Rate Mortgages.* Discussion of the Board's proposal to expand the required Truth in Lending disclosures given to consumers obtaining adjustable rate mortgages.

4. *Emerging Technologies.* Presentation to inform Council members about technological developments in the delivery of consumer financial services. (This presentation is being arranged by the Council's Ad Hoc Committee on Emerging Technologies.)

5. *Basic Banking Services.* Status report by the Council's Ad Hoc Committee on Service Charges about its efforts to date in exploring issues pertaining to so-called basic or "lifeline" banking—whereby financial institutions might offer a minimum level of financial

services to individuals with limited funds at low or no cost.

6. *Implementation of the Community Reinvestment Act (CRA) by the Federal Reserve.* Status report by the Council's Ad Hoc Committee on the Community Reinvestment Act about its efforts to date in exploring how Federal Reserve examiners evaluate various CRA activities by banks and otherwise use the existing CRA rating system.

7. *Expanded Powers for Financial Institutions* (Tentative). Brief status report by the Council's Ad Hoc Committee on Changes in Financial Organization on the issues that it has targeted for further committee study and eventual Council consideration.

8. *Regulatory Update.* Status of recent Board regulatory actions in the area of consumer financial services.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Ann Marie Bray, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Monday, October 21, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204; or Joy W. O'Connell, Telecommunication Device for the Deaf (TDD) at (202) 452-3244.

Board of Governors of the Federal Reserve System, August 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21115 Filed 9-4-85; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of July 9-10, 1985

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Policy Directive issued at its meeting held on July 9-10, 1985.[1]

The following domestic policy directive was issued to the Federal Reserve Bank of New York:

The information reviewed at this meeting suggests some pickup in the expansion of economic activity in recent months following virtually no growth in the first quarter. Total retail sales rose on balance in April and May to a level appreciably above the average for the first quarter, and housing starts held earlier gains after rising substantially in the first quarter. Information on business capital spending suggests further growth, though at a much less rapid pace than earlier in the economic expansion. Industrial production declined slightly in April and May after rising little over the first quarter. Total nonfarm payroll employment increased at a somewhat reduced pace in May and June with employment in manufacturing registering further declines. The civilian unemployment rate remained at 7.3 percent in June, unchanged since February. Broad measures of prices and wages appear to be rising at rates close to those recorded in 1984.

Since the Committee's meeting in May, the tradweighted value of the dollar against major foreign currencies has generally moved within a relatively narrow range but recently has declined to a level below its April low. The merchandise trade deficit in April-May widened from the first-quarter rate as both agricultural and nonagricultural exports fell, while imports remained close to their high first-quarter level.

M1 expanded very rapidly in May and June after growing at a moderate pace in the preceding two months. The broader aggregates also grew more rapidly in May and June after slowing appreciably earlier. From the fourth quarter of 1984 through June, M1 grew at a rate well above the Committee's range for 1985; M2 increased at a rate around the upper end of its longer-run range; while M3 expanded at a rate in the upper half of its range. Expansion in total domestic nonfinancial debt slowed a little in the second quarter but remained high relative to the Committee's monitoring range for the year. Interest rates have declined somewhat further since the May meeting of the Committee.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation further, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives the Committee at this meeting reaffirmed ranges for the year of 6 to 9 percent for M2 and 6 to 9½ percent for M3. The associated range for total domestic nonfinancial debt was reaffirmed at 9 to 12 percent. With respect to M1, the base was moved forward to the second quarter of 1985 and a range was established at an annual growth rate of 3 to 8 percent. The range takes account of expectations of a return of velocity growth toward more usual patterns, following the sharp decline in velocity during the first half of the year, while also recognizing a higher degree of uncertainty regarding that behavior. The appropriateness of the new range will continue to be reexamined in the light of evidence with respect to economic and financial developments including developments in foreign exchange markets. More generally, the Committee agreed that growth in the aggregates may be in the upper parts of their ranges, depending on continuing developments with respect to velocity and provided that inflationary pressures remain subdued.

For 1986 the Committee agreed on tentative ranges of monetary growth, measured from the fourth quarter of 1985 to the fourth quarter of 1986, of 4 to 7 percent for M1, 6 to 9 percent for M2, and 6 to 9 percent for M3. The associated range for growth in total domestic nonfinancial debt was provisionally set at 8 to 11 percent for 1986. With respect to M1 particularly, the Committee recognized that uncertainties surrounding recent behavior of velocity would require careful reappraisal of the target range at the beginning of 1986. Moreover, in establishing ranges for next year, the Committee also recognized that account would need to be taken of experience with institutional and depositor behavior in response to the completion of deposit rate deregulation early in the year.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. This action is expected to be consistent with growth in M2 and M3 at an annual rate of around 7½ percent during the period from June to September, and with a substantial slowing of M1 growth to an annual rate of 5 to 6 percent. Somewhat lesser reserve restraint might be acceptable in the event of substantially slower growth of the monetary aggregates while somewhat greater restraint would be acceptable in the event of substantially higher growth. In either case such a change would be considered in the context of appraisals of the strength of the business expansion, progress against inflation, and conditions in domestic credit and foreign exchange markets. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 6 to 10 percent.

By order of the Federal Open Market Committee, August 28, 1985.

Stephen H. Axilrod,

Secretary.

[FR Doc. 85-21119 Filed 9-4-85; 8:45 am]

BILLING CODE 6210-01-M

RIHT Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to

[1] The Record of policy actions of the Committee for the meeting of July 9-10, 1985, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 18, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *RIHT Financial Corporation*, Providence, Rhode Island; to acquire American Financial Systems Corporation, Tampa, Florida, thereby engaging in marketing, origination, underwriting, funding, warehousing and packaging for its own account and for the account of others of loans and extensions of credit secured by real estate, and the sale of such loans and extensions of credit in the secondary market. Applicant has also applied to engage in the sale of credit life and credit accident and health insurance in connection with extensions of credit made by the bank holding company or its subsidiaries, pursuant to section 4(c)(8)(A) of the Act.

Board of Governors of the Federal Reserve System, August 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21118 Filed 9-4-85; 8:45 am]

BILLING CODE 6210-01-M

Colony Bankcorp, Inc.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has 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 225.24) 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)).

The 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 indicated for that application 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.

Comments regarding this application must be received not later than September 13, 1985.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Colony Bankcorp, Inc.*, Fitzerald, Georgia; to acquire 100 percent of the voting shares of Bank of Dodge County, Chester, Georgia.

Board of Governors of the Federal Reserve System, September 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21286 Filed 9-4-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18A, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acqusitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 85-0903—Nevada-California Land Company, Inc.'s, (John B. Anderson, UPE proposed acquisition of voting securities of Getty Agricultural Business, Inc., (Texaco, Inc., UPE).	Aug. 14, 1985.
(2) 85-0943—Cardinal Communications Inc.'s proposed acquisition of assets of Telesystems Corporation and Video Service Company, (Cox Enterprises, Inc., UPE).	Do.
(3) 85-0946—R.S. Davenport, III's proposed acquisition of voting securities of The Krystal Company.	Do.
(4) 85-0964—Cox Enterprises, Inc.'s proposed acquisition of assets of WFTV, Orlando, FL, (Warburg, Pincus & Co., UPE).	Do.
(5) 85-0905—Dr. Felix Tschudi's proposed acquisition of assets of ("Lyons Falls Division), (Georgia-Pacific Corporation, UPE).	Aug. 15, 1985.
(6) 85-0930—Nortek, Inc.'s proposed acquisition of voting securities of Dixieline Lumber Company, (Weyerhaeuser Company, UPE).	Do.
(7) 85-0952—Transworld Corporation's proposed acquisition of voting securities of Interstate United Corporation, (Hanson Trust PLC, UPE).	Do.
(8) 85-0976—Heck's, Inc.'s proposed acquisition of voting securities of Maloney Enterprises, Inc.'; Maloney's of Logan, Inc.; Maloney's of West Hamlin, Inc.; and Maloney's of Hindman, Inc., (Charles E. Padgett, UPE).	Do.
(9) 85-0987—The Signal Companies' proposed acquisition of voting securities of the wholly-owned Canadian subsidiaries of Allied, FRAM Canada, Inc., Bendix Heavy Vehicle Systems, Inc., Allied Chemical Canada, Limited, Allied Canada, Inc., (Allied Corporation, UPE).	Do.
(10) 85-0991—National Intergroup, Inc.'s proposed acquisition of voting securities of The Permian Corporation.	Do.
(11) 85-0993—Raymond G. Chambers' proposed acquisition of voting securities of National Intergroup, Inc.	Do.
(12) 85-0994—William E. Simon's proposed acquisition of voting securities of National Intergroup, Inc.	Do.
(13) 85-0924—Anthony Industries, Inc.'s proposed acquisition of voting securities of Sitca Corporation, BankAmerica Corporation, UPE).	Do.
(14) 85-0613—Tribune Company, Inc.'s proposed acquisition of voting securities of Golden West Television Holding Company, (Golden West Associates, L.P., UPE).	Aug. 19, 1985.
(15) 85-0917—Winn Enterprises' proposed acquisition of voting securities of Meyer Dairy, Inc., (Wetterau, Incorporated, UPE).	Do.
(16) 85-0926—CIBA-GEIGY Limited's proposed acquisition of assets of Genentech, Inc.	Do.

Transaction	Waiting period terminated effective
(17) 85-0956—Universal Foods Corporation's proposed acquisition of voting securities of California Cheese Company, (Angelo Marino Trust, UPE).	Do.
(18) 85-0960—Boral Limited's proposed acquisition of assets of Henderson Clay Products, Inc.	Do.
(19) 85-0961—Dairy Mart Convenience Stores' proposed acquisition of voting securities of the Lawson Company, (Sara Lee Corporation, UPE).	Do.
(20) 85-0969—Bergen Burnswig Corp.'s proposed acquisition of assets of Cibcos, Inc., (Messrs. Jeffrey Kleckner, UPE).	Do.
(21) 85-0970—Bergen Burnswig Corp.'s proposed acquisition of assets of Cibcos, Inc., (Burton Rudder, UPE).	Do.
(22) 85-0941—United Biscuits (Holdings), plc's proposed acquisition of assets of the Olive Division, (Early California Industries, Inc., UPE).	Aug. 20, 1985.
(23) 85-0968—Paracelsus Healthcare Corporation's, (Dr. med. Hartmut Krukemeyer, UPE proposed acquisition of assets of Owens-Illinois, Inc.	Do.
(24) 85-0976—George N. Gillett, Jr.'s proposed acquisition of voting securities of Vail Associates, Inc., (Bass Trust Two, UPE).	Do.
(25) 85-0906—Gulf Canada Limited's proposed acquisition of voting securities of Abitibi-Price, Inc.	Do.
(26) 85-1005—Grand Metropolitan Public Limited Company's proposed acquisition of voting securities of Pearle Health Services, Inc.	Do.
(27) 85-1006—Grand Metropolitan Public Limited Company's proposed acquisition of voting securities of Pearle Health Services, Inc.	Do.
(28) 85-1007—Grand Metropolitan Public Limited Company's proposed acquisition of voting securities of Pearle Health Services, Inc.	Do.
(29) 85-0948—The Pillsbury Company's proposed acquisition of voting securities of Joan of Arc Company, (Raffinerie Tirlemontoise, S.A., UPE).	Aug. 21, 1985.
(30) 85-0955—Holderbank Financiere Glaris Ltd.'s proposed acquisition of assets of Hagerstown and Baltimore, MD, operations of Marquette Company, (Lone Star Industries, Inc. UPE).	Do.
(31) 85-1009—Southern Dairies, Inc.'s, (Michael C. Cameron, UPE) proposed acquisition of assets of IC Industries, Inc. plus voting securities of Spartanburg Dairy, Inc., (I.C. Industries, Inc., UPE).	Aug. 23, 1985.
(32) 85-1018—Air Products and Chemicals, Inc's proposed acquisition of voting securities of Getty Synthetic Fuels, Inc., (Texaco, Inc., UPE).	Do.
(33) 85-1033—Imperial Chemical Industries, PLC's proposed acquisition of voting securities of Garst Seed Company	Do.
(34) 85-0949—Vickers PLC's proposed acquisition of assets of Teca Corporation, (J. Morton Davis, UPE).	Do.
(35) 85-0981—CIBA-GEIGY, Ltd.'s proposed acquisition of assets of American Optical Corp. and voting securities of Optical Associated Technologies Corp. and Young Contact Lens Laboratories, Inc.	Do.
(36) 85-0989—H. Group Holding, Inc.'s proposed acquisition of voting securities of Conwood Corporation.	Do.
(37) 85-0990—H. Group Holding, Inc.'s proposed acquisition of voting securities of Conwood Corporation.	Do.
(38) 85-0980—Martin T. Sosnoff's proposed acquisition of voting securities of Caesars World, Inc.	Aug. 26, 1985.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580. (202) 523-3894.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 85-21140 Filed 9-4-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 77N-0240; DESI 1786]

Drugs for Human Use; Drug Efficacy Study Implementation; Certain Single-Entity Coronary Vasodilators; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of new drug applications (NDA's) for certain single-entity coronary vasodilators containing pentaerythritol tetranitrate (PETN) for which FDA offered an opportunity for a hearing, but for which no hearing was requested. These products lack substantial evidence of effectiveness for the prophylactic treatment of angina pectoris.

EFFECTIVE DATE: October 7, 1985.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 1786 and directed to the Division of Drug Labeling Compliance (HFN-310), Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Judy O'Neal, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 15, 1984 (49 FR 40213), the Director of the Center for Drugs and Biologics revoked a temporary exemption for certian single-entity coronary vasodilators containing PETN. The exemption permitted these products to remain on the market beyond the time limits scheduled for implementation of the Drug Efficacy Study. The notice also offered an opportunity to request a hearing on the proposal to withdraw approval of the NDA's for these products. The proposal was based on the lack of substantial evidence that these drugs are effective as required by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and 21 CFR 314.111(a)(5).

As state in the notice of opportunity for hearing, the failure to request a hearing constitutes an election not to make use of the opportunity for a hearing. Accordingly, this notice withdraws approval of the following new drug applications for which no hearing was requested:

1. NDA 16-555; Pentaerythritol Tetranitrate Tablets containing 10 milligrams (mg) and 20 mg PETN; Zenith Laboratories, Inc., 140 LeGrand Ave., Northvale, NJ 07647.

2. ANDA 86-086; Pentaerythritol Tetranitrate Tablets containing 20 mg PETN; Danbury Pharmacal, 131 West St., Danbury, CT 06810.

3. ANDA 87-528; Pentraspan Capsules (contolled release) containing 80 mg PETN; Vitarine, Division of Phoenix Pharmaceuticals, 227-15 North Conduit Ave., Springfield Gardens, NY 11413.

4. ANDA 87-529; Pentaerythritol Tetranitrate Capsules (controlled release) containing 80 mg PETN; Vitarine.

5. ANDA 87-640; Peritrate SR Capsules (controlled release) containing 80 mg PETN Parke-Davis, Division of Warner Lambert Co., (Parke-Davis), 201 Tabor Rd., Morris Plains, NJ 07950.

6. ANDA 87-690 Pentaerythritol Tetranitrate Tablets containing 20 mg PETN; Vangard Laboratories, 101-107 Sampson St., Glasgow, KY 42141.

Any drug product that is identical, related, or similar to these products and is not the subject of an approved new drug application or a pending hearing request is covered by the new drug applications listed above and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Divisin of Drug Labeling Compliance (address above).

The Director of the Center for Drugs and Biologics finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the products named above will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the applications listed above, and all their amendments and supplements, is withdrawn effective

October 7, 1985. Shipment in interstate commerce of these products or any identical, related, or similar product that is not the subject of an approved new drug application or a pending hearing request will then be unlawful.

This withdrawal of approval does not apply to the products listed below, named in the October 15, 1984 notice, for which a hearing was requested. The requests are now under review and will be the subject of a future **Federal Register** notice. Marketing of the following nine products may continue pending a ruling on the hearing requests.

1. NDA 8–072; Peritrate Tablets containing 10 mg, 20 mg, and 40 mg PETN; Parke-Davis.

2. NDA 11–109; Peritrate SA (controlled release) Tablets containing 80 mg PETN (20 mg in the immediate release layer and 60 mg in the controlled release base); Parke-Davis.

3. NDA 12–311; Pentritol Tempules containing PETN; Armour Pharmaceutical Co., 303 South Broadway, Tarrytown, NY 10591.

4. NDA 12–748; Duotrate-45 Plateau Caps containing 45 mg PETN; Marion Laboratories, Inc., 10236 Bunker Ridge Rd., Kansas City, MO 64137.

5. NDA 16–457; Pentritol Tempules (controlled release capsules) containing 60 mg PETN; Armour Pharmaceutical Co.

6. NDA 16–470; Duotrate-30 Plateau Capsules containing 30 mg PETN; Marion Laboratories, Inc.

7. NDA 16–625; Pentaerythritol Tetranitrate Tablets containing 10 mg and 20 mg PETN; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Coplague, Long Island, NY 11726.

8. ANDA 86–193; Pentaerythritol Tetranitrate Tablets (controlled release) containing 80 mg PETN; Bolar Pharmaceutical Co.

9. ANDA 87–683; Pentaerythritol Tetranitrate Capsules (controlled release) containing 80 mg PETN; Inwood Laboratories/Forest, 300 Prospect St., Inwood, NY 11696.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)) and under authority delegated to the Director of the Center for Drugs and Biologics (21 CFR 5.82).

Dated: August 29, 1985.

Harry M. Meyer, Jr.,

Director, Center for Drugs and Biologics.

[FR Doc. 85–21114 Filed 9–4–85; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

National Council on Health Planning and Development Steering Subcommittee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1985:

Name: Steering Subcommittee of the National Council on Health Planning and Development.

Date and Time: September 19, 1985; 3:00 p.m.

Place: Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (Meeting by Conference Call). Due to the limited nature of the meeting, a conference call will be substituted for the regular scheduled meeting. Open for entire meeting.

Purpose: The objectives of the Steering Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda for the meeting: (1) Discussion of Agenda for Fall plenary session of the Council; (2) status reports on the Office of Health Planning and Office of Health Facilities; and (3) other Council business.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. Diane A. McMenamin, Executive Secretary, National Council on Health Planning and Development, Bureau of Health Maintenance Organizations and Resources Development, Room 11–18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443–6377.

Agenda items are subject to change as priorities dictate.

Dated: August 30, 1985.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 85–21206 Filed 9–4–85; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of October 1985:

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: October 17–18, 1985, 8:30 am.

Place: Linden Hill Hotel; Queensbury Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open October 17, 8:30 am to 9:30 am.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session of the meeting of October 17 from 8:30 am to 9:30 am will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S. Code, Appendix 2 and Title 5, U.S. Code 552(c)(6), the Assistant Secretary for Health has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research and Health Care Technology Assessment, Stop 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

* * * * *

Name: Health Care Technology Study Section.

Date and Time: October 23–25, 1985, 8:00 pm.

Place: Jesuit Retreat House, Bellarmine Room 622 University Avenue, Los Altos, California 94022.

Open October 23, 8:00 pm to 9:00 pm.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session from 8:00 pm to 9:00 pm on October 23 will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Director, NCHSR. The closed portion of the meeting will be devoted to review of health services research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S. Code,

Appendix 2 and Title 5, U.S.C. 552(b)(6), the Assistant Secretary for Health has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meetintg, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research and Health Care Technology Assessment, Stop 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-3091.

* * * * *

Name: Health Services Research Review Suibcommittee.

Date and Time: October 10–11, 1985, 8:00 am.

Place: Linden Hill Hotel, Pinehurst Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open October 10, 8:00 am to 9:00 am.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Service Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session of the meeting on October 10 from 8:00 am to 9:00 am will be devoted to a business meeting covering administration and reports. There will also be a presentation by the Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S.C., Appendix 2 and Title 5, U.S.C. 552b(c)(6), the Assistant Secretary for Health has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applicaitons. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Dr. Anthony Pollitt, National Center for Health Services Research and Health Care Technology Assessment, Stop 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-3091.

Agenda items are subject to change as priorities dictate.

Dated: August 27, 1985.

John E. Marshall,

Director, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85-21096 Filed 9-4-85; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado; Filing of Plats of Survey

August 23, 1985.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., August 23, 1985.

The plat representing the dependent resurvey of the south boundary, T.4 S., R. 74 W., Sixth Principal Meridian, Colorado, Group No. 696, was accepted July 9, 1985.

The plat, in two sheets, representing the dependent resurvey of a portion of the east boundary, subdivisional lines, and certain mineral claims; the survey of the subdivision of section 12, and the survey of lot 22 in section 12, T. 44 N., R. 8 W., New Mexico Principal Meridian, Colorado, Group No. 760, was accepted July 16, 1985.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

The plat, in six sheets, representing the dependent resurvey of a portion of the south boundary, subdivisional lines, and certain tract lines, and the survey of the subdivision of certain sections, T. 2 N., R. 93 W., Sixth Principal Meridian, Colorado, Group No. 742, was accepted July 18, 1985.

The plat representing the dependent resurvey of a portion of the south and east boundaries, a portion of the subdivisional lines, and a portion of certain tract lines, and the survey of the subdivision of certain sections, T. 2 N., R 94 W., Sixth Principal Meridian, Colorado, Group No. 742, was accepted July 18, 1985.

The plat representing the dependent resurvey of a portion of the east boundary, a portion of the west boundary, and a portion of the subdivisional lines, and the survey of the subdivision of section 25, T. 45 N., R. 1½ W., New Mexico Principal Meridian, Colorado, Group No. 740, was accepted July 12, 1985.

The plat representing the dependent resurvey of the south, west, and north boundaries, and the subdivisional lines, and the survey of the subdivision of sections 12 and 25, T. 46 N., R. 1½ W., New Mexico Principal Meridian, Colorado, Group No. 740, was accepted July 12, 1985.

These surveys were executed to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Kenneth D. Witt,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 85-21201, Filed 9-4-85; 8:45 am]

BILLING CODE 4310-84-M

[N-39976]

Nevada; Realty Action; Noncompetitive Sale of Public Lands Located in Humboldt County, NV

The following described public land has been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than fair market value:

Mount Diablo Meridian, Nevada

T. 46 N., R. 33 E.,
Sec. 36, S½SW¼SE¼SW¼
Containing 5 acres more or less.

The sale is consistent with the Bureau's planning system and the land is not needed for any other resource management program. The lands are not suitable for management by the Bureau of Land Management or any other Federal department or agency. The disposal action by the Bureau of Land Management conforms with the regulations contained in 43 CFR 2711.3-3(a)(5). This sale is being consummated by the Bureau of Land Management to resolve an occupancy problem that has occurred in King's River Valley, Nevada. The patent when issued, will contain the following reservations to the United States Federal Government:

1. A right-of-way for ditches and canals constructed by the Authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. *All mineral deposits together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Winnemucca District Office.

*The mineral interests having no known mineral values will be conveyed simultaneously with the conveyance of the surface estate. At the time of the sale, the purchaser will be required to remit a $50 nonreturnable fee. Failure to do so will result in cancellation of this direct sale.

3. An easement, 30 feet in width along the north boundary of the subject parcel, in favor of Humboldt County, for road and public utility purposes to insure continued access to public utilities and to perform road maintenance.

No grazing rights will be affected by this sale.

Detailed information concerning this sale is available for review at the Winnemucca District Office.

Upon publication of this Notice of Realty Action in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the mining laws. This segregation shall terminate upon issuance of patent, upon publication in the **Federal Register** of a notice of termination of segregation, or 270 days from the date this Notice is published in the **Federal Register**, whichever occurs first.

The land will not be offered for sale any sooner than 60 days after the date of this Notice. For a period of 45 days after the date of this Notice, interested parties may submit comments to the District Manager, Winnemucca District Office, 705 East 4th Street, Winnemucca, Nevada 89445. Any adverse comments will be reviewed by the State Director who may sustain, modify or vacate this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with applicable law.

Dated: August 26, 1985.

Frank C. Shields,

District Manager.

[FR Doc. 85-21150 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-HC-M

Colorado; Filing of Plats of Survey

August 27, 1985.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., August 27, 1985.

The plat representing the dependent resurvey of a portion of the Third Standard Parallel South (south boundary), a portion of the Ninth Guide Meridian West (east boundary), a prior of the subdivisional lines and mineral survey No. 19635, Mill Gulch Hope No. 4, and Mill Gulch Hope No. 5 lodes, and the survey of the subdivision of certain sections, T. 15 S., R. 73 W., Sixth Principal Meridian, Colorado, Group No. 751 was accepted August 16, 1985.

The plat, representing the dependent resurvey of a portion of the subdivisional lines and a portion of certain tracts; the survey of the subdivision of section 14, and the metes-and-bounds survey of lot 6 in section 14, T. 4 S., R. 83 W., Sixth Principal Meridian, Colorado, Group No. 765, was accepted August 16, 1985.

The plat, representing the dependent resurvey of a portion of the north boundary, a portion of the subdivision of section 2, and the metes-and-bounds survey of lot 10 in section 2, T. 5 S., R. 83 W., Sixth Principal Meridian, Colorado, Group No. 770, was accepted August 16, 1985.

The plat representing the dependent resurvey of a portion of the east boundary and a portion of the subdivision lines, and the survey of the subdivision of sections 13, 23, and 24, T. 4 N., R. 96 W., Sixth Principal Meridian, Colorado, Group No. 753, was accepted August 16, 1985.

The plat, representing the dependent resurvey of a portion of the First Standard Parallel North (south boundary), and a portion of the subdivisional lines; and the survey of the subdivision of sections 33 and 34, and the remonumentation of certain corners in T. 5 N., R. 96 W., Sixth Principal Meridian, Colorado, Group No. 753, was accepted August 16, 1985.

These surveys were executed to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of a portion of the Third Standard Parallel South on the south boundary of Township 15 South, Ranges 86 and 87 West, and a portion of the subdivisional lines, and the survey of the subdivision of section 35, T. 15 S., R. 87 W., Sixth Principal Meridian, Colorado, Group No. 743, was accepted August 16, 1985.

The plat representing the dependent resurvey of a portion of the south boundary and a portion of the subdivisional lines and the survey of the subdivision of certain sections, T. 50 N., R. 2 W., New Mexico Principal Meridian, Colorado, Group No. 743, was accepted August 16, 1985.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., October 16, 1985.

The plats representing the dependent resurvey of a portion of the south boundary, the east boundary, Homstead Entry Survey No. 151, and a portion of the subdivisional lines; the completion survey of a portion of the subdivisional lines and the survey of the subdivision of sections 11, 13, and 14, T. 51 N., R. 2 W., New Mexico Principal Meridian, Colorado, Group No. 743, was accepted August 16, 1985.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Kenneth D. Witt,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 85-21222 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-84-M

Land Resource Management; Filing of Plats of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Filing of Plats of Survey.

SUMMARY: Plats of survey of the lands described below accepted April 19, 1985, and June 20, 1985, were officially filed in the Montana State Office effective 8 a.m. on August 15, 1985.

Principal Meridian, Montana

T. 12 N., R. 12 W.

This plat, representing the dependent resurvey of a portion of the Third Standard Parallel North through Range 12 West, a portion of the West boundary, and a portion of the subdivisional lines; and the survey of the subdivision of sections 6 and 8, Township 12 North, Range 12 West, Principal Meridian, Montana, was accepted April 19, 1985. The area described is in Powell County.

This survey was executed at the request of the Butte District Office for the administrative needs of the Bureau.

Principal Meridian, Montana

T. 24 N., R. 32 W.

This plat, in three sheets, representing the dependent resurvey of a portion of the Sixth Standard Parallel North, through Ranges 31 and 32 West, a portion of the east boundary, a portion of the subdivisional lines, and Homestead Entry No. 675; and the survey of the subdivision of sections 2, 4, 9, 10, 12, 14, 16, 17, 22, 24, 25, 26, and 27; and the dependent resurvey of a metes and bounds description of a warranty deed (Parcel B) in section 2, Township 24 North, Range 32 West, Principal Meridian, Montana, was accepted June 20, 1985. The area described is in Sanders County.

This survey was executed at the request of the U.S. Forest Service, Region 1.

EFFECTIVE DATE: August 15, 1985.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Dated: August 19, 1985.

Peggy J. Davidson,

Chief, Branch of Records.

[FR Doc. 85-21200 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-DN-M

Filing of Plats of Survey; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on August 16, 1985.

Willamette Meridian

WA T. 37 N., R. 1 E.
WA T. 38 N., R. 1 E.
WA T. 37 N., R. 2 E.
WA T. 38 N., R. 2 E.

All of the above-listed plats represent dependent resurveys.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 N.E., Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 27, 1985.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-21122 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-33-M

[M-60358]

Realty Action—Exchange; Montana

AGENCY: Bureau of Land Management—Lewistown District Office, Interior.

ACTION: Notice of Realty Action M-60358—Exchange of public and private lands, in Petroleum County, Montana.

SUMMARY: This exchange will be between the United States of America and Petroleum County. The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian Montana

T. 14 N., R. 26 E.,
Sec. 2, Lots 1-4, S½N½.
T. 14 N., R. 27 E.,
Sec. 6, Lots 1-10 of Block 13, Rimrock Addition to the town of Winnett.

Aggregating 326.584 acres.

In exchange for these lands, the United States Government will acquire the surface estate and mineral estate with the exception of oil and gas in the following described land:

Principal Meridian Montana

T. 15 N., R. 26 E.,
Sec. 27, W½SW¼;
Sec. 28, NE¼SE¼;
Sec. 34, NW¼NW¼.
T. 17 N., R. 28 E.,
Sec. 21, NE¼, NW¼SE¼.

Aggregating 360.000 acres.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, at the address below. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report is available for review at the Lewistown District Office, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. A reservation to the United States of oil and gas in the lands being transferred out of Federal ownership. Oil and gas shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document is available at this BLM Office.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. A $500.000 value equalization by cash payment will be paid to the United States of America by Petroleum County.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

6. The exchange of these lands will be subject to all valid existing rights and reservations of record including the following rights-of-way: Mid Rivers Telephone M-049342 and State of Montana M-15847 and M-39335.

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with local officials. The public interest will be served by completion of this exchange as we are acquiring land which will enhance recreational opportunities and public access.

Dated: August 27, 1985.

Roy H. Oliver,

Acting District Manager.

[FR Doc. 85-21121 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-DN-M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2606, Block 301, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on August 23, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is

considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executive of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised §250.34 of Title 30 of the CFR.

Dated: August 28, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-21197 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Develoment Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 074, Block 20, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Dulac and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on August 23, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 26, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-21199 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-MR-M

Fish and Wildlife Service

Issuance of Permit for Marine Mammals; Detroit Zoological Park

On March 8, 1985, a notice was published in the **Federal Register** (Vol. 50, No. 46) that an application had been filed with the Fish and Wildlife Service by Detroit Zoological Park (PRT-690489) for a permit to anesthetize 7 captive polar bears and extract premolar teeth to be used for age determination research.

Notice is hereby given that on August 23, 1985, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Permit Office in Room 605, 1000 North Glebe Road, Arlington, Virginia 22201.

Dated: August 29, 1985.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-21189 Filed 9-4-85; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-278 (Preliminary)]

Certain Cast-Iron Pipe Fittings From Brazil; Suspension of Investigative Activity Pursuant to Court Order

AGENCY: U.S. International Trade Commission.

ACTION: Suspension of investigative activity in Inv. No. 731-TA-278 (Preliminary).

FOR FURTHER INFORMATION CONTACT: Edwin J. Madaj, Office of the General Counsel, 202-523-0148, or Brenda A. Jacobs, Office of the General Counsel, 202-523-1627.

SUPPLEMENTARY INFORMATION: Pursuant to a motion filed by counsel for Fundicao Tupy and Tupy American Foundry Corporation on August 21, 1985 with the U.S. Court of International Trade, the Court issued an ex parte temporary restraining order on August 21, 1985 restraining the Commission, its officers, agents, and employees, "from continuing its investigation of certain cast-iron pipe fittings from Brazil (Investigation No. 731-TA-278 (Preliminary))." The Court also ordered that a hearing be held on August 28, 1985 to require the Commission to show cause why plaintiffs' motion for a preliminary injunction should not be granted. Accordingly, the Commission is suspending its investigative activity with respect to this investigation pending further action by the Court.

Copies of all non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: August 29, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-21194 Filed 9-4-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-212]

Certain Convertible Rowing Exercisers; Determination to Review and Reverse Initial Determination Terminating Five Respondents on the Basis of Consent Orders

AGENCY: U.S. International Trade Commission.

ACTION: Review and reversal of initial determination (ID) that granted motions to terminate the investigation as to five respondents on the basis of consent orders.

SUMMARY: Notice is hereby given that the Commission has determined to review and reverse the ID of the presiding administrative law judge (ALJ) (Order No. 40) to terminate the above-captioned investigation on the basis of consent order agreements and proposed consent orders as to respondents Seasonal Merchandise Development Co., Ltd., Sunstar International Ltd., National Sporting Goods Corp., Shinn Fu Company of America, Inc., and Ever Young Industries Co., Ltd.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 523–0493.

SUPPLEMENTARY INFORMATION: The Commission is currently conducting an investigation, pursuant to its authority under section 337 of the Tariff Act of 1930, 19 USC 1337, to determine whether there are unfair methods of competition or unfair acts in the importation and sale of certain convertible rowing exercisers, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. On various dates, complainant Diversified Products Corp. and each of the above-named respondents moved to terminate the investigation as to that respondent on the basis of a consent order agreement and proposed consent order. The Commission investigative attorney opposed the motions. On July 22, 1985, the ALJ issued an ID granting the motions (Order No. 40). The Commission has determined, pursuant to rules 210.55 and 210.56 (19 CFR 210.55 and 210.56), to review and reverse the ID on the ground that Commission rule 211.20 (19 CFR 211.20) requires that the Commission investigative attorney be a party to all motions to terminate an investigation on the basis of proposed consent orders.

Issued: August 23, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–21190 Filed 9–4–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–203]

Certain Floppy Disk Drives and Components Thereof; Commission Decision of No Violation of Section 337 of the Tariff Act of 1930

AGENCY: U.S. International Trade Commission.

ACTION: Affirmance of the administrative law judge's (ALJ's) determination that there is no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Marcia H. Sundeen, Esq., Office of the General Counsel, U.S. International Trade Commission, tel. 202–523–0480.

SUPPLEMENTARY INFORMATION: On April 26, 1985, the ALJ filed an initial determination (ID) that there is no violation of section 337 in the investigation.

On May 6, 1985, respondent Gold Star Tele-Electric Co., Ltd. (GST) appealed to the Commission the ALJ's denial of its motion for summary determination on the issue of domestic industry.

On May 29, 1985, the Commission ordered review of the initial determination (ID) in order to review the ALJ's conclusion that there is no violation of section 337 by reason of respondent's imports or sales.

The Commission determined to affirm the ALJ's denial of GST's motion for summary determination on the issue of domestic industry.

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

Notice of this investigation was published in the **Federal Register** of September 6, 1984 (49 FR 35257).

Copies of the Commission's Action and Order, the nonconfidential version of the Commission's Memorandum Opinion, the ID, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Issued: August 29, 1985.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–21193 Filed 9–4–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–221]

Certain Apparatus for Disintegration of Urinary Calculi

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on September 16, 1985, in Hearing Room 6311 at the Interstate Commerce Commission Building at 12th Street and Constitution Avenue NW., Washington, D.C., and the hearing will commerce immediately thereafter.

The Secretary shall publish this notice in the **Federal Register.**

Issued: August 28, 1985.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 85–21192 Filed 9–4–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731–TA–244 (Final)]

Natural Bristle Paint Brushes From the People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–244 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from The People's Republic of China of natural bristle paint brushes, except artists' brushes, with or without handles, provided for in item 750.65 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). In respone to a request from counsel for the respondents, Commerce has extended the date for its final LTFV determination in this investigation to December 13, 1985. As provided in section 735(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(2)(B)), the Commission must make it final injury determination in antidumping investigations within 45 days of Commerce's final determination, or in this case by January 27, 1986.

For futher information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subpart A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 5, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence Rausch (202–523–0300), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of

Commerce that imports of natural bristle paint brushes and brush heads from the People's Republic of China are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on February 19, 1985 by the United States Paint Brush Manufacturers and Suppliers Ad Hoc Import Action Coalition, Washington, DC.

In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of this subject merchandise (50 FR 15238, April 16, 1985).

Participation in the investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR § 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report in this investigation will be placed in the public record on December 6, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigtion beginning at 10:00 a.m. on December 19, 1985 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 12, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on December 13, 1985 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is December 16, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the preharing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions

All legal arguments, economic analysis, and factural materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on December 27, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before December 27, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: August 29, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-21195 Filed 9-4-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-211 (Final)]

Certain Welded Carbon Steel Pipes and Tubes From Taiwan

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of the hearing to be held in connection with the subject investigation.

SUMMARY: The Commission hereby announces the rescheduling of the hearing to be held in connection with the subject investigation from 10:00 a.m. on October 16, 1985, to 10:00 a.m. on December 17, 1985.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 29, 1985.

FOR FURTHER INFORMATION CONTACT: Cynthia Wilson (202-523-0291), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 1985, the Commission instituted the subject investigation and scheduled a hearing to be held in connection therewith for October 16, 1985 (50 FR 31930, August 7, 1985). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from September 30, 1985 to December 4, 1985. The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule. As provided in section

735(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(2)(B)), the Commission must make its final determination in antidumping investigations within 45 days of Commerce's final determination, or in this case by January 17, 1986.

Staff report

A public version of the prehearing staff report in this investigation will be placed in the public record on November 27, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on December 17, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 3, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on December 6, 1985 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is December 10, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Prehearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on December 24, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before December 24, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary of the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: August 29, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-21196 Filed 9-4-85; 8:45 am]

BILLING CODE 7020-02-M

[332-218]

Information and Advice to Assist the President in a Review of the Generalized System of Preferences

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: The Commission has instituted investigation No. 332-218, following receipt of letters on July 23 and August 12, 1985, from the United States Trade Representative (USTR). At the direction of the President, the USTR requested the Commission to conduct an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) to provide information and advice to the President for each article that is currently designated as an eligible article under the Generalized System of Preferences.

EFFECTIVE DATE: August 23, 1985.

FOR FURTHER INFORMATION CONTACT: Reuben Schwartz or Robert W. Wallace, project team leader, U.S. International Trade Commission, Washington, DC 20436 (telephone 202-523-0114 or 202-523-0120). For information on the legal aspects of the investigation, contact William W. Gearhart of the Commission's Office of the General Counsel at 202-523-0487. For information on a product basis, contact the most appropriate person of the Commission's Office of Industries as follows:

(1) Agricultural products, Mr. Robert Roeder (202-724-1170).

(2) Chemical products, Mr. James Emanuel (202-523-0334).

(3) Textiles and apparel, Ms. Jackie Worrell (202-523-0452).

(4) Minerals and metals, Mr. James Lukes (202-523-0279).

(5) Machinery and equipment, Mr. Harold Graves (202-523-0360).

(6) Miscellaneous manufactures, Mr. Mark Estes (202-724-0977).

SUPPLEMENTARY INFORMATION: The Generalized System of Preferences Renewal Act of 1984 (title V of the Trade and Tariff Act of 1984 (98 Stat. 3018; 19 U.S.C. 2461)) requires the President to complete a general review of articles eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP). The review is to be based on the considerations listed in sections 501 and 502(c) of title V of the Trade Act of 1974 (19 U.S.C. 2461, 2462(c)). Among the considerations listed in section 501 are the anticipated impact of actions taken in regard to duty-free treatment under the GSP on U.S. producers of like or directly competitive products, and the extent of the beneficiary developing country's competitiveness with respect to eligible articles.

Therefore, the Commission was requested by the USTR, at the direction of the President and pursuant to section 332(g) of the Tariff Act of 1930, to provide information and advice as follows:

(1) Advice as to the probable economic effect on domestic industries producing like or directly competitive articles and on U.S. consumers of the loss of GSP duty-free treatment for imports from the additional countries that would be affected if the competitive need limitations provided for in section 504(c)(2)(B) of the Trade Act of 1974 are applied. This advice should be prepared on the assumption that the limits are not applicable to imports from the beneficiary countries which will be exempt from all competitive need limits pursuant to section 504(c)(6) of the act;

(2) Information to assist the President in determining the competitiveness of each beneficiary country which has been a source of U.S. imports of the articles in 1982-84 relative to other beneficiary countries, developed countries, and U.S. producers of like or directly competitive products (except

those beneficiary countries exempt from all competitive need limits pursuant to section 504(c)(6) of the Trade Act of 1974;

(3) Advice as to whether a like or directly competitive article was produced in the United States on January 3, 1985; and

(4) Advice as to the probable economic effect on domestic industries producing like or directly competitive articles and on U.S. consumers of waiving competitive need limits for each article that has been accepted for review from any or all beneficiary countries.

To assist the President in his decisions, the Commission will furnish information concerning beneficiary country competitiveness with respect to an article, including the beneficiary's share of U.S. imports and its share of U.S. consumption of the product, its price competitiveness, its production capacity and degree of technological sophistication, and any other relevant information. The Commission's advice was requested to be presented in sufficient detail that each item of the Tariff Schedules of the United States which is currently designated as an eligible article under the GSP can be examined individually in the review with respect to each of the considerations specified above.

The USTR requested that the Commission submit its report on this investigation to the President not later than February 1, 1986.

Public Hearings and Prehearing Briefs

A public hearing in connection with this investigation will be held in the Commission Hearing Room, 701 E Street, NW, Washington, DC 20436, beginning at 10:00 a.m. each day on October 22–25, 1985. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Persons wishing to appear at the public hearing should file requests to appear and should file prehearing briefs (original and 14 copies) with the Secretary, U.S. Inernational Trade Commission, 701 E Street, NW, Washington, DC 20436, not later than noon, October 7, 1985.

Written Submissions

In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitting party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest possible date, but not later than October 15, 1985. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

All statements and written briefs should be in English and relate to the four areas noted above that the Commission will address in its response to the USTR. A description of the article(s) of interest, including the Tariff Schedules of the United States (TSUS) item number, if known, should be included. In addition, the country or countries of concern and/or the domestic industry likely to be affected by actions taken in regard to changes in duty-free treatment under the GSP should be identified.

Hearing-imparied individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

Issued: August 27, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–21191 Filed 9–4–85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 24243 (Sub-1)]

Railroads; Missouri-Kansas-Texas Railroad Co.—Trackage Rights Machens to St. Louis, MO—Chicago, Burlington & Quincy Railroad Co.; Exemption

Burlington Northern Railroad Company, succesor to Chicago, Burlington & Quincy Railroad Co., has agreed to continue to grant overhead trackage rights to Missouri-Kansas-Texas Railroad Company between Machens, MO, and St. Louis, MO, a distance of approximately 22.66 miles. The trackage rights renewal will be effective on September 1, 1985.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: August 28, 1985.

By the Commission,

James H. Bayne,

Secretary.

[FR Doc. 85–21172 Filed 9–4–85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29018 (Sub-No. 1)]

Railroads; Missouri-Kansas-Texas Railroad Co.—Trackage Rights—Burlington Northern Railroad Co.; Exemption

Burlington Northern Railroad Company (successor to St. Louis-San Francisco Railway Company) has agreed to renew overhead trackage rights to Missouri-Kansas-Texas Railroad Company between Columbus, Kansas, and Oswego, Kansas, a distance of approximately 19.44 miles. The trackage rights agreement becomes effective on September 1, 1985.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: August 28, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85–21173 Filed 9–4–85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-26 (Sub—32X)]

Railroads; Southern Railway Co. & Southern Railway-Carolina Division—Discontinuance of Operations and Abandonment Exemption in Charleston, SC

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the discontinuance of operations by the Southern Railway Company and abandonment by Southern Railway-Carolina Division of approximately 0.33 miles of rail line at Charleston, SC, subject to employee protective conditions.

DATES: This exemption will be effective on October 7, 1985. Petitions to stay must be filed by September 16, 1985 and petitions for reconsiderations must be filed by September 24, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-26 (Sub-No. 32X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20433

(2) Petitioners' representative: Nancy S. Fleischman, Norfolk Southern Corporation, 1050 Connecticut Avenue NW Suite 740, 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 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: August 12, 1985.

By the Commission, Chairman Taylor, Vice Chariman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio. Commissioner Sterrett did not participate in the disposition of this proceeding. Chairman Taylor was absent and did not participate in the disposition of this proceeding.

James H. Bayne,

Secretary.

[FR Doc. 85-21109 Filed 9-4-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc. and ADC Telecommunications, Inc.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98-462 ("the Act"), Bell Communications Research, Inc. ("Bellcore") has filed a written notification, on behalf of a joint venture between Bellcore and ADC Telecommunications, Inc. ("ADC"), simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties of the joint venture and (2) the nature and objectives of the joint venture. The notification was filed for the purpose of invoking the Act's provisions limiting any potential antitrust damage liability of the joint venture to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the joint venture, and its general areas of planned activities, are given below.

Bellcore is a Delaware corporation with its principal place of business at 290 West Mount Pleasant Avenue, Livingston, New Jersey 07039.

ADC is a Minnesota corporation with its principal place of business at 5501 Green Valley Drive, Minneapolis, Minnesota 55437.

Bellcore and ADC entered into a collaborative research agreement on July 30, 1985 seeking to better understand the applications for telecommunication exchange services and telecommunication exchange access services of an electronically controlled integrated circuit switching matrix for digital interconnection, and to demonstrate feasibility of such applications by developing experimental prototypes and experimental systems.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-21092 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-01-M

Proposed Final Judgment in United States v. First National Supermarkets, Inc., et al., and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for the Northern District of Ohio, Eastern Division, in *United States* v. *First National Supermarkets, Inc., et al.*, Civil No. C 80-1893. The Complaint in this case alleges that three retail grocery chains violated the Sherman Act by conspiring to fix, raise, stabilize, and maintain the advertised prices and everyday shelf prices of grocery products and the advertised prices of some meat items sold to consumers in Cuyahoga County, Ohio.

The proposed Judgment enjoins the defendants from participating in the alleged conspiracy and from communicating certain pricing information to any other person engaged in the retail sale of grocery products, meat items or produce items in Cuyahoga County.

The CIS describes the terms of the proposed Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

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 A. Weedon, Chief, Great Lakes Office, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court, Northern District of Ohio, Eastern Division

United States of America, plaintiff, v. First National Supermarkets, Inc., dba Pick-N-Pay Supermarkets: Fisher Foods, Inc., dba Fazio's; and Association of Stop-N-Shop Super Markets, defendants.

[Civil No. C 80-1893]

Judge Thomas D. Lambros

Filed: August 27, 1985.

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 defendants 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: August 9, 1985.

For the Plaintiff. Charles F. Rule, *Acting Assistant Attorney General;* Joseph H. Widmar, David F. Hils, *Attorneys, Department of Justice;* Patrick M. McLaughlin, *United States Attorney.*

For the Defendants. John D. Leech, *Counsel for First National Supermarkets, Inc.;* John F. McClatchey, *Counsel for Fisher Foods, Inc.;* Paul L. Binder, *Attorney, Antitrust Division, Department of Justice, 995 Celebrezze Federal Bldg., Cleveland, Ohio 44199, Telephone: (216) 522-4083;* S. Lee Kohrman, *Counsel for Association of Stop-N-Shop Super Markets.*

United States District Court Northern District of Ohio Eastern Division

United States of America, Plaintiff, v. First National Supermarkets, Inc., dba Pick-N-Pay Supermarkets; Fisher Foods, Inc., dba Fazio's; and Association of Stop-N-Shop Super Markets, Defendants.

[Civil No. C 80-1893]

Judge Thomas D. Lambros

Filed: August 27, 1985.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on October 10, 1980, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law hefein and without this Final Judgment constituting any evidence against or any 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:

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendent under section 1 of the Sherman Act (15 U.S.C. 1).

As used in this Final Judgment:

(A) "Person means any individual, partnership, association, firm, corporation or other business or legal entity;

(B) "Grocery products" means dry groceries, dairy products, frozen foods, non-alcoholic beverages, pet foods, paper goods, detergents, and other such products commonly sold in a grocery store;

(C) "Meat items" means those portions of animals in whatever form, including beef, pork, and poultry, commonly sold in a grocery store;

(D) "Produce items" means fresh fruits and vegetables commonly sold in a grocery store;

(E) "Price checking" means an activity wherein an employee, agent, or third party on behalf of a defendant, physically enters a retail store of any competitor (including retail stores of another defendant herein) and inspects or records and reports the prices stamped, printed, or written on grocery products, meat items, or produce items;

(F) "Wholesaler" means any division or subsidiary of either defendant Fisher Foods, Inc. or First National Supermarkets, Inc., or any member of, or entity formed by one or more members of, defendant Association of Stop-N-Shop Super Markets, that engages in the sale at wholesale of grocery products, meat items, or produce items.

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, members, 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; provided, however, that this Final Judgment shall not apply to any person to which any defendant transfers (a) only the stock or assets of a Wholesaler or (b) substantially less than all of the assets used in the retail sale of grocery products, meat items, or produce items.

IV

Each defendant is enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any person engaged in the retail sale in Cuyahoga County, Ohio, of grocery products, meat items, or produce items to determine, establish, fix, raise, maintain, or adhere to advertised retail prices, retail prices, or other terms or conditions for the retail sale of grocery products, meat items, or produce items.

Each defendant is enjoined and restrained from, directly or indirectly:

(A) Communicating to any person engaged in the retail sale in Cuyahoga County, Ohio, of grocery products, meat items, or produce items, any information concerning the advertised retail prices, retail prices, or terms or conditions of sale at which grocery products, meat items, or produce items are or may be advertised or sold in Cuyahoga County, Ohio, or concerning consideration of changes or revisions in any such prices or terms of conditions of sale;

(B) Exchanging with or transmitting to or receiving from any person engaged in the retail sale in Cuyahoga County, Ohio, of grocery products, meat items, or produce items, any information concerning present or future advertised retail prices or retail prices for grocery products, meat items, or produce items sold or to be sold in Cuyahoga County, Ohio;

(C) Requesting from any person engaged in the retail sale in Cuyahoga County, Ohio, of grocery products, meat items, or produce items, any information or documents that said defendant could not communicate or transmit without violating subsections (A) or (B) hereof.

VI

Nothing in sections IV or V of this Final Judgment shall prohibit any defendant from:

(A) Communicating information to or obtaining information from any person in the course of, related to, negotiating for, entering into, or carrying out a *bona fide* purchase or sale transaction with such person, including (1) any defendant or member of the defendant Association of Stop-N-Shop Super Markets communicating its retail prices or suggested retail prices to the supplier of those products or items to be priced, or (2) a Wholesaler communicating a manufacturer's suggested retail prices to the Wholesaler's retail customers, or (3) a Wholesaler (a) separately maintaining in its data processing equipment a record of the retail prices established and provided by each of its retail customers or separate retail customer groups, and (b) separately providing to each of its retail customers or separate retail customer groups, price books containing only the retail prices of that retail customer or retail customer group;

(B) Engaging in *bona fide* joint collective bargaining or *bona fide* collective bargaining through a common agent in the course of labor negotiations;

(C) Price checking; and

(D) Communicating information to advertising agencies, newspapers, radio stations, television stations and printers for the sole purpose of advertising the prices of grocery products, meat items, or produce items.

VII

Nothing in sections IV or V of this Final Judgment shall:

(A) Prohibit any person, except defendants First National Supermarkets, Inc. and Fisher Foods, Inc., from being a member of defendant Association of Stop-N-Shop Super Markets; or

(B) Prohibit any member of defendant Association of Stop-N-Shop Super Markets or any member of any organized group of retail stores from purchasing from a Wholesaler or from participating in cooperative buying and joint advertising activities.

VIII

(A) Defendants First National Supermarkets, Inc. and Fisher Foods, Inc. shall advise each of their officers and directors and each of their employees who has any responsibility for the pricing of grocery products, meat items, or produce items in Cuyahoga County, of its and his or her obligations under this Final Judgment.

(B) Defendant Association of Stop-N-Shop Super Markets shall advise each of its officers, directors, agents, employees and each of the employees of its members who has any responsibility for the pricing of grocery products, meat

items or produce items of its and his or her obligations under this Final Judgment.

(C) Each defendant is ordered and directed, with respect to the appropriate subsection (A) or (B) hereof, to:

(1) Furnish a copy of this Final Judgment to each of the persons described in either subsection (A) or subsection (B) hereof within thirty (30) days after the date of the entry of this Final Judgment;

(2) Furnish a copy of this Final Judgment to each successor to each person described in subsection (A) or (B) hereof within thirty (30) days after each successor becomes associated with the defendant;

(3) Obtain from each of those persons described in subsections (A) or (B), and (C)(2) hereof and furnished a copy of this Final Judgment, a signed receipt therefor, which receipt shall be retained in the defendant's files;

(4) Attach to each copy of this Final Judgment furnished to each of those persons described in subsections (A) or (B), and (C)(2) hereof, a statement, in substantially the form set forth in Appendix A attached hereto, advising each such person of his or her obligations, and of the defendant's obligations under this Final Judgment, and of the criminal penalties which may be imposed upon him or her and upon the defendant for violation of this Final Judgment;

(5) Hold, within seventy-five (75) days after the date of entry of this Final Judgment, a meeting of the persons described in subsections (A) or (B), and (C)(2) hereof, at which meeting such persons shall be instructed concerning the defendant's and their obligations under this Final Judgment. Similar meetings shall be held at least once a year;

(6) Establish and implement a plan for monitoring compliance by the persons described in subsections (A) or (B), and (C)(2) hereof with the terms of the Final Judgment; and

(7) File with this Court and serve upon the plaintiff, within ninety (90) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsections (C)(1), (4), (5), and (6) hereof.

(D) Each defendant shall file with the Court and serve upon the plaintiff annually on the anniversary date of this Final Judgment an affidavit setting forth all steps it has taken during the preceding year to discharge its obligations under this Final Judgment.

IX

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets used in the retail sale of grocery products, meat items or produce items in Cuyahoga County, that the acquiring party agree to be bound by the provisions of this Final Judgment. The selling defendant shall file with the Court and serve upon the plaintiff the written consent of the acquiring party to be bound by this Final Judgment.

X

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 a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who 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 a defendant's principal office, such 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 X 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 a defendant to plaintiff, such 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 said defendfant 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 ten (10) days' notice shall be given by plaintiff to such defendant prior to divulging such material in an legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XI

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 violation hereof.

XII

This Final Judgment shall expire ten (10) years from its date of entry.

XIII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

Appendix A

Notice

Re: United States v. First National Supermarkets, Inc., Fisher Foods, Inc., and Association of Stop-N-Shop Super Markets, Civil No. C 80-1893 (N.D. Ohio)

Attached hereto is a copy of a Final Judgment entered _____, 1985 in the captioned case. We are required to provide this to you. You should read it carefully. The provisions of the Final Judgment contained in Sections IV and V apply to you. If you violate these provisions, you may subject the company [or the Association of Stop-N-Shop Super Markets] to a fine and you may also subject yourself to a fine and imprisonment.

United States District Court, Northern District of Ohio, Eastern Division

United States of America, plaintiff, v. First National Supermarkets, Inc., dba Pick-N-Pay Supermarkets; Fisher Foods, Inc., dba Fazio's; and Association of Stop-N-Shop Super Markets, defendants.

[Civil No. C 80-1893]

Judge Thomas D. Lambros

Filed: August 27, 1985.

Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files 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

On October 10, 1980, the United States filed a civil antitrust Complaint alleging that three retail grocery chains—First National Supermarkets, Inc., dba Pick-N-Pay Supermarkets ("First National"); Fisher Foods, Inc., dba Fazio's ("Fisher"); and the Association of Stop-N-Shop Super Markets ("Stop-N-Shop")—conspired to fix prices in violation of Section I of the Sherman Act, 15 U.S.C. 1.

The Complaint alleges that, beginning at least as early as August 1977 and continuing at least until October 1978, the defendants engaged in a combination and conspiracy to fix, raise, stabilize and maintain the advertised prices and everyday shelf prices of grocery products and the advertised prices of some meat items sold to consumers in Cuyahoga County, Ohio. As used in the Complaint, the term "grocery products" means dry groceries, dairy products, frozen foods, non-alcoholic beverages, pet foods, paper goods, detergents, and other such products commonly sold in a grocery store.

The Complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also asks that the Court enjoin the defendants from such activities in the future.

The defendants in this action have previously pleaded *nolo contendere* to two criminal felony charges, one of which was the same combination and conspiracy alleged in this action. A fine of $800,000 was levied against each of the two corporate defendants, First National and Fisher. A fine of $100,000 was levied against defendant Stop-N-Shop. This civil case has been held in abeyance until the criminal charges were resolved.

II

Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

First National is a Massachusetts corporation doing business in Cuyahoga County, Ohio under the name "Pick-N-Pay." Pick-N-Pay, originally an Ohio corporation, was merged into First National on May 25, 1978. At the time the Complaint was filed, First National operated retail grocery stores in Ohio, New York and New England and was one of the fifteen largest food retailers in the United States.

Fisher was incorporated in Ohio in 1908. At the time the Complaint was filed, Fisher operated retail grocery stores in Ohio and Illinois.

Stop-N-Shop is a voluntary association of retail food chains, each of which owns and operates its own stores. The members of Stop-N-Shop advertised together, bought certain products together, and shared certain other services and costs.

During the period covered by the Complaint, First National, Fisher, and Stop-N-Shop were engaged in the retail sale of grocery products, meat and produce in Cuyahoga County, Ohio. During the same period, the defendants were among the leading retail sellers of grocery products, meat and produce in Cuyahoga County. In the period 1977 through 1978, the defendants had total gross sales in Cuyahoga County of approximately $1.1 billion.

The Complaint alleges that beginning at least as early as August 1977 and continuing at least until October 1978, the defendants engaged in a conspiracy to fix, raise, stabilize and maintain the advertised prices and everyday shelf prices of grocery products and the advertised prices of some meat items sold to consumers in Cuyahoga County.

The Complaint alleges that the combination and conspiracy to fix prices was in restraint of trade and commerce in violation of section 1 of the Sherman Act, as amended (15 U.S.C. 1). The conspiracy to fix prices had the following effects:

a. Advertised prices and everyday shelf prices of grocery products and advertised prices of some meat items sold in Cuyahoga County, Ohio were fixed, raised, stabilized, and maintained at artificial and non-competitive levels;

b. Competition in the retail sale of grocery products and some meat items sold in Cuyahoga County, Ohio was restrained; and

c. Consumers were deprived of the benefits of free and open competition in the market for the sale of grocery products and some meat items in Cuyahoga County, Ohio.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, section IV enjoins and restrains the defendants from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any person engaged in the retail sale in Cuyahoga County, Ohio, or grocery products, meat items, or produce items to determine, establish, fix, raise, maintain, or adhere to advertised retail prices, retail prices, or other terms or conditions for the retail sale of grocery products, meat items, or produce items.

Section V of the proposed Final Judgment enjoins the defendants from communications with each other or with any other retail grocer in Cuyahoga County about the prices or terms of sale of grocery products, meat items, or produce items. Specifically, the defendants are enjoined and restrained from directly or indirectly:

(A) Communicating to any person engaged in the retail sale in Cuyahoga County, Ohio, of grocery products, meat items, or produce items, any information concerning the advertised retail prices, retail prices or terms or conditions of sale at which grocery products, meat items, or produce items are or may be advertised or sold in Cuyahoga County, Ohio, or concerning consideration of changes or revisions in any such prices or terms or conditions of sale;

(B) Exchanging with or transmitting to or receiving from any person engaged in the retail sale in Cuyahoga County, Ohio, of grocery products, meat items, or produce items, any information concerning present or future advertised retail prices or retail prices for grocery products, meat items, or produce items sold or to be sold in Cuyahoga County, Ohio;

(C) Requesting from any person engaged in the retail sale in Cuyahoga

County, Ohio, of grocery products, meat items, or produce items, any information or documents that said defendant could not communicate or transmit without violating subsections (A) or (B) hereof.

Since the defendants engage in a number of potentially legitimate activities that may involve communications about the prices of grocery products, meat items or produce items, Section VI of the proposed Final Judgment provides that certain activities are excluded from the prohibitions of sections IV and V. For example, Fisher has been engaged in wholesaling grocery products to independent grocery stores for several years. In order to compete in the wholesale grocery business, Fisher provides certain marketing services to its wholesale customers which enable its customers to compete with the larger grocery chains. In connection with these services, Fisher receives retail price information from its wholesale customers which it uses for case labeling and individual retail price books which enable the individual customer to keep track of the retail prices of the many items carried in its stores. Consistent with the intent of the proposed Final Judgment to prohibit *per se* unreasonable conduct but not to prohibit arrangements which may promote competition, section VI(A) excepts this activity from the prohibitions of the Final Judgment.

Section VI (B), (C), and (D) also excepts from the prohibitions of the Final Judgment *bona fide* collective bargaining activities, price checking and communications for the purpose of advertising. Price checking is an activity in which an agent or employee of a grocery store physically enters a competitor's retail store and records prices. Not only may price checking be pro-competitive, but any prohibition against price checking would be difficult to enforce.

Section VII provides that the Final Judgment does not prohibit any person, other than defendants First National and Fisher, from being a member of defendant Stop-N-Shop. Section VII also provides that the Final Judgment shall not prohibit any member of defendant Stop-N-Shop or any member of any organized group of retail stores from purchasing grocery products, meat items or produce items at wholesale from a defendant or participating in cooperative buying and joint advertising activities. Such activities, of course, remain subject to generally applicable principles of antitrust law.

Section VIII of the proposed Final Judgment orders the defendants to advise their officers and directors and their employees who have any responsibility for the pricing of grocery products, meat items or produce items, and in the case of defendant Stop-N-Shop, the employees of its members who have any responsibilities for the pricing of grocery products, meat items or produce items, of their obligations and their company's obligations under the Final Judgment. Section VIII also orders the defendants to furnish a copy of the Final Judgment to each of those persons; successors of those persons are also to be furnished a copy of the Judgment. Each copy of the Final Judgment so provided will have attached a statement informing the recipient that a violation of the Final Judgment could result in a fine for the company or for Stop-N-Shop and a fine and imprisonment for the recipients. Section VIII requires each defendant to hold a meeting every year for ten years at which the persons mentioned above are instructed on their obligations and their company's or Stop-N-Shop's obligations under the Final Judgment. The defendants are required to implement a plan for monitoring compliance of those persons with the Final Judgment.

Section III of the proposed Final Judgment makes the Judgment applicable to each defendant and to the officers, directors, agents, employees, subsidiaries, members, successors and assigns of each defendant, as well as all other persons in active concert or participation with any of them who have received actual notice of the the Final Judgment. The Final Judgment does not apply, however, to any person to which any defendant transfers only its wholesale food business or substantially less than all the assets used in the retail sale of grocery products, meat items, or produce items.

Section IX requires that, if a defendant sells all, or substantially all, of the assets of its retail food business in Cuyahoga County, the purchaser must agree to be bound by the Final Judgment.

Section XII makes the Final Judgment effective for ten year from the date of its entry.

Section XIII of the proposed Final Judgment states that entry of this Judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest.

Standard provisions similar to those found in other antitrust Final Judgments entered by consent are contained in section I (jurisdiction of the Court), section X (investigation and reporting requirements), and section XI (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutary effect on competition in the retail food market in Cuyahoga County. Not only have the defendants been enjoined from future collusive behavior, but they are also required to provide copies of the Final Judgment to each of their officers, directors, and other persons with substantial responsibility for pricing of grocery products, meat items and produce items in Cuyahoga County. In addition, those people must meet annually to be instructed about their responsibilities under the Judgment. It is anticipated that these provisions will make future violations less likely.

IV

Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216-522-4070). These comments and the Department's response to them will be filed with the Court and published in the **Federal Register.**

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, section XI of the proposed Judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such

orders as may be necessary or appropriate for the modification, interpretation, or enforcement of the Judgment after its entry.

VI

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

VII

Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectively submitted,

John A. Weedon, David F. Hils, Paul L. Binder, *Attorney, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: (216) 522-4083.*

[FR Doc. 85-21093 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of a Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that, on July 31, 1985, a proposed consent decree in *United States* v. *General Motors Corporation*, Civil Action No. 84-1593C(6), was lodged with the United States District Court for the Eastern District of Missouri. The proposed decree concerns General Motors' noncompliance with requirements imposed in a Prevention of Significant Deterioration (PSD) permit at its Wentzville, Missouri plant. The proposed consent decree requires the defendant to timely apply for and comply with new PSD limits and to pay $150,000 in past penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *General Motors Corporation*, D.J. Ref. 90-5-2-1-668.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Missouri, 414 United States Courthouse, 1114 Market Street, St. Louis, Missouri and at the Region VII, Office of the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-21203 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of a Consent Decree Pursuant to Section 301 of the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 27, 1985, a proposed Consent Decree in *United States* v. *Texaco, Inc.*, Civil Action No. 85-2450-0, was lodged with the United States District Court for the Western District of Louisiana, Opelousas Division. The proposed Consent Decree concerns discharge of pollutants from off-shore oil and gas platforms, in excess of National Pollutant Discharge Elimination System permits.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Texaco, Inc.*, D.J. Ref. 90-5-1-1-2375.

The proposed Consent Decree may be examined at the office of the United States Attorney, Federal Building, 705 Jefferson St., Room 305, Lafayette, Louisiana, and at the Region VI office of the Environmental Protection Agency, Interfirst Building 2, Room 2735, 1201 Elm Street, Dallas, Texas. Copies of the proposed Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-21204 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Stipulation of Dismissal Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 19, 1985 a proposed Stipulation of Dismissal in *United States* v. *Columbus Coated Fabrics, Division of Borden, Inc.*, Civil Action No. C2-78-966, was lodged with the United States District Court for the Southern District of Ohio. The proposed Stipulation dismisses the action upon payment of a $10,000 civil penalty.

The lawsuit was filed against Columbus Coated Fabrics (CCF) in September 1978 under section 113 of the Clean Air Act to enforce compliance with the State of Ohio's opacity and particulate emission regulations. In 1981, Ohio submitted revised regulations to the United States Environmental Protection Agency (U.S. EPA) for approval as part of an amended State Implementation Plan (SIP). The defendant has complied with these revised opacity and particulate emission regulations since July, 1981. In December 1982, the United States and CCF agreed on the terms of a Consent Decree that would have resolved the action upon payment of a $10,000 civil penalty. The Decree was to be entered upon U.S. EPA approval of the amended SIP. Several of the SIP provisions unrelated to the opacity and particulate emission revisions are still under review at U.S. EPA. In light of the Defendant's continued compliance with the revised regulations, and the delay in the approval of the SIP amendments, further delay in the resolution of the case is unnecessary.

The Department of Justice will receive comments relating to the proposed Stipulation of Dismissal for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v.

Columbus Coated Fabrics, Division of Borden, Inc., D.J. Ref. 90-5-2-1-99.

The proposed Stipulation of Dismissal may be examined at the office of the United States Attorney, Southern District of Ohio, 200 U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio, and at the office of the Regional Counsel, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois. Copies of the Stipulation for Dismissal may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed Stipulation of Dismissal may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-21202 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-01-M

Federal Bureau of Prisons

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Correction Facility, Fairfield Township, Cumberland County, NJ

AGENCY: U.S. Department of Justice; Federal Bureau of Prisons.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

Summary

1. *Proposed Action.* The U.S. Department of Justice, Federal Bureau of Prisons has determined that a new medium security prison is needed in its system. A 280 acre tract of land in Fairfield Township, New Jersey is being evaluated for the site of the facility. The proposal calls for the construction of a 550-bed facility to house medium security inmates. Approximately 60-70 acres would be required for road access, inmate housing, administration and program spaces and service and support facilities. In addition, exercise areas would be included in the needed acreage.

2. In the process of evaluating the tract of land, the following aspects will receive a detailed examination: Wetlands, threatened and endangered species, cultural resources, unique and prime farmlands, and socioeconomic impacts.

3. *Alternatives.* In developing the DEIS, the options of no action and alternative sites for the proposed facility will be fully and thoroughly examined.

4. *Scoping Process.* A number of meetings have been held with area officials and concerned citizens. Additional meetings including at least one public meeting will be held during September 1985.

5. *DEIS Preparation.* The DEIS should be available for public review and comment in November or December, 1985.

6. *Address.* Questions concerning the proposed action and the DEIS can be answered by:

Loy S. Hayes, Chief, Facilities Development and Operations, U.S. Bureau of Prisons, 320 First Street, N.W. Washington, D.C. 20534, Telephone: (202) 272-6535.

Dated: August 29, 1985.

Mary S. Galey,

Acting Chief, Office of Facilities Development and Operations, Federal Bureau of Prisons, Department of Justice

[FR Doc. 85-21127 Filed 9-4-85; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[85-56]

National Environmental Policy Act; Availability of Draft Environmental Impact Statement

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of draft environmental impact statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Aeronautics and Space Administration has prepared a draft Environmental Impact Statement (EIS) relating to Project Galileo. NASA has under development the Galileo mission to conduct detailed and long-term investigations of the Jupiter system. Comments on the draft EIS and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to Mr. Harry Mannheimer, Galileo Program Manager, Code EL, Washington, DC 20546. All comments must be received within 45 days of this Notice in order to be considered in the preparation of the final EIS.

Copies of the draft EIS may be obtained or examined at any of the following locations:

(a) NASA Headquarters, Public Documents Room (Room 126), 600 Independence Avenue, SW, Washington, DC 20546.

(b) NASA/Ames Research Center (Building 201, Room 17), Moffett Field, CA 94035.

(c) NASA/Dryden Flight Research Facility (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) NASA/Goddard Space Flight Center (Building 8, Room 150), Greenbelt Road, Greenbelt, MD 20771.

(e) NASA/Jet Propulsion Laboratory (Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91109.

(f) NASA Johnson Space Center (Building 1, Room 136), Houston, TX 77058.

(g) NASA/Kennedy Space Center (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(h) NASA/Langley Research Center (Building 1219, Room 304), Hampton, VA 23665.

(i) NASA/Lewis Research Center (Administration Building, Room 120), 2100 Brookpark Road, Cleveland, OH 44135.

(j) NASA/Marshall Space Flight Center (Building 4200, Room G-11), Marshall Space Flight Center, AL 35812.

(k) NASA/National Space Technology Laboratories (Building 1100, Room A-213), NSTL Station, MS 39529.

(l) NASA/GSFC-Wallops Flight Facility (Library Building, Room E-105), Wallops Island, VA 23337.

C. Robert Nysmith,

Associate Administrator for Management.

August 19, 1985.

[FR Doc. 85-21095 Filed 9-4-85; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the

Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 29th day of August 1985, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total elements	Total isotope		
Transnuclear, Inc., Aug. 2, 1985, Aug. 2, 1985, XSNM02241.	93.3% enriched uranium	26.9	25.0	Fuel for HFR Grenoble	France.

[FR Doc. 85-21233 Filed 9-4-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8698]

Plateau Resources Limited; Draft Finding of No Significant Impact Regarding the Renewal of Source and Byproduct Material License SUA-1371 for Interim Shutdown of the Shootaring Canyon Uranium Processing Facility Located in Garfield County, Utah

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Draft Finding of No Significant Impact.

(1) *Proposed Action.* The proposed administrative action is to renew Source and Byproduct Material License SUA-1371 authorizing Plateau Resources Limited to maintain, in an interim shutdown mode, their Shootaring Canyon Uranium Processing Facility located in Garfield County, Utah.

(2) *Reasons for Draft Finding of No Significant Impact.* An Environmental Assessment was prepared and issued by the staff at the U.S. Nuclear Regulatory Commission's Uranium Recovery Field Office, Region IV. The Environmental Assessment performed by the Commission staff evaluated potential impacts on-site and off-site due to radiological releases which may occur during the course of the interim shutdown period and during potential future operation. Documents used in preparing the assessment included operational data from the licensee's prior milling activities, the licensee's Environmental Report dated November 26, 1984, as revised by submittals of March 22, 1985, April 12, 1985, and August 13, 1985, and the Final Environmental Statement prepared by the Commission staff for the original Shootaring Canyon project license dated July, 1979. Based on this assessment, the Commission has determined that no significant impact will result from the proposed action, and therefore, an Environmental Impact Statement is not warranted.

The following statements support the draft finding of no significant impact and summarize the conclusions resulting from the environmental assessment:

(a) The ground water monitoring program in effect at the Shootaring Canyon Facility is sufficient to detect releases and thereby minimize any impact on ground-water.

(b) Radiological effluents from the facility during indefinite shutdown of the mill will be continuously monitored, minimal, and well within regulatory limits.

(c) Environmental monitoring is comprehensive enough to detect any significant radiological releases from the mill during the shutdown mode.

(d) No additional radioactive wastes will be produced or disposed of in the tailings area during the shutdown period. The existing wastes will be reclaimed in accordance with applicable federal and state regulations.

In accordance with 10 CFR 51.339, the Director, Uranium Recovery Field Office, made the determination to issue a draft finding of no significant impact and to accept comments on the draft finding for a period of 30 days after issuance in the **Federal Register.**

This finding, together with the environmental assessment setting forth the basis for the finding, and other related environmental documents are available for public inspection and copying at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, CO and at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

Dated at Denver, Colorado, this 29th day of August, 1985.

For the Nuclear Regulatory Commission.

Harry J. Pettengill,

Chief, Licensing Branch 2, Uranium Recovery Field Office, RIV.

[FR Doc. 85-21236 Filed 9-4-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos.: STN 50-454, STN 50-455 and STN 50-456]

Commonwealth Edison Co. Byron Station, Units 1 and 2, Braidwood Station, Unit 1; Exemption

I

Commonwealth Edison Company (the licensee) was issued Facility Operating License No. NPF-37 on February 14, 1985, which authorizes operation of Bryon Station, Unit 1 (the facility) at the steady-state power levels not in excess of 3411 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. Commonwealth Edison Company also owns Byron Station, Unit 2 and Braidwood Station, Units 1 and 2, which were issued Construction Permit Nos. CPPR-131, CPPR-132 and CPPR-133, respectively, on December 31, 1975. Byron Station, Units 1 and 2, and the Braidwood Station, Units 1 and 2, are pressurized water reactors located in Ogle and Will Counties, Illinois, respectively and each unit is designed for a core power level of 3411 megawatts thermal.

Section 50.71(e)(3)(i) of 10 CFR Part 50 requires that a revision of the original Final Safety Analysis Report (FSAR) be filed within 24 months of either July 22, 1980 or the date of issuance of the operating license, whichever is later. Thus, an updated FSAR for Byron Station, Unit 1, would have to be filed by February 14, 1987. By letter dated April 16, 1985, the licensee requested an exemption to defer submittal of the

updated FSAR for Byron Station, Unit 1, and two facilities that have not received their operating licenses, Byron Station, Unit 2, and Braidwood Station, Unit 1. The licensee proposed to delay submittal of the updated FSAR until approximately 12 months after Braidwood Station, Unit 2, receives its operating license on the basis that it is not practical to maintain an FSAR throughout the licensing of Byron Station, Unit 2, and Braidwood Station, Units 1 and 2, and also maintain an updated FSAR in accordance with 50.71(e)(3)(i) after each unit is licensed.

II

The staff has reviewed the licensee's request for the exemption. The licensee is maintaining a common FSAR for all four units—Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2. As stated in § 50.71(e), the FSAR is to be updated to assure that the information included in the FSAR contains the latest material developed. This intent will be met because the licensee will continue to update the present FSAR by providing periodic amendments throughout the licensing of the remaining units. Thus, the staff concludes that the requested exemption for Byron Station, Units 1 and 2, and Braidwood Station, Unit 1, is acceptable, and that the updated FSAR should be submitted within 12 months after Braidwood Station, Unit 2, receives its operating license.

The NRC staff considered safety aspects of the requested exemption from the updated FSAR submittal date. The proposed exemption affects only the required date for updating the FSAR and does not affect the risk of facility accidents. Thus, the granting of the requested exemption will have no significant impact on plant safety.

The public interest will be served by granting the exemption since the purpose of maintaining a current FSAR will be met by compliance with 10 CFR 50.34 during the period of licensing review of Byron Unit 2 and Braidwood Units 1 and 2. In addition, the NRC review is simplified by granting the exemption.

Based on its review, the staff concludes that issuance of this exemption will have no significant effect on plant safety. Further, this action is in the public interest and good cause has been shown to support the exemption. Therefore, an exemption is being granted by the staff for the submittal of the updated FSAR for Byron Station, Units 1 and 2, and Braidwood Station, Unit 2, until 12 months after issuance of the operating license for Braidwood Station, Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (See 50 FR 24968, dated June 14, 1985).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following temporary exemption from compliance with 50.71(e).

An updated FSAR for Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2, shall be filed within 12 months after issuance of the operating license for Braidwood Station, Unit 2. This updated FSAR, containing those original pages that are still applicable plus new replacement pages, shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the updated FSAR, with subsequent revisions no less frequently than annually thereafter. Any additional exemptions from compliance with 10 CFR 50.71 will be granted by the Director of Licensing only upon review and approval of a program plan containing comprehensive schedules or milestones for the submittal of an updated FSAR for Byron/Braidwood.

Dated at Bethesda, Maryland, this 27th day of August 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85-21235 Filed 9-4-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

River Bend Station, Unit No. 1 Gulf States Utilities and Cajun Electric Power Cooperative; Issuance of Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-40 to the Gulf States Utilities and Cajun Electric Power Cooperative (licensees), which authorizes operation of the River Bend Station Unit No. 1 (the facility) at reactor core power levels not in excess of 2894 megawatts thermal in accordance with provisions of the License, the Technical Specifications and the Environmental Protection Plan with a condition currently limiting operation to five percent of rated power (144.7 megawatts thermal). Authorization to operate beyond five percent rated power will require specific Commission approval.

The River Bend Station, Unit No. 1, is a boiling water nuclear reactor located approximately 2 miles east of the Mississippi River in West Feliciana Parish, Louisiana, approximately 2.7 miles southeast of St. Francisville, Louisiana and approximately 18 miles northwest of the city limits of Baton Rouge, Louisiana.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on September 4, 1981 (46 FR 44539-44540).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details in respect to this action, see (1) Facility Operating License NPF-40 complete with Technical Specifications and the Environmental Protection Plan; (2) the interim report of the Advisory Committee on Reactor Safeguards, dated July 17, 1984; (3) the Commission's Safety Evaluation Report, dated May 1984, Supplement No. 1 dated October 1984, Supplement No. 2 dated August, 1985, and Supplement No. 3 dated August 1985; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement dated January 1985.

These items are available for public inspection at the Commission's Public Document Room, 1717 H. Street, NW., Washington, D.C. 20555, and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803. A copy of Facility Operating License NPF-40 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1, 2, and 3 (NUREG-0989) and the Final Environmental Statement (NUREG-1073) may be purchased at current rates

from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, or may be ordered by calling (202) 275–2060 or (202) 275–2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, D.C. 20013–7082. All orders should clearly identify the NRC publication number and the requestor's GPO deposit account, or VISA or Mastercard number and expiration date.

Dated at Bethesda, Maryland, this 29th day of August 1985.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Chief, Licensing Branch No. 2 Division of Licensing.

[FR Doc. 85–21234 Filed 9–4–85; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Determination of Substantial Damage With Respect to Cessation of Contributions by DeHart Motor Lines, Inc., and United News Transportation Company to Trucking Employees of North Jersey Welfare Fund, Local 641

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Determination.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation ("PBGC") has made a determination of substantial damage under section 4203(d)(4) of the Employee Retirement Income Security Act with respect to the cessation of contributions under the Trucking Employees of North Jersey Welfare Fund, Local 641, by DeHart Motor Lines, Inc., and UNTCO, Inc. Section 4203(d) provides a special withdrawal rule for the trucking industry, under which a trucking employer that ceases contributions to a plan is considered not to have withdrawn from the plan if certain conditions are met, including the furnishing of a bond or escrow. After the bond/escrow requirement has been satisfied, the PBGC may make a finding under section 4203(d)(4) that the cessation (considered together with other cessations) has substantially damaged the plan's contribution base, in which case the employer will be treated as having withdrawn from the plan and the bond or escrow will be paid to the plan. Alternatively, the PBGC may find under section 4203(d)(5) that no substantial damage has been caused, in which case the bond will be canceled or the escrowed amount returned to the employer, and the employer will have no further liability under the plan. The effect of this notice is to advise interested persons of the PBGC's findings of substantial damage in these cases.

FOR FURTHER INFORMATION CONTACT: Deborah Murphy, Attorney, Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, DC 20006; 202–254–4860 (202–254–8010 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 4203(d) of the Employee Retirement Income Security Act ("ERISA"), as amended by the Multiemployer Pension Plan Amendments Act ("MPPAA"), provides a special withdrawal rule for the trucking industry. That industry, for purposes of this rule, is considered to include the long and short haul trucking industry, the household goods moving industry, and the public warehousing industry. The rule is limited to trucking plans, *i.e.*, plans under which substantially all of the contributions required are made by employers primarily engaged in the trucking industry. The rule is also limited to trucking employers, *i.e.*, those employers that have an obligation to contribute under a trucking plan primarily for work in the trucking industry.

Under section 4203(d) ERISA, a trucking employer will not be considered to have withdrawn from a trucking plan merely because the employer permanently ceases to have an obligation to contribute under the plan or permanently ceases all covered operations under the plan, if certain conditions are met. One condition is that the employer must not continue to perform work within the jurisdiction of the plan. Another condition is that the employer must furnish a bond or establish an escrow account in an amount equal to 50 percent of its withdrawal liability.

After the bond is posted or the escrow established, the Pension Benefit Guaranty Corporation ("PBGC") may, within 60 months after the time when the employer's covered operations or obligation to contribute ceased, make a determination about the effect of the cessation (considered together with any cessations by other employers) on the plan's contribution base. If the PBGC makes a finding under section 4203(d)(4) that the contribution base has suffered substantial damage, the employer will be treated as having withdrawn from the plan on the date when the obligation to contribute or covered operations ceased. In that event, the bond or escrow will be paid to the plan, and the employer will be liable for the remainder of the withdrawal liability. If the PBGC finds under section 4203(d)(5) that no substantial damage has occurred, or if it does not make a finding of substantial damage under section 4203(d)(4) within the 60-month time period referred to above, then the bond will be cancelled or the escrow refunded and the employer will have no further liability under the plan.

The Requests

The Trucking Employees of North Jersey Welfare Fund, Local 641 (the "Fund") has determined that it is a trucking plan within the purview of ERISA section 4203(d). UNTCO, Inc. ("UNTCO") and DeHart Motor Lines, Inc. ("DeHart") were contributing employers under the Fund. They considered themselves, and were considered by the Fund, to be trucking employers subject to the provisions of section 4203(d). UNTCO ceased contributions to the Fund in September 1980; it has contributed for 24,570 base units in the plan year before its cessation. DeHart ceased contributions in March 1982; in the prior plan year it had contributed for 13,567 base units.

On April 16, 1984, the PBGC published (at 49 FR 15032) and 15033) a notice of the pendency of a request by DeHart for a finding that its cessation of contributions under the Fund had not substantially damaged the Fund's contribution base and a notice of the pendency of a request by the Fund for a finding that the cessation of contributions of UNTCO under the Fund had substantially damaged the Fund's contribution base. The Fund subsequently broadened its request for a finding of substantial damage to include the cessation of contributions by DeHart. (A request for a finding of no substantial damage was also made by TAF Delivery Systems, Inc., but has since been withdrawn.) The notices of pendency solicited comments by interested persons. The PBGC also corresponded with the Fund, DeHart and UNTCO to obtain information about the cessation of contributions by DeHart, UNTCO, and other employers, and the effect of those cessations on the Fund. The factual data in this notice are derived from information submitted by the parties. No other comments were received.

Decision

As noted above, each cessation must be considered within the context of other cessations under the same plan in determining its effect on the plan's contribution base. The statute does not limit this context to any specified time period, although, as a practical matter, the 60-month limitation on PBGC determinations restricts the context to five years after a cessation occurs. In these cases involving the Fund, DeHart and UNTCO, the PBGC has reviewed data from the period beginning five years before UNTCO's cessation and ending in 1984. However, because the issue in these determinations is the impact of the section 4203(d) trucking rule on the Fund, the PBGC has concentrated particularly on the period beginning on September 26, 1980, the effective date of MPPAA. (In other cases, the PBGC may find that other time periods are appropriate.)

For the plan year ended February 29, 1980 ("PYE 2/80"), the last plan year ending before September 26, 1980, the Fund's contribution base was about 5 million base units. The contribution base declined steadily from that level to about 2.7 million units in PYE 2/84. Thus, during the four-year period beginning with PYE 2/81 (when section 4203 became applicable) and ending with PYE 2/84, the Fund experienced a decline of about 2.3 million contribution base units, or approximately 46 percent.

During the same four-year period, 16 employers completely ceased contributions to the Fund. One of these cessations clearly occurred before September 26, 1980. The date of a second cessation—that of UNTCO—is a matter of controversy between the Fund and the employer. That controversy is discussed further below. However, the level of contribution base units for which UNTCO contributed—24,570 in PYE 2/80—is not high enough to change the analysis contained in this notice, whether UNTCO's cessation took place before September 26, 1980, or after September 25, 1980.

In almost every case, the number of base units contributed for by an employer that ceased contributing to the Fund declined over the period from PYE 2/77 to the last year before the cessation. The base units figure for an employer's last year of contributions is thus a conservative measure of the effect of the employer's withdrawal on the Fund's contribution base. On that basis, employers that completely ceased contributions to the Fund between September 26, 1980, and the end of PYE 2/84 accounted for about 1.3 million contribution base units, or approximately 26 percent of the Fund's total PYE 2/80 contribution base.

All but one of the employers that completely ceased contributing to the Fund between September 26, 1980, and the end of PYE 2/84 are characterized by the Fund as trucking employers. The one employer not so characterized is assumed for purposes of this discussion to be a non-trucking employer. Of the trucking employers, one paid its withdrawal liability in full and two settled the Fund's claims against them. The disposition of three other cases is unclear; they are assumed to have been settled. The remaining cessations represent a loss to the Fund of about 1 million contribution base units during the four-year period from PYE 2/81 to PYE 2/84, a decline of approximately 20 percent from the PYE 2/80 contribution base unit level.

The loss of contribution base units was accompanied by adverse financial circumstances during the period after September 25, 1980. As the Fund's contribution base declined steadily from PYE 2/80 through PYE 2/84, its average contribution rate steadily increased. Despite continually rising contribution rates, however, contributions dropped approximately 20 percent over the four years, from $6,370,604 in PYE 2/80 to $5,079,921 in PYE 2/84. The Fund's actuarial valuation as of March 1, 1984, warned that "[a]dequate funding of the [Fund] in the face of a reduced contribution base will require an increase in the average contribution rate." The valuation also noted that while the Fund was "expected to barely meet its scheduled actuarial cost for fiscal 1985," a pattern of borrowing against the next year's contributions would have to be continued in order to satisfy minimum funding requirements even if no further contraction were allowed for.

The PBGC finds that the cessation of contributions to the Fund by DeHart and UNTCO, considered together with cessations by other employers, has resulted in substantial damage to the Fund's contribution base. This finding is based on the following facts:

(1) Cessations of contributions accounted for a drop of about 26 percent in contribution base units over the period between the end of PYE 2/80 and the end of PYE 2/84; about three-quarters of this decline was attributable to cessations of contributions by trucking employers that have not paid withdrawal liability.

(2) The damage to the Fund's contribution base occurred at a time when the Fund's general financial condition was not good, despite significant increases in the average contribution rate.

As noted above, the date of UNTCO's cessation of contributions to the Fund is a matter of controversy between UNTCO and the Fund. If UNTCO's contentions are correct, its cessation of contributions occurred before September 26, 1980, and would thus not be subject to section 4203(d) of ERISA. The PBGC's determination of substantial damage in these cases does not constitute a finding that UNTCO ceased contributing to the Fund after September 25, 1980, or that UNTCO is subject to section 4203(d) (or to any provisions of MPPAA).

Issued at Washington, D.C., this 27th day of August, 1985.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85-21129 Filed 9-4-85; 8:45 am]

BILLING CODE 7708-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY:

(1) Collection title: Evidence of Maritial Relationship—Living With Requirements.

(2) Form(s) submitted: G-124, G-124a, G-237, G-238 and G-238a.

(3) Type of request: Revision of a currently approved collection.

(4) Frequency of use: On occasion.

(5) Respondents: Individuals or households, State or local governments.

(6) Annual responses: 1,100.

(7) Annual reporting hours: 196.

(8) Collection description: Under the RRA, to obtain a benefit as the spouse of an employee annuitant or as the widow(er) of the deceased employee, applicants must submit information to be used in determining if they meet the marriage requirements for such benefits. The collection obtains information supporting claimed common-law marriages, termination of previous marriages, and residency requirements.

Additional information or comments: Copies of the proposed forms and supporting documents can be obtained

from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the infomation collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202–395–6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 85–21123 Filed 9–4–85; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–14200]

Application and Opportunity for Hearing; Wal-Mart Stores, Inc.

August 29, 1985.

Notice is hereby given that Wal-Mart Stores, Inc. (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Art of 1939 (the "Act") for a finding that the trusteeship of Centerre Trust Company of St. Louis ("Centerre") under an existing indenture that has been qualified under the Act and another indenture that will be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Centerre from acting as trustee under either such indenture.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary to the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) The Applicant has entered into an indenture dated as of June 1, 1985 (the "June Indenture"), with Centerre, as trustee, pursuant to which the Applicant issued, on June 18, 1985, $15,500,000 principal amount of its Participating Mortgage Certificates due 2005 (the "PMC I's"). The PMC I's are secured by real estate mortgages covering the land, building, and improvements comprising nine of the Applicant's stores at various locations in Florida, set forth in Exhibit C to the application. All such PMC I's were registered under the Securities Act of 1933.

(2) The Applicant proposes to issue $25,000,000 principal amount of its Participation Mortgage Certificates II due 2005 (the "PMC II's") pursuant to an indenture dated August 1, 1985 (the "August Indenture") with Centerre as trustee. The PMC II's are secured by real estate mortgages covering the land, buildings and improvements comprising nine of the Applicant's stores at various locations in Florida, set forth in Exhibit D to the application.

(3) None of the stores comprising the security for the PMC II's issued under the August Indenture constitute security for the PMC I's issued under the June Indenture. Upon an event of default as defined in the August Indenture, Centerre may accelerate the maturity of the indebtedness evidenced by the PMC II's and foreclose only on the mortgaged properties covered by the August Indenture. Any proceeds realized from such foreclosures may be applied only towards the principal and interest evidenced by the PMC II's. The Applicant will be liable for any deficiency between any amounts realized from such foreclosure and any amounts due and payable to the PMC II holders under the terms of the August Indenture, and the amount of any such deficiency would be wholly unsecured obligations of the Applicant, ranking equally with any such unsecured amounts under the June Indenture.

(4) The terms of the June Indenture are substantially the same as those of the August Indenture, except that the mortgaged properties subject thereto are separate and distinct. The Applicant is not in default under the June Indenture.

(5) Such differences as may exist between the June Indenture and the August Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Centerre from acting as trustee under both such indentures.

(6) The Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document [File No. 22–14200] on file in the office of the Commission's Public Reference Section, 450 Fifth Street NW. Washington, D.C.

Notice is further given that any interested person may, not later than September 23, 1985, request in writing that a hearing be held on such matter, stating the nauter of his interest, the reasons for such request, and the issues of fact or law raised by said application which be desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as th Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority

John Wheeler,

Secretary.

[FR Doc. 85–21156 Filed 9–4–85; 8:45 am.]

BILLING CODE 8010–01–M

[Release No. 34–22367; File No. S7–39–85]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2

AGENCY: Securities and Exchange Commission.

ACTION: Notice of filing of a plan between the Midwest Stock Exchange, Inc. ("MSE") and the Cincinnati Stock Exchange, Inc. ("CSE").

SUMMARY: The MSE and the CSE have filed a plan with the Securities and Exchange Commission which would allocate regulatory responsibility to the MSE with respect to a broker or dealer which is a member of the MSE and CSE ("dual member"). The plan would reduce regulatory duplication for dual members and would represent a more effective and efficient utilization of the

available resources of each self-regulatory organization.

DATE: Comments must be received by October 11, 1985.

ADDRESS: Persons wishing to submit written views, data and comments should file six (6) copies thereof with John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C 20549. All comments should refer to File No. S7–39–85. Copies of the submission and of all written comments will be available for public inspection at the Commission's Public Reference Room, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: France Maca at (202) 272–2789, Division of Market Regulatory, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Pursuant to Rule 17d–2(c) of the Securities Exchange Act of 1934 (the "Act"), 17 CFR 240.17d–2 (c), the Securities and Exchange Commission (the "Commission") is publishing notice that the MSE and CSE have filed with the Commission a plan for the allocation of regulatory responsibilities pursuant to Rule 17d–2.

I. Introduction

Section 19(g)(1) of the Act, among other things, requires every national securities exchange and registered securities association ("SRO") to examine for and enforce compliance by its members and persons associated with its members with the Act, the rules and regulations thereunder and the SROs own rules unless the SRO is relieved of this responsibility pursuant to section 17(d) or 19(g)(2) of the Act. For a broker or dealer that maintains membership in more than one SRO ("common member"), the statutory obligation of the individual SROs, without this relief, could result in a pattern of multiple examinations of a common member. This would create unnecessary regulatory duplication and added expenses for a firm and the SROs.

Section 17(d)(1) of the Act was intended, in part, to eliminate overlaps and gaps in the regulatory pattern.[1] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules and regulations, or to perform other specified regulatory functions.

Rule 17d–1 under the Act, 17 CFR 240.17d–1, was adopted by the Commission on April 20, 1976.[2] The rule authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the Act and Commission and SRO rules and regulations relating to financial responsibility. When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with applicable financial responsibility rules.

On its face, Rule 17d–1 deals with financial responsibility compliance snd no other aspect of an SRO's responsibilites. Thus, every SRO continues to be obligated, whether or not it is the DEA for the common member, to examine a common member for compliance with its own rules and provisions of the Act and rules and regulations thereunder governing matters other than financial responsibility. Such matters include sales practices and trading activities and practices.

On October 28, 1976, the Commission adopted Rule 17d–2 under the Act.[3] The rule permits SROs to join in proposing plans for allocating the regulatory responsibilities imposed by the Act with respect to common members. Rule 17d–2(c) provides that the Commission will publish notice of the filing of the proposed plan and provide an opportunity for comment on the plan. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

The proposed plan filed by the exchanges is intended to reduce regulatory duplication for firms that are currently members of the MSE and CSE ("dual members"). A brief description of the general operation of the plan follows. The plan shall be applicable to those dual members for which the MSE has been appointed the DEA pursuant to Rule 17d–1.

A. Examination and Disciplinary Proceeding

The MSE will be responsible for examining for,[4] and enforcing compliance with the provisions of the Act, the rules and regulations thereunder, its own rules and comparable rules of the CSE ("comparable rules").[5] Each exchange will retain responsibility for marketplace surveillance. The MSE, however, will examine for compliance with, but not enforce, certain marketplace surveillance rules of the CSE.

Disciplinary investigations and poceedings involving dual members' and/or their associated persons' compliance with the provisions of the Act, the rules and regulations thereunder, the rules of the MSE and comparable rules of the CSE will be the responsibility of the MSE. Each exchange retains responsibility for conducting disciplinary investigations and proceedings related to marketplace surveillance rules. The MSE shall report to the CSE any apparent violations by a dual member and/or their associated persons of CSE's marketplace surveillance rules.

B. Membership Services

The MSE will be responsible for processing and approving or disapproving applications submitted by dual members on behalf of persons requiring approval by the rules of both the MSE and CSE. The MSE will be responsible for conducting appropriate examinations of a person subject to a statutory disqualification and for taking any action required. The MSE will be responsible for processing and, if required, acting upon all requests for the opening, address changes, and terminations of branch offices of dual members and any other applications required of dual members under the rules of both exchanges. The MSE will keep the CSE advised of its actions on branch offices and persons subject to a statutory disqualification. However,

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[1] Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Sess. 32 (1975).

[2] Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18809 (1976).

[3] Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49093 (November 8, 1976).

[4] The MSE is responsible for conducting routine and cause on-site examinations, but the CSE reserves the right to participate in cause examinations.

Each exchange will retain responsibility for the granting and denying of extension requests received by it pursuant to Regulation T and Rule 15c3–3 under the Act, 17 CFR 240.15c3–3, and will make information regarding its action on extension requests available in writing to the other exchange on a periodic basis.

[5] The plan provides that dual members of the CSE and MSE that are also members of other self-regulatory organizations ("SROs") will be subject to the provisions of the allocation plans entered into by the MSE or CSE with other SROs.

applications to become a proprietary or access participant member of the CSE will continue to be the responsibility of, filed with and processed by, the CSE.

The MSE will be responsible for conducting appropriate investigations, and taking appropriate action, regarding the termination of associated persons for cause unless the termination relates to activities involving trades executed and other activities on the CSE in which case the CSE will be responsible for handling the matter.

The MSE will be responsible for reviewing advertisements, market letters, research reports, sales literature and other instances of public communication by dual members. The MSE will also be responsible for taking appropriate action with respect to all inquiries and complaints involving dual members, except for those inquiries or complaints involving trades executed and other activities on the CSE for which CSE will be responsible.

C. Exchanges Based Examinations

The MSE will be responsible for reviewing and subsequent action on dual members' Financial Operations Combined Uniform Single (FOCUS) Reports and any other generally applicable financial reporting requirements imposed by the Commission, the MSE or the CSE. The MSE will be responsible for the review, approval and retention of partnerships agreements, corporate certificates and bylaws, subordinated loan agreements and clearance arrangements.

D. Administration of the Plan

Each exchange agrees to keep the other informed on a timely basis regarding any information discovered by or made available to it which is of interest to the other exchange in fulfilling its regulatory obligations. Each exchange agrees to provide to the other exchange access to its files regarding dual members. Each exchange will give prompt notice to the other exchange when an adoption or amendment to the Constitution, rules or policies of that exchange or interpretation thereof becomes effective which will affect the plan. Whenever a change in the CSE provisions becomes effective, the MSE and CSE shall agree in writing as to which party or parties will be responsible for examining and enforcing compliance with such a change. No reimbursement of costs shall be required in the ordinary course of discharging allocated responsibilities under the plan. The MSE and the CSE will send out a joint notice to all persons affected by the plan.

Neither exchange assumes any liability to the other party to the plan for any loss or damage resulting from any delays, inaccuracies, errors or damage resulting from any delays, inaccuracies, erros or omissions with respect to the provision of regulatory functions provided in the plan, except in instances where the loss or damage is the result of willful misconduct. Both parties disclaim all warranties regarding performance of their respective responsibilities under the plan.

Neither exchange assumes any liability to the other party to the plan for any loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to the provision of regulatory functions provided in the plan, except in instances where the loss or damage is the result of willful misconduct. Both parties disclaim all warranties regarding performance of their respective responsibilities under the plan.

Disputes under the plan between the MSE and CSE will be settled through binding arbitration. Termination of the plan will occur only after prior written notification to the other party to the plan and upon the Commission relieving the MSE of the responsibilities allocated to it under the plan.

III. Request for Comment

In order to assist the Commission in determining whether to approve this plan and to relieve the CSE of responsibilities designated to the MSE, interested persons are invited to submit written data, views and comments concerning the submission by October 11, 1985. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, 450 5th Street NW., Washington, D.C. 20549. Reference should be made to File No. S7-39-85.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

August 29, 1985.

[FR Doc. 85-21157 Filed 9-4-85; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 35-23809; 70-7008]

National Fuel Gas Co., Seneca Resources Corp.; Proposed Issuance of Short-term Notes to Banks by Subsidiary, Guarantee By Holding Company, and Extension of Maturity

August 29, 1985.

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10112, a registered holding company, and its wholly owned subsidiary, Seneca Resources Corporation ("Seneca"), 10 Lafayette Square, Buffalo, New York 14203, have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

By order in this proceeding dated September 20, 1984 (HCAR 23427), Seneca was authorized to issue short-term notes to RepublicBank Houston, N.A. ("RepublicBank") and Citibank, N.A., up to an aggregate amount of $109,625,000 outstanding at any one time pursuant to a line of credit with each bank. All of the notes were to be guaranteed by National. Now, Seneca prosooes to borrow up to an aggregate principal amount of $119,625,000 under its lnen of credit with the two banks. Seneca will issue two separate, secured master notes to Republicbank and two separate, secured master notes to Citibank. One master note to each bank will be made for the benefit of the joint venture between Seneca's Houston Division and a group headed by Cashco Oil Company ("Joint Venture") and the other master note to each bank will be used to finance Seneca's other day-to-day operations. In no event will the aggregate amount of the borrowings exceed $119,625,000. National again proposes to guarantee repayment of all amounts borrowed by Seneca under its lines of credit.

Seneca also proposes to extend the maturity of said short-term borrowings from September 27, 1985, to December 31, 1985. All of the other terms of the credit arrangements will remain the same. The notes will be secured by a portion of Seneca's interest in oil and gas properties and a portion of Seneca's Pennsylvania hardwood timber acreage. It is stated that the effective cost of borrowing will be the prime rate at RepublicBank or the base rate at Citibank, both of which were 9.5% as of August 9, 1985. Seneca, at its option, may also borrow at an alternative rate of interest set by each bank. Seneca intends to use the proceeds from the lines of credit to refund existing short-term notes that will mature on September 27, 1985. The additional borrowings will be utilized for proposed capital expenditures in Seneca's exploration and development program.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public

Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 23, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or , in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be noticed of any hearing, if orderd, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effecive.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-21226 Filed 9-4-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22369; File Nos. SR-OCC-85-9 and SR-OCC-85-11]

Self-Regulatory Organizations; Options Clearing Corporation; Order Approving Proposed Rule Changes

The Options Clearing Corporation ("OCC") on June 26 and July 9, 1985 submitted proposed rule changes (File Nos. SR-OCC-85-9 and SR-OCC-85-11, respectively) to the Commission under Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The Commission published notice of the proposals in the **Federal Register** on July 18 and July 30, 1985, respectively, to solicit public comment.[1] No comments were received. This Order approves the proposals.

I. Description

OCC's proposals would amend OCC By-Laws and Rules to enable OCC to issue, clear and settle European style options, which are options that may be exercised only on their expiration date. Under OCC's proposals, European style options would be issued, cleared and settled like American style options,[2] with only those changes necessary to accommodate the unique feature of European style options. In addition, OCC's proposals would expand the availability of an alternative settlement procedure for exercise settlement of foreign currency options.[3]

To accommodate European style options, OCC's proposals would amend OCC By-Laws and Rules regarding definitions, general rights and obligations of holders and writers, submission of trade reports, margin requirements, exercise procedures and exercise settlement procedures.[4] New definitions would distinguish European style options and options of varying units of trading as separate classes of options.[5] General rights and obligations of holders and writers would be amended to specify that European style options can be exercised on their expiration date only and that exercise restrictions cannot be imposed for European style options.[6] Trade reports now would be required to include the style of option.[7] Margin requirements would be clarified to prohibit deposit of foreign currency in lieu of OCC margin for short foreign currency options positions for both European style and American style options.[8] Exercise procedures are clarified to allow European style options to be exercised on Saturdays rather than on a business day, because OCC expiration dates always fall on Saturdays.[9] Finally, exercise settlement procedures would be amended to accommodate different units of trading.[10]

OCC's proposals also would expand and establish permanently OCC's pilot Delivery-Versus-Payment System (the "DVP System").[11] The DVP System, which is described in OCC Rule 1606A, is an alternative procedure for foreign currency option exercise settlement that can be used instead of the procedures in OCC Rule 1606. The DVP System enables a clearing member to instruct its agent bank to guarantee to OCC's correspondent bank delivery of the exercise settlement amount on exercise settlement date. That guarantee is made two business days before the exercise settlement date. Under OCC Rule 1606, clearing members would need to delivery the exercise settlement amount two days in advance of exercise settlement date. The DVP System was implemented on a pilot basis in September 1984, and currently is limited to: (1) Clearing members receiving more than 100 units of trading in a foreign currency or such lesser amounts as OCC authorizes, (2) payments of U.S. Dollars against receipt of foreign currency, and (3) such clearing members as OCC designates as pilot participants. OCC proposes to lift these pilot restrictions and to implement fully the DVP System.

OCC requests accelerated approval of one proposal, SR-OCC-85-9, to the extent necessary to allow OCC to issue, clear and settle European style options at the latest by the time the Commission approves any exchange proposal to list the trade European style options. OCC noted that trading in European style options has been proposed by the Chicago Board Options Exchange, Inc.[12]

II. OCC's Rationale

OCC believes that its proposal facilitate the prompt and accurate clearance and settlement of European style options by applying to those options substantially the same clearing system and rules currently used for American style options. That system, in OCC's view, already has been proven safe and efficient. OCC believes that expansion of the alternative foreign currency options settlement procedure, on a permanent basis, would reduce clearing members' financing costs and therefore would facilitate the prompt and accurate clearance and settlement of securities transactions. OCC thus believes that the proposals are consistent with section 17A of the Act.

III. Discussion

The Commission believes that the proposals are consistent with the Act and should be approved. The Commission believes that OCC, to the greatest extent possible, should apply its existing rules and procedures to European style options. The Commission agrees with OCC that OCC's current automated processing system for American style options has been proven safe and efficient. Application of that system to European style options premium and exercise settlement transactions whould help to ensure that such processing will be accomplished

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[1] Securities Exchange Act Release No. 22236 (July 12, 1985), 50 FR 29289 (July 18, 1985), and Securities Exchange Act Release No. 22267 (July 24, 1985), 50 FR 30897 (July 30, 1985).

[2] American style options can be exercised at any time up to and including their expiration date.

[3] The proposals also amend OCC Rule 1804 to codify current price intervals for automatic exercise of index options.

[4] See the notices of the proposals, cited supra at note 1, for detailed description of the proposals.

[5] Proposed amendments are to OCC By-Law Article I, Section 1 and Article XV, Section 1.

[6] Proposed amendments are to OCC By-law Article VI, Sections 12 and 17; Article XVII, Section 2; and OCC Rule 801. Similar changes are proposed for By-Law Article XV, Section 2, concerning general rights and obligations for holders and writers of foreign currency options.

[7] Proposed amendments are to OCC By-Law Article VI, Section 7 and OCC Rule 401.

[8] Proposed amendments are to OCC Rule 1601.

[9] Proposed amendments are to OCC Rule 1605.

[10] Proposed amendments are to OCC Rule 1605.

[11] In Securities Exchange Act Release No. 21359 (September 27, 1984), 49 FR 39138 (October 3, 1984), the Commission published notice to solicit public comment on the DVP System under section 19(b)(3)(A) of the Act. No comments were received.

[12] See File No. SR-CBOE-84-31.

with the same degree of safety and efficiency.

The Commission also believes that expansion of OCC's DVP System and removal of its pilot status shoud be approved. In the Commission's view, the DVP System enables OCC clearing members to reduce significantly financing costs associated with foreign currency options exercise settlement without posing additional risk to OCC or other OCC clearing members. OCC tested the DVP System with a limited number of clearing members during the pilot phase, and the Commission is confident that the DVP System can be offered successfully to all OCC clearing members.

Although the Commission currently is considering an exchange proposal to trade European style options, no such proposal has been approved yet. Therefore, accelerated approval of OCC's proposal is not necessary.

IV Conclusion

For the reasons discussed above, the Commission finds that OCC's proposals are consistent with the Act, and in particular with Sections 17A of the Act. The proposals facilitate the prompt and accurate clearance and settlement of options transactions and ensure the safeguarding of funds and securities in OCC's custody or control or for which OCC is responsible.

Accordingly, It is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule changes (File Nos. SR-OCC-85-9 and SR-OCC-85-11) be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: August 28, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-21227 Filed 9-4-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-85-23]

Petition for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petition.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: September 16, 1985.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____ 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23982-1	Independent Air, Inc.	14 CFR 91.303	To allow petitioner to operate two B-707-300 aircrafts until hush kits are installed.

[FR Doc. 85-21133 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-13-M

[Docket S-775]

Farrell Lines Inc.; Application To Provide Service Between U.S. Gulf Ports and West Africa, TR 14—Service 2 and Between U.S. Pacific Ports and the Caribbean, the East Coast of South America, and the West Coast of South and Central America, TR 23, 24, 25

Farrell Lines Incorporated (Farrell), by application dated January 9, August 21, and August 28, 1985, has requested an amendment to Appendix A of Operating-Differential Subsidy Agreement, Contract MA/MSB-352 in order to permit service between U.S. gulf ports and West Africa, TR 14—Service 2, and between U.S. Pacific ports and the Caribbean, the east coast of South America, and the west coast of South and Central America, TR 23, 24, 25.

Farrell's intention is to incorporate the TR 14-2 service into its existing subsidized TR 14-1, U.S. Atlantic/West Africa service. The combined service will be operated with Farrell's existing vessels, and no increase in maximum sailings on the West African service is being requested. The TR 23, 24, 25 service is to be operated with a LASH vessel, at a level of service of up to nine sailings annually.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Comments must be received no later than 5:00 p.m. on September 23, 1985.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

Dated: August 30, 1985.

By Order of the Maritime Administrator.

Goergia P. Stamas,

Secretary.

[FR Doc. 85-21178 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-81-M

[Docket S-776]

Lykes Bros. Steamship Co., Inc., Application To Provide Service Between U.S. Gulf Ports and West Africa, TR 14—Service 2 and Between U.S. Atlantic Ports and the West Coast of South America, TR 2

Lykes Bros. Steamship Co., Inc. (Lykes), by letters dated January 16, 1985, and August 26, 1985, has requested an amendment to Appendix A of Operating-Differential Subsidy Agreement, Contract MA/MSB-451 in order to permit service between U.S. gulf ports and West Africa, TR 14—Service 2, and between U.S. Atlantic ports and the west coast of South America, TR 2, in conjunction with its TR 15-B U.S. gulf/South and East Africa service and in conjunction with its TR 31 U.S. gulf/west coast South America service, respectively.

In its January 16, 1985 letter, Lykes stated that it was seeking "to continue the subsidized liner services heretofore conducted by Delta Steamship Lines, Inc. in the event and only to the extent that Delta terminates its services as a subsidized operator." On January 11, 1985, United States Lines (S.A.) Inc. (USL(S.A.)), among other things, acquired the rights to Delta Steamship Lines, Inc.'s TR 2 and TR 14-2 services contingent upon USL(S.A.) commencing U.S.-flag service on these routes. Since USL(S.A.) did not commence service on these routes, USL(S.A.)'s authority to operate thereon terminated on August 20, 1985.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC. 20590. Comments must be received no later than 5:00 P.M. on September 23, 1985.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

Dated: August 30, 1985.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary.

[FR Doc. 85-21179 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-81-M

Maritime Administration

[Docket No. S-774]

United States Lines, Inc.; Application for Permission to Conduct Unsubsidized Operations

Pursuant to the Order of the United States District Court for the District of Columbia in the case of *Farrell Lines, Inc.* v. *Dole, et.* 84-3294 (D.D.C. filed August 1, 1985), by letter dated August 23, 1985, United States Lines, Inc. (USL) has requested permission to continue unsubsidized service with its 12 "Jumbo Econships" in its eastbound Round-the-World ("RTW") service up to a maximum of 52 sailings per year, in conjunction with a complement of dedicated feeder vessels operating to and from certain foreign ports. The request is without prejudice to USL's various litigation positions. The itinerary for the Jumbo Econships encompasses the ports of New York, Rotterdam, Fos, Jeddah, Khor Fakkan, Singapore, Hong Kong, Kaohsiung, Kobe Yokohama, Long Beach and Savannah. The ports served by the feeder operation are as follows:

Feeder Ports Served Through Use of Chartered Vessels or Space Charter Arrangements

A United Arab Emirates Port
Ad Dammam (Saudi Arabia)
Kuwait
Muscat, Matrah (Oman)
Cochin (India)
Bombay (India)
Karachi (Pakistan)
Colombo (Sri Lanka)
Madras (India)
Calcutta (India)
Chalna (Bangladesh)
Chittagong (Bangladesh)
Busan (Korean)
Greenock (Scotland)
Dublin (Ireland)
Hamburg (Germany)
Aarhus (Denmark)
Gotenburg (Sweden)
Southhampton (UK)
Felixstowe (UK)
Livorno (Italy)
Genoa (Italy)
Barcelona (Spain)
Valencia (Spain)
Bangkok (Thailand)
Port Kelang (Malaysia)
Panang (Malaysia)
Phuket (Thailand)
Surabaya (Indonesia)
Jakarta (Indonesia)
Philippine Islands

USL has also requested the flexibility to make round trip voyages on any constituent leg of the RTW service, such voyages counting toward the maximum sailings of 52 per annum, provided that any such round voyage does not become a regular service. Further, USL has requested the operating flexibility to omit any line-haul or feeder port on the RTW service as presently designated and to substitute or add new ports within the same trading range as the ports or areas set forth above.

USL is the holder of operating-differential subsidy ("ODS") Contract No. MA/MSB-483, as amended and restated, for subsidized service on Trade Route ("TR") 5-7-8-9/11 (Atlantic/UK & Continental Europe) and TR 12/29 (Atlantic & Pacific/Far East); under Addendum 4 to that contract, subsidy is authorized for operations on TR 16 (Atlnatic & Gulf/Australia-New Zealand). In addition, an affiliate of USL, United States Lines (S.A.) Inc., holds ODS Contract No. MA/MSB-338 for subsidized operations on TR's 1 and 15-A and MA/MSB-425 and 353 for subsidized operation on TR's (Atlantic/Caribbean) and 20 (Gulf/E.C. South America), respectively.

In support of its application USL briefly set out the background and significance of its Jumbo Econship RTW service. USL supplied supporting schedules with the names and technical characteristics of the Jumbo Econships, estimated cargo carryings for the Jumbo Econships, and itineraries and vessel configurations for its principal foreign-flag competitors in the RTW service.

USL requested that the permissions be granted under any applicable statutory, regulatory or contractual requirements. It asks confirmation from the Maritime Administration that at such time as USL, but not its affiliate, ceases to hold an ODS contract then neither the provisions of the Marchant Marine Act, 1936, as amended, nor Maritime Administration General Order 80 (46 CFR 281.11) would apply to any vessels owned or operated by USL itself.

USL also identified certain legal issued raised by the U.S. District Court decision, as described in the USL application, which it deemed relevant to its request.

Any person, firm, or corporation having any interest in the USL August 23, 1985 application and desiring to submit comments concerning that application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Comments must be received no later than 5:00 P.M. on October 7, 1985. Any responses to comments must be received no later than 5:00 P.M. on October 28, 1985.

The application submitted by USL is available for review in the Maritime Administration Secretary's office. The Maritime Administration will consider any relevant comments submitted and take such action with respect thereto as may be deemed appropriate, including entering a decision on such comments.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By order of the Maritime Administrator.

Dated: August 30, 1985.

Georgia P. Stamas,

Secretary.

[FR Doc. 85-21177 Filed 9-4-85; 8:45 am]

BILLING CODE 4910-81-M]

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held September 11, 1985, in Room 600, 301 4th Street SW., Washington, D.C. at 11:45 a.m.

The Commission will review public diplomacy programs in Europe with Mr. Marlin Remick, Deputy Director, Office of European Affairs and Mr. Alvin Perlman, Deputy Director (USSR, Eastern and Southern Europe), Office of European Affairs.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: August 29, 1985.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 85-21094 Filed 9-4-85; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Advisory Committee on Women Veterans; Meeting

The Veterans Administration gives notice under Pub. L., 92-463 that a meeting of the Advisory Committee on Women Veterans will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. on September 23 through September 25, 1985. The purpose of the Advisory Committee on Women Veterans is to advise the Administrator regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Veterans Administration; and the activities of the Veterans Administration designed to meet such needs. The Committee will make recommendations to the Administration regarding such activities.

The session will convene at 9:00 a.m. all three days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Brandau, Program Assistant, Office of the Administrator, Veterans Administration Central Office (phone 202/389-5518) prior to September 18, 1985.

Dated: August 28, 1985.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85-21149 Filed 9-4-85; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on September 30, 1985, at 10:00 a.m., the Winston-Salem Regional Office Station Committee on Educational Allowances shall at Room 742, Federal Building, 251 North Main Street, Winston-Salem, North Carolina, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Shaw University, Raleigh, North Carolina, should be discondtinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Kenneth E. McDonald,

Director, Veterans Administration Regional Office 251 North Main Street, Winston-Salem, North Carolina 27155.

August 28, 1985

[FR Doc. 85-21223 Filed 9-4-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 172
Thursday, September 5, 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).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 6, 1985.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–2124 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., September 11, 1985.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Application of the Philadelphia Board of Trade for designation in National Over-the-Counter Index Futures.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–21242 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIMES AND DATE: 11:00 a.m., September 13, 1985.

PLACE: 2033 K Street, NW., Washington, D.C., 6th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–21243 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., September 18, 1985.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing by the National Futures Association.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–21244 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 18, 1985.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Reviews.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–21245 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

6

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 20, 1985.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–21246 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

7

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., September 27, 1985.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 85–21247 Filed 9–3–85; 9:46 am]
BILLING CODE 6351–01–M

8

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, September 10, 1985.

CHANGE IN THE MEETING: The following matter has been added to the closed portion of the September 10, 1985 meeting:

Request for Authorization of Contract for Special Masters in Support of a Court Case.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer Executive Secretariat, at (202) 634–6748.

Dated: August 30, 1985.

Johnnie L. Johnson, Jr.
Attorney Advisor, Executive Secretariat.
[FR Doc. 85–21265 Filed 9–3–85; 11:40 am]
BILLING CODE 6750–06–M

9

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, September 10, 1985.

CHANGE IN THE MEETING: The following matters have been added to the open portion of the September 10, 1985 meeting:

Proposed Ninety-Day Notice on *TWA v. Thurston*

Proposed Contract for Expert Services in Connection with a Court Case

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, at (202) 634–6748.

Dated: August 30, 1985.

Johnnie L. Johnson, Jr.,

Attorney Advisor, Executive Secretariat.

[FR Doc. 85–21266 Filed 9–3–85; 11:40 am]

BILLING CODE 6750–06–M

10

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, September 9, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These materrs will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: August 30, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–21284 Filed 9–3–85; 1:07 pm]

BILLING CODE 6714–01–M

11

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b) notice is hereby given that at 2:30 p.m. on Monday, September 9, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: August 30, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–21285 Filed 9–3–85; 1:07 pm]

BILLING CODE 6714–01–M

12

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

August 30, 1985.

TIME AND DATE: 10:00 a.m., Thursday, September 5, 1985.

PLACE: Room 600, 1730 K Street, NW., Washington DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Dilip K. Paul v. PB–KBB, Inc. Docket No. CENT 83–42–DM. (Issues include whether the administrative law judge erred in concluding that the complainant was a "miner" within the meaning of the Mine Act.)

It was determined by a unanimous vote of Commissioners that a meeting be held on this item and that no earlier announcement of the meeting was possible. 5 U.S.C. 552b(e)(1).

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Thus, the Commission may, subject to the limitations of 29 CFR 2706.150(a)(3) and 2706.160(e), ensure access for any handicapped person who gives reasonable advance notice.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 85–21318 Filed 9–3–85; 3:57 pm]

BILLING CODE 6735–01–M

13

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, September 10, 1985, 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

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

* * * * *

The meeting scheduled for the date of September 12, 1985, has been cancelled.

* * * * *

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

Majorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85-21296 Filed 9-3-85; 2:18 pm]

BILLING CODE 6715-01-M

14

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, September 9, 1985.

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

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Building proposals regarding the Charlotte Branch of the Federal Reserve Bank of Richmond.
2. Proposed statement regarding nonbanking activities of State-chartered banks before the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking, Finance and Urban Affairs.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

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

Dated: August 30, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-21228 Filed 8-30-85; 4:38 pm]

BILLING CODE 6210-01-M

15

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 2, 9, 16, and 23, 1985.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 2

Tuesday, September 3

2:00 p.m.
Periodic Briefing on NTOLs (Open/Portion may be Closed—Ex. 5 & 7)

Wednesday, September 4

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.
Continuation of 7/23 Discussion on Threat Level and Physical Security (Closed—Ex. 1)

Thursday, September 5

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Final Policy Statement on Engineering Expertise on Shift
b. Final 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Power Reactors"
c. Mr Husted's Request for Hearing
d. Procedures to be Followed When a Subpoena or Other Demand for Disclosure of Records or Information is Served on NRC Employees (tentative)

Friday, September 6

9:30 a.m.
Oral Presentations of Timing of DOE's Preliminary Determination on Suitability of Sites for Development as Repositories (Public Meeting)

Week of September 9—Tentative

Monday, September 9

2:00 p.m.
Discussion on Earthquakes and Emergency Planning (Public Meeting)

Tuesday, September 10

10:00 a.m.
Discussion and Oral Presentations on Uranium Mill Tailings Regulations (Public Meeting) (tentative)

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Wednesday, September 11

1:30 p.m.
Discussion of Proposed Station Blackout Rule (Public Meeting)

3:00 p.m.
Discussion of Plant Issues with Regional Administration (Public Meeting)

Thursday, September 12

2:00 p.m.
Staff Briefing on TVA (Public Meeting)

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, September 13

2:15 p.m.
Periodic Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

Week of September 16—Tentative

Tuesday, September 17

2:00 p.m.
Status of Progress on Environmental Qualification of Electrical Equipment (Public Meeting)

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Wednesday, September 18

9:00 a.m.
Continuation of 7/24 Briefing on Davis-Besse (Public Meeting)

10:30 a.m.
Status of Interpretation of Appendix R—Fire Protection (Public Meeting)

Week of September 23—Tentative

Thursday, September 26

11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634–1410.

Dated: August 29, 1985.

Julia Corrado,

Office of the Secretary.

[FR Doc. 85-21230 Filed 8-30-85; 4:44 p.m.]

BILLING CODE 7590-01-M

16

RAILROAD RETIREMENT BOARD

Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on September 12, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Proposed Changes in the RUIA Regulations
(2) Canadian Service
(3) Part 261 of the Board's Regulations—Reopening Final Decisions Under the Railroad Retirement Act
(4) Appeal of Nonwaiver of Overpayment, Wilson McCall, Sr.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312–751–4920, FTS No. 387–4920.

Dated: August 30, 1985.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-21272 Filed 9-3-85; 1:06 pm]

BILLING CODE 7905-01-M

17

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 9, 1985.

An open meeting will be held on Tuesday, September 10, 1985, at 2:30 p.m., in Room 1C30, followed by a closed meeting.

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

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

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, September 10, 1985, at 2:30 p.m., will be:

1. Consideration of whether to announce the terms and conditions for exchanges to trade certain over-the-counter securities pursuant to unlisted trading privileges, adopt amendments to Rules 11Aa2–1 and 11Aa3–1 under the Securities Act of 1934 ("Act") to permit, in certain circumstances, a security to be concurrently designated as a National Market System ("NMS") Security and traded on an exchange, and propose amendments to Rule 10a–1 under the Act that would exempt transactions in NMS securities traded on an exchange from short sale prohibitions. For further information, please contact William W. Uchimoto at (202) 272–2409.

2. Consideration of whether: (i) To issue a release requesting public comment on a proposed amendment to Rule 11Aa2–1 that would provide the national Association of Securities Dealers, Inc. ("NASD") with authority to adopt, by rule, additional requirements for National Market System Securities; and (ii) to issue a release requesting public comment on a proposed rule change submitted by the NASD that would adopt certain corporate governance standards. For further information, please contact Sheila Barry at (202) 272–2410 or Leland Goss at 272–2827.

3. Consideration of whether or under what conditions to allow exchanges to participate in the integrated market making pilot discussed in Securities Exchange Act Release No. 22026 (May 8, 1985). For futher information, please contact Sharon Lawson at (202) 272–2825.

4. Consideration of whether to adopt a proposed amendment to Rule 10b–10 under the Securities Exchange Act of 1934. For further information, please contact Leland H. Goss II at (202) 272–2827.

5. Consideration of whether to adopt Rule 17f–5 under the Investment Company Act of 1940, which permits registered U.S. and Canadian investment companies to make foreign custody arrangements under certain conditions. The amendments would, if adopted, clarify the rule with regard to the extent to which investment companies are required to monitor the eligibility of their foreign custodians under the rule, and with regard to the length of time that investment companies have to make alternative arrangements when an existing arrangement no longer complies with the rule. For further information, please contact Jack W. Murphy at (202) 272–2048.

6. Consideration of whether to adopt revisions to Form ADV, the registration application form under the Investment Advisers Act of 1940, and related rule amendments, but defer taking final action until the North American Securities Administrators Association, Inc. adopts the form. For further information, please contact Jay Gould at (202) 272–2107.

7. Consideration of whether to adopt temporary Rule 0–11 under the Investment Company Act of 1940 and to amend the Edgar Temporary forms ID, ET and SE and Form N–SAR, the periodic reporting form for registered investment companies, to facilitate the participation of those companies in the Edgar Pilot. The Commission will also consider whether to adopt a rule amendment delegating authority to the Director of the Division of investment management to adjust the filing date of certain documents filed electronically. For further information, please contact Elizabeth K. Norsworthy at (202) 272–2048.

8. Consideration of whether to issue a release describing proposed rule changes by the American and New York Stock Exchanges and requesting public comment on the issues raised by the proposals. The proposed rule changes would allow retail broker-dealers to affiliate with specialists by easing restricitons imposed on such affiliates. For further information, please contact Pamela Konieczka at (202) 272–2855.

The subject matter of the closed meeting scheduled for Tuesday, September 10, 1985, following the 2:30 p.m. open meeting, will be:

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Opinions.

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: Douglas Michael at (202) 272–2467.

John Wheeler,

Secretary.

August 29, 1985.

[FR Doc. 85–21216 Filed 8–30–85; 4:12 pm]

BILLING CODE 8010–01–M

18

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of Meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (94 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and section 4 of the Corporation's Statement of Policy on Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close the meeting pursuant to Article II, section 4 of the Corporation's By-laws, section 116(f) of the said Act and Sections 4 and 5 of the said policy.

Open Session

I. Call to Order—Chairman's Opening Remarks
II. Board Minutes
III. Approval of Financial Assistance Award for the Forest Hill Project
IV. Consideration of Key Terms for the Parachute Creek Project
V. Negotiations Update on Seep Ridge Project
VI. Resolution to Close Meeting

Closed Session

VII. Consideration of Key Terms for the Parachute Creek Project
VIII. Negotiations Update on Seep Ridge Project

TIME AND DATE: 1:30 p.m., September 10, 1985.

PLACE: 2121 K Street, NW., Rooms 503 and 403, Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Ms. Karen Hutchison, Director—Media Relations, at (202) 822-6455.

United States Synthetic Fuels Corporation.

March Coleman,

Assistant General Counsel—Corporate and Litigation.

September 3, 1985.

[FR Doc. 85–21319 Filed 9–3–85; 3:57 pm]

BILLING CODE 0000–00–M

Federal Register

Thursday
September 5, 1985

Part II

Environmental Protection Agency

40 CFR Part 15

Administration of the Clean Air Act and the Clean Water Act With Respect to Federal Contracts, Loans, and Grants; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 15

[FRL-2849-6]

Administration of the Clean Air Act and the Clean Water Act With Respect to Federal Contracts, Loans, and Grants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today is promulgating revisions to 40 CFR Part 15. This regulation establishes a special suspension and debarment program under the Clean Air Act (CAA) and Clean Water Act (CWA). The facilities listing program authorizes EPA to bar facilities from federal contracts, assistance agreements or loans as a consequence of criminal or civil violations of the CAA or CWA. On July 31, 1984, EPA proposed revisions to 40 CFR Part 15 (49 FR 30628) to clarify the procedural opportunities which EPA will provide to parties to listing or removal actions and to provide for mandatory or automatic listing of facilities which give rise to criminal convictions under Section 113(c)(1) of the CAA or Section 309(c) of the CWA.

DATE: This regulation becomes effective on October 7, 1985.

ADDRESS: Office of Enforcement and Compliance Monitoring, Environmental Protection Agency, Room 3219 (LE-130A), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Allen Danzig, (202) 475-8785.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306 of the Clean Air Act (CAA) [42 U.S.C. 7401 *et seq.*] and Section 508 of the Clean Water Act (CWA) [33 U.S.C. 1251 *et seq.*] as implemented by Executive Order 11738, [38 FR 25161, September 12, 1973] authorize EPA to bar (after appropriate Agency procedures) facilities which have given rise to violations of the CAA or the CWA from being used in the performance of any federal contract, grant or loan.

On April 16, 1975, EPA promulgated 40 CFR Part 15 (40 FR 17124) to provide procedures for ensuring that Executive Branch agencies conduct their procurement and assistance programs in accordance with the President's responsibility for ensuring compliance with CAA and CWA standards. 40 CFR Part 15 provides for a List of Violating Facilities, a list of facilities which are ineligible for any nonexempt contract, grants or loans issued by an Executive Branch agency. This Part also provides procedures for placing a facility on the List because of a criminal conviction under section 113(c)(1) of the CAA or section 309(c) of the CWA or because of a record of continuing or recurring noncompliance with CAA or CWA standards. On February 5, 1979, EPA appended to these regulations a procedural statement explaining the decisionmaking process within EPA relating to placement of facilities on the list. Finally, 40 CFR Part 15 provides procedures for removing a facility from the List where the CAA or CWA noncompliance problems at the facility have been corrected.

II. Public Comments

EPA received written comments on the July 31, 1984, proposed regulations (49 FR 30628) from twelve interested parties. EPA has carefully considered all submitted comments. A summary of these comments and EPA's response to them is set forth below.

Scope (40 CFR 15.2)

One commenter requested clarification on the scope of the listing prohibition as applied to government subcontractors. The listing extends to all types of contracts, grants and loans which involve the purchase of goods or performance of services at a violating facility. "Facility" includes a site of operations such as a developed tract of land, as well as any building, plant, installation, structure, mine, vessel or other floating craft. Further, a facility may not use items manufactured at another facility which is on the List to perform part of a government contract, unless an exemption under § 15.5 applies. To permit such a transaction would frustrate the congressional intent to bar listed facilities from federal contracts, grants or loans, and would create inconsistencies in the application of the listing rules.

Definitions (40 CFR 15.4)

Two commenters stated that EPA should provide a definition of "continuing or recurring" in the final regulation. EPA does not agree that such a definition is needed. "Continuing or recurring" is widely understood as either a violation which continues to exist or a series of violations over time. The Agency will determine on a case-by-case basis whether a series of violations constitutes proper grounds for listing.

Some commenters requested EPA to retain the three specific constraints of former 40 CFR Part 15, Subpart A, in the definition of "Case Examiner." The former rule provided that a Case Examiner could not be: (1) The Listing Official, (2) the Recommending Official, or (3) closely involved in the preparation of the enforcement case. EPA agrees that this change will ensure that the Case Examiner is an unbiased decisionmaker, and has revised the final regulation accordingly.

Two commenters stated that EPA should retain the existing regulation, 40 CFR 15.20(a)(1), which requires a "governor" to be the "recommending person" where the listing recommendation is based on a state or local civil adjudication or administrative finding. The proposed regulation, 40 CFR § 15.4, included a "governor" within the definition of "recommending party," but did not require the governor to be the only recommending party where a state or local civil adjudication or administrative finding is the basis for a listing recommendation. EPA does not see any need to restrict the recommending party in such a state enforcement action to a governor. Similarly, EPA does not believe that a listing recommendation based on a federal enforcement action under the CAA or CWA should be restricted to federal officials. In all cases, EPA will determine whether to initiate a listing proceeding pursuant to its initial review of a listing recommendation under § 15.11(c).

Some commenters stated that members of the public should not be included as "recommending parties," claiming that there would be a potential for abuse of the serious sanctions which may arise from such a proceeding. Also, a number of commenters felt that the proposed regulation did not provide for EPA reconsideration of a listing recommendation from a "member of the public."

The Agency disagrees. It is EPA policy to encourage public participation in the enforcement of the CAA and CWA. At the same time, 40 CFR 15.11(c)(1) requires the Assistant Administrator for Enforcement and Compliance Monitoring to review every discretionary listing recommendation, including those made by a "member of the public." The Assistant Administrator may decline to proceed under § 15.11(c)(i). This preliminary review ensures that EPA will not proceed with a listing action where the recommendation has no merit. Moveover, where the Assistant Administrator decides to proceed, the owner of the facility then has an

opportunity to request a hearing before a Case Examiner.

Exemptions (40 CFR 15.5)

Proposed § 15.5 provided that contracts, grants and loans not exceeding $100,000 in any single year are exempt from these regulations. "Contract," "grants" and "loans" are defined in § 15.4 to include "subcontracts," "subgrants" and "subloans," respectively. The exemption does not apply where the work under a contract is performed at a facility that has been placed on the List of Violating Facilities as a result of a criminal conviction under the CAA or CWA.

One commenter requested EPA's clarification on the scope of the $100,000 exemption as applied to subcontractors. A listed subcontractor is barred from receiving more than $100,000 in federal funds from a government contractor for products or services called for in the contract or used in production of the final product. However, the mere purchase by a contractor of services not required by a government contract would generally not be subject to the listing prohibition. For example, a subcontractor who receives more than $100,000 to construct a building for a contractor which is used to manufacture a product for the government would be barred only if the government contract calls for construction of such a building. Similarly, where a utility supplies greater than $100,000 worth of power to a government contractor, the utility would not be considered a "subcontractor" unless the contract, in part, acutally calls for the furnishing of electric power.

Mandatory Listing (40 CFR 15.10)

The proposed regulation provided for mandatory listing for criminal convictions under section 113(c)(1) of the CAA or section 309(c) of the CWA. Convictions include court and jury verdicts as well as nolo contendere pleas and guilty pleas. Convictions for violations of CAA section 113(c)(2) (knowing false statement in a required CAA application or report) are handled in discretionary listing, discussed below.

A number of commenters expressed concern about mandatory listing pursuant to proposed § 15.10. The commenters felt that it was "unfair" to automatically list a facility following criminal conviction without some further Agency consideration. One commenter suggested that the Agency should consider the severity of the crime. Another commenter suggested that the Agency should allow for the exhaustion of all criminal appeals prior to such a listing.

EPA disagrees. The CAA section 306 and CWA section 508 state that no federal agency shall enter into a contract with any person who has been convicted of any offense under CAA section 113(c)(1) or CWA section 309(c). The Agency cannot consider the relative "severity" of a criminal conviction given this clear congressional mandate. Further, while EPA does not agree that mandatory listing should await all appeals, the Agency has revised § 15.20 to provide for automatic removal from the List of Violating Facilities where a conviction is overturned. In addition, the Assistant Administrator for Enforcement and Compliance Monitoring may remove a facility from the list where the activities which led to the conviction at issue are corrected.

One commenter requested that the procedures for mandatory listing and discretionary listing be made prospective in nature. EPA agrees and has provided that the effective date of this regulation will be 30 days after publication in the **Federal Register.**

Bases for Discretionary Listing (40 CFR 15.11)

Several commenters contended that EPA lacks the authority to list a facility on the basis of federal judicial decisions or orders, administrative orders or notices of noncompliance as proposed in § 15.11. Some commenters further questioned EPA's authority to list a facility after EPA files an enforcement action since such action does not constitute a final judicial or administrative determination. They argued that such listings would violate constitutional due process since the affected party has no prior opportunity to be heard.

EPA disagrees. EPA addressed its authority to list a facility on the basis of civil violations in response to similar comments on the original proposed contractor listing regulations (40 FR 17124, April 16, 1975). EPA stated therein that "pursuant to section 306(c) of the Clean Air Act, section 508(c) of the Federal Water Pollution Control Act, and sections 1, 4, 5, and 7 of Executive Order 11738, EPA was delegated responsibility to carry out the purpose of those Acts and the Executive Order, including the responsibility for setting forth the bases for consideration of listing a facility."

In addition, three district courts have upheld EPA's authority to list facilities for civil violations of the CAA and CWA. *See U.S.* v. *Interlake, Inc.*, 432 F. Supp. 987 (N.D. Ill., 1977), *U.S.* v. *U.S. Steel*, 10 ERC 1971 (N.D. Ill. 1977), and *U.S.* v. *Del Monte*, 9 ERC 1495 (D.P.R. 1976). In these decisions, the courts relied on CAA section 306(c) and CWA section 506(c), and section 1 of Executive Order 11738, reasoning that Congress intended EPA to have authority to list for civil violations, and that the Executive Order is to be viewed as a remedial action.

Further, EPA disagrees with the assertion that it lacks authority to list a facility following the filing of an underlying CAA or CWA enforcement action. The court, in *Interlake* (cited above, at 989), noted that "[p]ursuant to 40 CFR 15.20(a)(1)(iii), plaintiff [EPA] has the authority to commence a listing proceeding once a civil suit has been initiated under subsection 113(b) of the [Clean Air] Act, 42 U.S.C. 1857(c)–8(b)." In addition, prior to being listed on the basis of a filed civil action (as well as for violation of an administrative order or a judicial decision), the affected business is provided an opportunity to request a listing proceeding, presided over by a Case Examiner. Where a listing proceeding is not requested, the Assistant Administrator for Enforcement and Compliance Monitoring must nonetheless make an independent finding that there have been continual and recurring violations of the CAA or CWA at the facility. Thus, the regulation clearly provides the affected business an opportunity and right to be heard, and thus satisfies due process.

One commenter asked EPA to add "noncompliance with a consent decree" to the items that can be used as a basis for a listing recommendation. EPA interprets proposed § 15.11(a)(3) to include consent decrees as a basis for a listing recommendation. A facility can be listed under this section where the consent decree is accompanied by continual or recurring violations of the CAA or CWA. Thus, it is unnecessary to use the phrase "noncompliance with." However, EPA has added a parenthetical to § 15.11(a)(3) to explicitly cover consent decrees.

Withdrawal of Listing Recommendation (40 CFR 15.11)

Proposed § 15.11(d) provided in part that "[t]he recommending person should withdraw a recommendation to list if the conditions which gave rise to the recommendation to list have been corrected . . ." Several commenters suggested that withdrawal of a recommendation to list under § 15.11(d) should be mandatory in the event that the conditions underlying the recommendation to list are corrected. The Agency disagrees. While the recommending party should make a good faith effort to determine if the

conditions which gave rise to the recommendation to list have in fact been corrected, there may be some cases where the recommending party may not be aware of a correction or may not believe that conditions have been corrected. EPA has revised this section to clarify that the recommending person must withdraw the listing recommendation if he or she determines that conditions have been corrected. Of course, where the listing recommendation does not establish a basis for listing (due to lack of a continuing or recurring violation), the Assistant Administrator will decline to proceed under § 15.11(c)(i).

Proposed § 15.11 provided that "the Listing Official must place a facility on the List of Violating Facilities if there is a final agency action. . . ." One commenter requested EPA to replace "must" with "may" on the rationale that this would conform with the "discretionary"-nature of "discretionary listing." Another commenter added that EPA does not have sufficient flexibility under the proposed rule not to list a facility. The Agency disagrees. The Assistant Administrator's determination pursuant to § 15.11(c) that there is a record of continuing or recurring noncompliance, and that the requisite civil or administrative action has been taken, is discretionary. Where a hearing is requested pursuant to § 15.12, the Case Examiner makes this discretionary determination. The Listing Official must place the facility on the List of Violating Facilities only after the Assistant Administrator or the Case Examiner makes a determination. By comparison, mandatory listing provides for automatic listing of a facility upon a criminal conviction. Accordingly, the use of the term "must" (revised to read "shall") in §15.11 is appropriate.

Requests for Listing Proceeding and Removal Hearings (40 CFR 15.12 and 15.23)

One commenter asked EPA to provide a party named in the listing recommendation 30 days to request a listing proceeding following receipt of notice rather than the proposed 20 days. Another commenter asked EPA to provide a party 45 or 60 days to request a removal hearing under § 15.23(a), rather than the proposed 20 days. Upon reconsideration, EPA agrees that 30 calendar days is appropriate given the need to obtain and consult with counsel before making a decision to request a listing proceeding or a removal hearing. The final rule has been revised accordingly. This is consistent with the time allowed for requesting a hearing under 40 CFR Part 32 (EPA debarment and suspension regulations).

Notice of Listing Recommendation (40 CFR 15.12)

One commenter suggested that the Agency revise proposed § 15.12 to include a requirement that a complete copy of the listing recommendation be provided to the owner of the facility named in the recommendation as part of the written notice required by the regulation. EPA disagrees. Such a requirement may constitute an automatic waiver of the Agency's deliberative process privilege under the Freedom of Information Act. *See* 5 U.S.C. 552(b)(5) and (7). It would also be inconsistent with the procedures established by the Agency for determining whether information is entitled to confidential treatment. *See* 40 CFR Part 2.

Listing Proceeding (40 CFR 15.13)

Two commenters stated that the Case Examiner's authority to deny cross-examination denies due process. EPA disagrees. The Case Examiner's authority to limit the cross-examination of witnesses in both listing proceedings and removal hearings does not deny constitutional due process. A listing proceeding involves a contract action taken by the federal government in its proprietary capacity as a purchaser of goods and services. Moreover, since a discretionary listing is automatically dissolved after one year (unless there has been a subsequent conviction or court order) listing is analogous to temporary "suspension" of a contractor rather than a "debarment." *See United States* v. *Interlake*, 432 F. Supp. 987, 990 (N.D. Ill. 1977). Fundamental fairness in such cases requires only that the contractor receive specific notice of the charges against him and be given an opportunity to rebut those charges. *See Horne Brothers* v. Laird, 463 F.2d 1268, 1272 (D.C. Cir. 1972).

The listing regulation provides notice and an opportunity to be heard. In the listing proceeding, parties are granted the right to be represented by legal counsel and to present oral and written evidence relevant to the proceeding. The Constitution does not require the federal government to provide unrestricted use of cross-examination in these proceedings.

Further, as provided in § 15.13(b), the federal government has a legitimate interest in preventing premature disclosure of evidence and case strategy relating to its enforcment proceedings. To allow unlimited cross-examination could lead to an abuse of the system. Accordingly, the decision to allow cross-examination of a witness is properly reserved to the Case Examiner.

Agency Review of Request for Removal (40 CFR 15.22)

Proposed § 15.22 required the Assistant Administrator to review a request for removal from the list and issue a decision "as expeditiously as practicable." One commenter requested EPA to set a 20-day limit for Agency review of a request for removal from the List of Violating Facilities. Another commenter requested EPA to extend the time allowed for the Assistant Administrator's review of a request for removal.

The Agency believes that a decision on a removal request should be made expeditiously. EPA has modified § 15.22 to add that the failure of the Agency to make a decision within 45 calendar days constitutes a denial of the request which in turn authorizes the applicant to request a removal hearing.

Length of Listing Term (40 CFR 15.21, 15.31)

One commenter requested EPA to clarify the period of time during which a contractor must promise not to use any facility on the List of Violating Facilities. The proposed regulation clearly states EPA's intent that a listed facility will remain on the list until it is removed pursuant to § 15.20 or § 15.21. Therefore, under § 15.31(a), the contractor must promise not to use any facility on the List for the duration of time it remains on the List. EPA has added language to § 15.31(a) to clarify this intent.

Promise Not To Use Listed Facility (40 CFR 15.31)

A number of commenters expressed concern with the use of the term "promise" instead of the terms "stipulation" or "agreement" in proposed § 15.31 on the rationale that the breach of a "promise" rather than a "stipulation" would give rise to contractual remedies. Two commenters requested the Agency to retain the word "stipulation." It is EPA's intent that the breach of a "promise" between the federal government and the contractor will give rise to contractual liability. The use of the word "promise" in the proposed regulation clarifies EPA's intent to use contractual remedies where a contractor breaches such a promise. Accordingly, this provision is unchanged.

Notification of Use of Listed Facility (40 CFR 15.31)

Proposed § 15.31 required a contractor to promise that it will notify the

awarding agency if a facility it intends to use is on the List of Violating Facilities or has been recommended to be placed on the List of Violating Facilities. Three commenters stated that it would be difficult for a contractor to determine when a facility it intends to use has been recommended for placement on the List of Violating Facilities. EPA agrees and has revised the final regulation to require the contractor to notify the awarding agency only if the contractor knows that a facility it intends to use has been recommended to be placed on the List.

Minor Revisions

In addition, EPA has made the following clarifying revisions. The definition of "grant" has been clarified to include all subagreements under grants or cooperative agreements to ensure that contract awards under assistance are covered. Proposed § 15.26(c) has been deleted since it repeats the **Federal Register** notice requirement for removal of a facility from the List of Violating Facilities under § 15.27. EPA has corrected the reference in § 15.12(d) from "§ 15.12(b)" to "15.12(a)". In §§ 15.14 (a), (b), and 15.25(a) EPA has replaced "party adversely affected" with "owner, operator or supervisor of the facility" to clarify its intent that only the owner, operator or supervisor of a facility against whom a listing proceeding is brought may appeal the Case Examiner's decision. In § 15.13(b)(1), EPA has replaced "recommending person" with "EPA" to clarify its intent that EPA, rather than any non-Agency recommending party, would be required to prove a basis for listing at the listing proceeding. In proposed §§ 15.14(c) and 15.25(b), EPA has deleted "is based on this determination" and "be based on this determination" respectively, as redundant.

In providing notice to facilities of listing recommendations, placement on the List, and removal hearings, in §§ 15.12(a), 15.16(a), 15.16(b), 15.22(a), 15.23(a) and 15.27, EPA has clarified that notice should go to the "owner, operator or supervisor" of the facility. Proposed § 15.23(b) provided that "[i]f a timely request for a removal hearing under § 15.23 is not filed, any person who may make a request for removal under § 15.22(a) may file a new request under § 15.22(a) if a new basis for removal under § 15.20 or § 15.21 arises at a later date." EPA revised proposed § 15.23(b) and § 15.25(d) to clarify its intent that the owner or operator of a listed facility may reapply to be removed on the same regulatory basis (e.g., compliance plan approved by the Assistant Administrator), as long as there are new facts to support the removal application. Finally, EPA revised proposed § 15.40 to provide for transmittal of the List of Violating Facilities to Federal agencies with assistance responsibilities (as well as the General Services Administration) to ensure that these Agencies know that facilities are barred from assistance.

Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this is not a major regulation because it will not entail a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions.

Regulatory Flexibility Act

EPA has determined, pursuant to the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities because the decision to list any facility is made on a case-by-case basis.

List of Subjects in 40 CFR Part 15

Administrative practice and procedure, Air pollution control, Government contracts, Grant programs—environmental protection, Loan programs—environmental protection, Reporting and recordkeeping requirements, Water pollution control.

Dated: August 23, 1985.

Lee Thomas,

Administrator.

40 CFR Part 15, Chapter 1, is revised as follows:

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE CLEAN WATER ACT WITH RESPECT TO CONTRACTS, GRANTS, AND LOANS—LIST OF VIOLATING FACILITIES

Subpart A—Administrative Matters

Sec.

15.1 Policy and purpose.
15.2 Scope.
15.3 Administrative responsibility.
15.4 Definitions.
15.5 Exemptions.

Subpart B—Procedures for Placing a Facility on the List of Violating Facilities

15.10 Mandatory listing.
15.11 Discretionary listing.
15.12 Notice of filing of recommendation to list and opportunity to have a listing proceeding.
15.13 Listing proceeding.
15.14 Review of the Case Examiner's decision.
15.15 Effective date of discretionary listing.
15.16 Notice of listing.

Subpart C—Procedures for Removing a Facility From the List of Violating Facilities

15.20 Removal of a mandatory listing.
15.21 Removal of a discretionary listing.
15.22 Request for removal from the list of violating facilities.
15.23 Request for removal hearing.
15.24 Removal hearing.
15.25 Request for review of the decision of the Case Examiner.
15.26 Effective date of removal.
15.27 Notice of removal.

Subpart D—Agency Coordination

15.30 Agency responsibilities.
15.31 Agency regulations.
15.32 Contacting the Assistant Administrator.
15.33 Investigation by the Assistant Administrator prior to awarding a contract, grant, or loan.
15.34 Referral by the Assistant Administrator to the Department of Justice.

Subpart E—Miscellaneous

15.40 Distribution of the List of Violating Facilities.
15.41 Reports.

Authority: 42 U.S.C. 7401 *et seq.*; 33 U.S.C. 1251 *et seq.*; Executive Order 11738 of September 10, 1973 (38 FR 28161).

Subpart A—Administrative Matters

§ 15.1 Policy and purpose.

(a) It is the policy of the Federal Government to improve and enhance environmental quality. This regulation is issued to ensure that each agency in the Executive Branch of the Federal Government that is empowered to enter into contracts for the procurement of goods, materials, or services or to extend Federal assistance by way of grant, loan, or contract undertakes such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act (CAA), 42 U.S.C. 7401 *et seq.*, and the Clean Water Act (CWA), 33 U.S.C. 1251 *et seq.*, and does not favor firms where production costs may be lower due to noncompliance.

(b) This part establishes the List of Violating Facilities, procedures for placing a facility on the List of Violating Facilities, removing a facility from the List of Violating Facilities, and procedures for ensuring that agencies in the Executive Branch of the Federal Government undertake their procurement and assistance activities in a manner that will result in effective enforcement of the CAA and the CWA.

§ 15.2 Scope.

(a) This regulation applies to all agencies in the Executive Branch of the

Federal Government which award contracts, grants, or loans. This regulation also applies to government contractors and subcontractors and to recipients of funds under government grants and loans. The debarment or suspension that results from a mandatory or discretionary listing is facility-specific and does not apply to other facilities of the same company.

(b) This regulation only applies to contracts, grants, or loans involving the use of facilities located within the United States.

(c) The rights and remedies of the Government under these regulations are not exclusive and do not affect any other rights or remedies provided by law.

§ 15.3 Administrative responsibility.

(a) Except for the power to issue rules and regulations, the Assistant Administrator for Enforcement and Compliance Monitoring and the General Counsel are delegated authority and assigned responsibility to carry out the responsibilities assigned to the Administrator of the Environmental Protection Agency under Executive Order 11738.

(b) The Assistant Administrator and the General Counsel are authorized to redelegate the authority conferred by this regulation.

§ 15.4 Definitions.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designee.

"Agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Federal Government, including corporations wholly owned by the Federal Government which award contracts, grants, or loans.

"Air Pollution Control Agency" means any agency which is defined in section 302(b) or section 302(c) of the CAA.

"Applicant" means any person who has applied for but has not yet received a contract, grant, or loan and includes a bidder or proposer for a contract which is not yet awarded.

"Assistant Administrator" means the Assistant Administrator for Enforcement and Compliance Monitoring, United States Environmental Protection Agency, or his or her designee.

"Borrower" means any recipient of a loan as defined below.

"Case Examiner" means an EPA official familiar with pollution control issues who is designated by the Assistant Administrator to conduct a listing or removal proceeding and to determine whether a facility will be placed on the List of Violating Facilities or removed from such list. The Case Examiner may not be: (1) The Listing Official; (2) the Recommending Person or anyone subordinate to the Recommending Person; or (3) closely involved in the underlying enforcement action.

"Clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the CAA or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the CAA, an approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the CAA or an approved implementation procedure under section 112(d) of the CAA.

"Clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is established pursuant to the CWA or contained in a permit issued to a discharger by the United States Environmental Protection Agency, or by a State under an approved program, as authorized by section 402 of the CWA, or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Clean Water Act.

"Compliance" means compliance with clean air standards or clean water standards. For the purpose of these regulations, compliance also shall mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the United States Environmental Protection Agency, or an air or water pollution control agency, in accordance with the requirements of the CAA or the CWA and regulations issued pursuant thereto.

"Contract" means any contract or other agreement made with an Executive Branch agency for the procurement of goods, materials, or services (including construction), and includes any subcontract made thereunder.

"Contractor" means any person with whom an Executive Branch agency has entered into, extended, or renewed a contract as defined above, and includes subcontractors or any person holding a subcontract.

"Facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location or site of operations owned, leased, or supervised by an applicant, contractor, grantee, or borrower to be used in the performance of a contract, grant, or loan. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility, except where the Assistant Administrator determines that independent facilities are located in one geographic area.

"General Counsel" means the General Counsel of the U.S. Environmental Protection Agency, or his or her designee.

"Governor" means the governor or principal executive officer of a state.

"Grant" means any grant or cooperative agreement awarded by an Executive Branch agency including all subagreements awarded thereunder. This includes grants-in-aid, except where such assistance is solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.*

"Grantee" means any person with whom an Executive Branch agency has entered into, extended, or renewed a grant, subgrant, or other assistance agreement defined under "grant" above.

"List of Violating Facilities" means a list of facilities which are ineligible for any agency contract, grant or loan.

"List Official" means an EPA official designated by the Assistant Administrator to maintain the List of Violating Facilities.

"Listing proceeding" means an informal hearing, conducted by the Case Examiner, held to determine whether a facility should be placed on the List of Violating Facilities.

"Loan" means an agreement or other arrangement under which any portion of a business, activity, or program is assisted under a loan issued by an agency and includes any subloan issued under a loan issued by an agency.

"Person" means any natural person, corporation, partnership, unincorporated association, State or local government, or any agency, instrumentality, or subdivision of such a government or any interstate body.

"Recommendation to list" means a written request which has been signed and sent by a recommending person to the Listing Official asking that EPA place a facility on the List of Violating Facilities.

"Recommending person" means a Regional Administrator, the Associate Enforcement Counsel for Air or the Associate Enforcement Counsel for Water or their successors, the Assistant Administrator for Air and Radiation or the Assistant Administrator for Water or their successors, a Governor, or a member of the public.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territories of the Pacific Islands.

"Water pollution control agency" means any agency which is defined in section 502(1) or section 502(2), 33 U.S.C. 1362 (1) or (2), of the CWA.

§ 15.5 Exemptions.

(a) (1) *Transactions of $100,000 and less.* Except as provided in § 15.5(b) below, contracts, grants, and loans not exceeding $100,000 are exempt from these regulations. This exemption includes contracts for indefinite quantities or service as long as the purchaser has reason to believe that the amount to be ordered in any year under such an agreement will not exceed $100,000.

(a) (2) *Assistance to abate, control, or prevent environmental pollution.* Except as provided in § 15.5(b) below, a contract, grant, or loan will be exempt from these regulations when the principal purpose of a contract, grant, or loan is to assist the facility or facilities to comply with any Federal, State, or local law, regulation, limitation, guideline, standard, or other requirement relating to the abatement, control or prevention of environmental pollution.

(b) The exemption in § 15.5(a) do not apply where work under the contract is to be performed at a facility that has been placed on the List of Violating Facilities on the basis of a criminal conviction under section 113(c)(1) of the CAA or section 309(c) of the CWA and the person convicted owns, supervises, or leases the facility.

(c) *Authority of Agency Head to Grant Exemptions*—(1) *Individual exemptions.* Where an Agency head determines that it is in the paramount interest of the United States to enter into, renew, or extend a contract, grant, or loan in connection with any facility that is on the List of Violating Facilities, he or she may exempt the agreement from the provisions of this regulation for a period of one year. The Agency head granting the exemption shall notify the Assistant Administrator of the exemption as soon, before or after granting the exemption, as may be practicable. The justification for such an exemption, or any renewal thereof, shall fully describe the purpose of the contract, grant, or loan and shall show why the paramount interest of the United States requires the exemption.

(2) *Class exemptions.* Where an agency head determines that it is in the paramount interest of the United States for the agency to enter into, extend, or renew any class of contracts, grants, or loans, he or she may exempt the class of agency contracts, grants, or loans from the provisions of this regulation by rule or regulation after consultation with the Administrator.

Subpart B—Procedures for Placing a Facility on the List of Violating Facilities

§ 15.10 Mandatory listing.

The Listing Official shall place a facility on the List of Violating Facilities if the facility which gave rise to the conviction is owned, leased, or supervised by any person who has been convicted of a criminal offense under section 113(c)(1) of the CAA or section 309(c) of the CWA. The mandatory listing is automatically effective upon conviction.

§ 15.11 Discretionary listing.

(a) The Listing Official shall place a facility on the List of Violating Facilities if there is a final agency action under § 15.12(d), 15.13(c) 15.14(c), or 15.14(d) which determines that there is a record of continuing or recurring noncompliance with clean air standards or clean water standards at the facility recommended for listing and that:

(1) A federal court has convicted any person under section 113(c)(2) of the CAA if that person owns, leases, or supervises a facility recommended for listing;

(2) A state or local court has convicted any person of a criminal offense on the basis of noncompliance with clean air standards or clean water standards if that person owns, leases, or supervises a facility recommended for listing;

(3) A federal, state, or local court has issued an injunction, order, judgment, decree (including consent decrees), or other form of civil ruling as a result of noncompliance with clean air or clean water standards at a facility recommended for listing;

(4) The facility has violated any administrative order issued under section 113(a), 113(d), 167, or 303 of the CAA, or section 309(a) of the CWA, if the violator owns, leases, or supervises a facility recommended for listing;

(5) EPA has issued to the facility a Notice of Noncompliance under Section 120 of the CAA; or

(6) EPA has filed an enforcement action in federal court under sections 113(b), 167, 204, 205, or 211 of the CAA or section 309(b) of the CWA due to noncompliance with clean air standards or clean water standards at the facility recommended for listing.

(b) A recommendation to list from a recommending person initiates the process for discretionary listing. A recommendation to list must contain:

(1) The name, address, and telephone number of the person filing the recommendation;

(2) A description of the facility alleged to be in noncompliance with clean air standards or clean water standards, including the name and address of the facility;

(3) A description of the alleged continuing or recurring noncompliance, including any available data and any other pertinent information supporting the allegation of noncompliance; and

(4) A description of the criminal, civil, or administrative action or conviction under § 15.11 (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) which is pertinent to the facility and the alleged continuing or recurring noncompliance.

(c) The Listing Official shall review each recommendation to list to ensure that it complies with all of the requirements under § 15.11(b). If there is a deficiency in a recommendation the Listing Official must return it to the recommending person for correction. If there is no deficiency in the recommendation to list, the Listing Official shall transmit the recommendation to the Assistant Administrator. The Assistant Administrator, in his or her discretion, may:

(1)j Decline to list, or

(2) Designate a Case Examiner in accordance with § 15.12(a), or

(3) Decide to list the facility in accordance with § 15.12(d).

(d) A recommending person may withdraw a recommendation list at any time before the conclusion of the listing proceeding. The recommending person shall withdraw the recommendation to list if the recommending person determines that the conditions which gave rise to the recommendation to list have been corrected or if the facility recommended for listing is on an EPA-approved plan for compliance, which will ensure that the conditions(s) which gave rise to the recommendation to list will be corrected.

§ 15.12 Notice of filing of recommendation to list and opportunity to have a listing proceeding.

(a) The Listing Official shall send to the owner, operator or supervisor of the facility named in the recommendation to list written notice that a recommendation that the facility be placed on the List of Violating Facilities has been filed with the Listing Official and has been transmitted to the

Assistant Administrator. Within thirty (30) calendar days of the receipt of the notice, any person who owns, leases, or supervises the facility may request the Assistant Administrator to designate a Case Examiner to hold a listing proceeding for the purpose of determining the propriety of the proposed listing.

(b) If a listing proceeding is requested, the Listing Official shall schedule a listing proceeding and notify in writing the recommending person and the person requesting the listing proceeding of the date, time, and location of the listing proceeding.

(c) The Listing Official shall respond to any requests from the recommending person and the person requesting the listing proceeding concerning the procedures for discretionary listing.

(d) If there is no timely request for a listing proceeding under § 15.12(a) above, the Listing Official will place the facility named in the recommendation to list on the List of Violating Facilities on the basis of discretionary listing if, upon reviewing the recommendation to list and any other available information, the Assistant Administrator determines that there is a record of continuing or recurring noncompliance with clean air standards or clean water standards at the facility recommended for listing and the requisite criminal, civil, or administrative enforcement action has been taken or criminal conviction under CAA section 113(a)(2) or under State law has occurred. Such a determination by the Assistant Administrator constitutes final agency action.

§ 15.13 Listing proceeding.

(a) *No listing proceeding for mandatory listing.* Mandatory listing is effective upon conviction and no listing proceeding will be provided when a facility is listed on this basis. For purposes of updating the List of Violating Facilities, the Associate Enforcement Counsel for Criminal Enforcement shall notify the Listing Official of the conviction as soon as it occurs.

(b) *Listing proceeding for discretionary listing.* (1) A listing proceeding for discretionary listing shall be conducted in an informal manner without formal rules of evidence or procedure. The EPA and the person requesting the listing proceeding under § 15.12(a) above may be represented by legal counsel, present oral and written evidence relevant to the proposed listing, and, with the approval of the Case Examiner, may call, ask questions of, and cross-examine witnesses, except to the extent any testimony would prematurely reveal sensitive enforcement information which the government may legally withhold or would unduly extend the proceedings in light of the usefulness of any additional information likely to be produced. The Case Examiner may take official notice of facts, law, and any other information available to him or her. The Case Examiner may also request any party to supplement the record by submitting additional information.

(2) The listing proceeding shall be transcribed, and EPA shall make available at cost a transcribed record of the proceeding upon request by any person.

(3) To demonstrate an adequate basis for listing a facility, the record must show by a preponderance of the evidence that there is a record of continuing or recurring noncompliance at the facility named in the recommendation to list and that the requisite enforcement action has been taken.

(c) *Case Examiner's decision.* Not later than thirty (30) calendar days after conclusion of the listing proceeding and any supplementation of the record, the Case Examiner shall issue a written decision on whether or not to list the facility based on the record of the listing proceeding and shall file that decision with the Listing Official.

(d) *Notification of Case Examiner's decision.* The Listing Official shall notify in writing the recommending person and the person who requested the listing proceeding of the Case Examiner's decision and of the opportunity to request the General Counsel to review the Case Examiner's decision under § 15.14.

§ 15.14 Review of the Case Examiner's decision.

(a) Within thirty (30) calendar days after notice of the Case Examiner's decision, the owner, operator or supervisor of the facility may file with the Listing Official a written request asking the General Counsel to review the Case Examiner's decision. The request to review the Case Examiner's decision must contain:

(1) A statement of the case and the facts involved in the recommendation to list;

(2) A statement of the issues presented by the recommendation to list; and

(3) A statement showing why the decision of the Case Examiner is not correct based on the record of the listing proceeding considered as a whole.

(b) The owner, operator or supervisor of the facility may raise on review only those issues raised before the Case Examiner, unless the General Counsel determines that there is good cause to include consideration of any new issues.

(c) If the Listing Official receives a timely request for review of the Case Examiner's decision, the General Counsel shall review the record of the listing proceeding to determine if the decision of the Case Examiner is correct based on the record of the listing proceeding considered as a whole. As soon as practicable after receiving the request for review, the General Counsel shall issue a final decision in writing which explains the basis for the final decision. The General Counsel's decision shall constitute final agency action. The General Counsel shall file the decision with the Listing Official.

(d) The Case Examiner's decision constitutes a final agency action for purposes of discretionary listing unless a timely request for review of the Case Examiner's decision is filed with the Listing Official in accordance with § 15.14(a).

§ 15.15 Effective date of discretionary listing.

(a) Discretionary lising is effective immediately upon the issuance of a final agency action filed with the Listing Official to place the facility recommended for listing on the List of Violating Facilities, or upon a determination of the Assistant Administrator under § 15.12(d).

(b) Discretionary listing remains effective until a removal occurs under § 15.26.

§ 15.16 Notice of listing.

(a) *Mandatory listing.* The Listing Official shall send written notice to the owner, operator or supervisor of the facility which shall state that the facility has been placed on the List of Violating Facilities on the basis of mandatory listing and the effective date of such listing.

(b) *Discretionary listing.* The Listing Official shall send written notice to the recommending person and any person who requested a listing proceeding informing them of the effective date of the discretionary listing. The Listing Official shall send written notice to the owner, operator or supervisor of the facility if no listing proceeding was requested.

(c) *Federal Register notice.* The Listing Official shall publish the effective date of the placement of the facility on the List of Violating Facilities in the **Federal Register** in accordance with § 15.40.

Subpart C—Procedures for Removing a Facility From the List of Violating Facilities

§ 15.20 Removal of a mandatory listing.

When the Listing Official has placed a facility on the List of Violating Facilities on the basis of mandatory listing under § 15.10, the facility shall remain on the List of Violating Facilities until the Assistant Administrator certifies that the condition giving rise to mandatory listing has been corrected. Where a conviction has been overturned, removal shall be automatic.

§ 15.21 Removal of a discretionary listing.

(a) When the Listing Official has placed a facility on the List of Violating Facilities on the basis of discretionary listing under § 15.11, the Listing Official shall remove the facility from the List of Violating Facilities as provided below:

(1) If the conviction, decree, order, judgment, or other form of civil ruling or finding which formed the basis for discretionary listing under § 15.11(a) has been reversed or otherwise modified to remove the basis for discretionary listing;

(2) If the Assistant Administrator has determined that the condition(s) which gave rise to discretionary listing have been corrected; or,

(3) Automatically after one year of a discretionary listing under § 15.11 (a)(4), (a)(5) or (a)(6), unless before the expiration of the one-year period a basis for mandatory listing arises under § 15.10 or a basis for discretionary listing arises under § 15.11 (a)(1), (a)(2), or (a)(3).

(b) The Listing Official shall remove a facility from the List of Violating Facilities at the direction of the Assistant Administrator if the Assistant Administrator determines that the facility is on a plan for compliance which will ensure that the condition(s) which gave rise to discretionary listing will be corrected.

§ 15.22 Request for removal from the list of violating facilities.

(a) The original recommending person or any person who owns, operates or supervises a facility that is on the List of Violating Facilities may file with the Listing Official a request to remove the facility from the List. This request must set forth the proposed basis for removal from the List under §§ 15.20 or 15.21.

(b) The Assistant Administrator shall review the request for removal and shall issue a decision as expeditiously as practicable after receiving the request as to whether the facility will be removed from the List of Violating Facilities. Failure of the Agency to make a decision within 45 calendar days constitutes a denial of the request.

(c) The Listing Official shall send written notice to the person requesting removal informing that person of the Assistant Administrator's decision and of the opportunity to request a removal hearing under § 15.23 if the Assistant Administrator denies the request for removal.

§ 15.23 Request for removal hearing.

(a) Within thirty (30) calendar days after the Assistant Administrator denies a request for removal from the List of Violating Facilities, the owner, operator or supervisor of the facility or the original recommending person may file with the Listing Official a written request for a removal hearing under § 15.24. (b) If a timely request for a removal hearing under § 15.23(a) is not filed, any person who may make a request for removal under § 15.22(a) may file a new request for removal under § 15.22(a) based on new information.

§ 15.24 Removal hearing.

(a) A removal hearing shall be conducted by a Case Examiner designated by the Assistant Administrator. The person requesting the removal hearing must demonstrate at the removal hearing by a preponderance of the evidence that a basis for removal is present.

(1) The person requesting the removal hearing and the Agency may be represented by legal counsel, present oral and written evidence relevant to the proposed removal, and, with the approval of the Case Examiner, call, ask questions of, and confront witnesses to the extent it is relevant to the issue of removal and to the extent that any additional information produced will be useful in light of the additional time such procedures will take.

(2) The removal hearing shall be transcribed and a transcribed record of the proceeding shall be made available at cost upon request by the owner, operator, or lessee of the facility or any person represented at the hearing.

(b) The Federal, State, or local authority responsible for the enforcement of clean air standards or clean water standards with respect to the listed facility may participate in the removal hearing.

(c) The Case Examiner's decision concerning removal shall be based solely upon the record in the removal hearing.

(d) The Listing Official shall send written notice to the person requesting the removal hearing and the Federal, State, or local authority responsible for the enforcement of clean air standards or clean water standards with respect to the listed facility, informing them of the decision of the Case Examiner and of the opportunity to request the Administrator to review the Case Examiner's decision under § 15.25.

§ 15.25 Request for review of the decision of the Case Examiner.

(a) Within thirty (30) calendar days after the date of the Case Examiner's decision under § 15.24, the owner, operator or supervisor of the facility may file with the Listing Official a request for the Administrator to review the Case Examiner's decision. The request shall contain:

(1) A statement of the issues presented by the request for removal;

(2) A statement of the case and the facts involved in the request for removal; and

(3) A statement showing why the decision of the Case Examiner is not correct based upon the record of the removal hearing considered as a whole.

(b) Upon receiving a timely request for review of the decision of the Case Examiner, the Administrator shall review the record of the removal hearing to determine if the decision of the Case Examiner is correct based upon the record of the removal hearing considered as a whole. As soon as practicable after receiving the request for review, the Administrator shall issue a final decision in writing which shall set forth the reasons for the decision. The decision shall constitute final agency action.

(c) If the timely request for the Administrator to review the Case Examiner's decision under § 15.25(a) is not filed, the Case Examiner's decision constitutes final agency action at the expiration of such period.

(d) If the request for removal is denied upon review, any person who may file a request for removal under § 15.22(a) may file a new request for removal under § 15.22(a) based on new information.

§ 15.26 Effective date of removal.

(a) *Mandatory listing.* Removal of a facility placed on the List of Violating Facilities on the basis of mandatory listing shall be effective immediately upon the certification by the Assistant Administrator that the condition(s) which gave rise to the mandatory listing under § 15.10 has been corrected, or upon the issuance of a final agency action filed with the Listing Official to remove the listed facility from the List of Violating Facilities following a decision

by a Case Examiner under § 15.24 or by the Administrator under § 15.25.

(b) *Discretionary listing.* Removal of a facility placed on the List of Violating Facilities on the basis of discretionary listing shall be effective immediately upon the expiration of one year under § 15.21(a)(3), or upon the Assistant Administrator's decision to remove the listed facility based upon a timely written request for removal under § 15.22(a), or upon the issuance of a final agency action filed with the Listing Official to remove the listed facility from the List of Violating Facilities under §§ 15.24 or 15.25.

§ 15.27 Notice of removal.

The Listing Official shall send written notice to the owner, operator or supervisor of the facility, the recommending person, and any person who made a timely written request for removal under § 15.22(a), informing them of the effective date of the removal of the facility from the List of Violating Facilities. The Listing Official shall publish the effective date of the removal in the **Federal Register** in accordance with § 15.40.

Subpart D—Agency Coordination

§ 15.30 Agency responsibilities.

Each agency shall take appropriate steps to ensure that all officers and employees whose duties include ensuring that all agency contracts, grants, and loans are in compliance with applicable requirements are familiar with the requirements set forth in Executive Order 11738, this regulation, the Federal Acquisition Regulations (48 FR 42102, September 19, 1983), and the EPA Acquisition Regulations (49 FR 8834, March 8, 1984).

§ 15.31 Agency regulations.

Any agency responsible for promulgating contract, grant, or loan regulations, shall ensure that its regulations require every nonexempt agency contract, grant, or loan and every subagreement issued thereunder to include the following provisions:

(a) A promise by the contractor, grantee, or borrower that he or she will not use any facility on the List of Violating Facilities in the performance of any nonexempt contract, grant, or loan for the duration of time that the facility remains on the List.

(b) A promise by the contractor, grantee, or borrower that he or she will notify the awarding agency if a facility he or she intends to use in the performance of the contract, grant, or loan is on the List of Violating Facilities or knows that it has been recommended to be placed on the List of Violating Facilities.

(c) A promise by the contractor, grantee, or borrower that in the performace of the contract, grant, or loan, he or she will comply with all requirements of the CAA and the CWA, including the requirements of section 114 of the CAA and section 308 of the CWA, and all applicable clean air standards and clean water standards. *See* Federal Acquisition Regulation, 48 CFR 52.223–1 and 52.223–2.

§ 15.32 Contacting the Assistant Administrator.

(a) Any agency contracting officer or awarding official shall promptly report, to his or her agency head, or the designee of the Agency head any condition which may involve noncompliance with clean air standards or clean water standards at any facility that is being used, or will be used in an agency contract, grant, or loan. The report shall include at a minimum the following information:

(1) The name, telephone number, and agency of the employee discovering the condition.

(2) The name of the facility at which the condition exists.

(3) A description of the condition.

(4) The contract, grant, or loan the agency has issued or may issue, extend, or renew to the facility at which the condition exists.

(b) The agency head, or his or her designee, shall transmit any reports made under § 15.32(a) to the Assistant Administrator as soon as practicable, after he or she receives the report. In response to the report, the Assistant Administrator shall take any action that is consistent with the policy and purpose of this regulation.

§ 15.33 Investigation by the Assistant Administrator prior to awarding a contract, grant, or loan.

(a) If the Assistant Administrator is notified under § 15.32(b) that a condition which may involve noncompliance with clean air standards or clean water standards exists at a facility that is or may be used in the performance of any nonexempt agency contract, grant, or loan, the Assistant Administrator may, after consultation with the awarding agency involved, request that the award, extension, or renewal of the nonexempt contract, grant, or loan be withheld for fifteen (15) working days to determine if a basis exists for placing the facility on the List of Violating Facilities under §§ 15.10 or 15.11.

(b) If the Assistant Administrator requests that an award, extension, or renewal of a contract, grant, or loan be withheld under § 15.33(a), the awarding agency shall comply with the Assistant Administrator's request unless it determines that the delay is substantially contrary to the best interests of the government. The awarding agency shall promptly notify the Assistant Administrator of any such determination.

(c) At the end of the fifteen (15) working-day period, the Assistant Administrator shall notify the awarding agency and the applicant of the results of any investigation undertaken under § 15.33(a).

§ 15.34 Referral by the Assistant Administrator to the Department of Justice.

The Assistant Administrator may recommend to the Department of Justice or other appropriate agency that legal proceedings be brought or other appropriate action be taken whenever the Assistant Administrator becomes aware of a breach of any provision required to be included in a contract, grant, or loan under § 15.31.

Subpart E—Miscellaneous

§ 15.40 Distribution of the List of Violating Facilities.

The List of Violating Facilities shall be transmitted to the General Services Administration and Federal agencies with assistance responsibilities and published in the **Federal Register** on or about February 1 and August 1 of each year, and updated in the **Federal Register** as necessary to reflect changes to the List as they occur. The list shall contain the following information:

(a) The name of each facility on the List;

(b) The location of the facility;

(c) The basis for the listing;

(d) The effective date of the listing; and

(e) Any removal of any facility from the List.

§ 15.41 Reports.

(a) *Agency reports.* Each Agency head will report to the Administrator each exemption granted under § 15.5(b) to the Administrator. Reports should be made by November 1 of each year and should indicate all exemptions granted during the previous fiscal year.

(b) *Reports by the Administrator.* (1) The Administrator shall report annually to the President on the measures he or she has taken toward implementing the purpose and intent of section 306 of the CAA, section 508 of the CWA, Executive Order 11738, and this regulation, including but not limited to the progress and problems associated with such implementation.

(2) The Administrator shall notify the President and the Congress annually of all exemptions granted or in effect under § 15.5 during the preceding year.

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Thursday
September 5, 1985

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Final Frameworks for Late Season Migratory Bird Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Frameworks for Late Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final late-season frameworks from which States may select season dates, limits and other options for the 1985–86 migratory bird hunting season. The earliest of these seasons generally commences on or about October 1, 1985, and include most of those for waterfowl.

The Service annually prescribes hunting regulations frameworks to the States. The effects of this final rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late-season migratory bird hunting regulations for the 1985–86 season. State selections will be published in the **Federal Register** as amendments to §§ 20.104 through 20.107 and § 20.109 of 50 CFR Part 20.

EFFECTIVE DATE: This rule takes effect on September 5, 1985. Tentative State selections of seasons and other options based on the proposed frameworks were due no later than August 30, 1985.

ADDRESSES: Send State season selections to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Matomic Building, Room 536, Washington, D.C. 20240. Comments received on the proposed late-season frameworks are available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Matomic Building, Room 536, Washington, DC 20240. Telephone (202) 245–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703–711), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

On March 14, 1985, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (50 FR 10276) proposals to amend 50 CFR Part 20, with comment periods ending June 20, July 15 and August 19 (later extended to August 22), 1985, respectively, for the 1985–86 Alaska, Hawaii, Puerto Rico and Virgin Islands hunting seasons; other early hunting seasons; and the late hunting seasons frameworks. That document dealt with the establishment of hunting seasons, shooting hours, areas and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. A supplemental proposed rulemaking for both the early and late season frameworks appeared in the **Federal Register** dated June 4, 1985 (50 FR 23459).

On July 5, 1985, the Service published for public comment in the **Federal Register** (50 FR 27638) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early-season migratory bird hunting regulations. On July 26, 1985, the Service published in the **Federal Register** (50 FR 30424) a fourth document containing final frameworks for Alaska, Puerto Rico and the Virgin Islands. On August 13, 1985, the Service published in the **Federal Register** (50 FR 32587), a fifth document containing proposed frameworks for late-season migratory bird hunting regulations. On August 21, 1985 (50 FR 33737) a sixth document containing final frameworks for other early seasons for migratory bird hunting regulations from which State wildlife conservation agency officials selected early-season hunting dates, hours, areas and limits for the 1985–86 season. On August 30, 1985, the Service published in the **Federal Register** (50 FR 35358) a seventh document consisting of a final rule amending Subpart K of Title 50 CFR Part 20 to set hunting seasons, hours, areas and limits for mourning doves, white-winged and white-tipped doves, band-tailed pigeons, rails, woodcock, snipe, and common moorhen and purple gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico and the Virgin Islands; and special extended falconry seasons. This document is the eighth in the series and establishes final frameworks for late-season migratory bird hunting regulations for the 1985–86 season.

These proposed regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Review of Public Comments and the Service's Response

Written Comments Received

In the **Federal Register** dated June 4, 1985 (at 50 FR 23460), the Service responded to comments received up to that time on proposed late season frameworks. Twelve statements made at the public hearing on proposed late hunting frameworks and 246 additional written comments were summarized and responded to in the **Federal Register**, dated August 13, 1985 (at 50 FR 32589). Since then 684 written comments have been received. In several cases, more than one comment was received from the same respondent, and in some others views were offered on more than one regulatory subject. The new comments originated from 22 states, 21 organizations and a number of individuals. They are summarized and responded to according to the regulatory topics identified in the **Federal Register**, dated March 14, 1985 (50 FR 10276).

1. *Shooting hours.* A Massachusetts sportsmen's group requested that waterfowl shooting hours be one-half hour before sunrise to one-half hour after sunset.

Response. The Service does not favor a liberalization of the shooting hours because of the concern for the potential impact on the resource.

2. *Framework dates for ducks and geese in the continental 48 States.* This regulatory topic is broad and includes season framework dates, season length, and bag limits. The majority of the comments relate to the duck regulations. Many of the comments relate to the Service proposal to not accept an Atlantic Flyway proposal for a new duck management unit identified as the Northeast Zone. These comments are treated under frameworks since the Flyway proposal was developed in response to the reduced duck harvest objectives established at the Annual Waterfowl Status Meeting and subsequently relayed to the Flyway technical sections and councils.

Twelve States—Maine, New Hampshire, New York, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Georgia and North Carolina—submitted comments that object to the Flyway-wide regulations

proposed for the Atlantic Flyway and voice support for the establishment of a Northeast Zone in the Flyway. The State objections were reinforced by comments from 9 sportsmen's clubs or associations and 180 individuals. The reasons for these objections as indicated by one or more comments include the belief that Service regulatory proposals are unjustified biologically; that the source of ducks in the Northeast is from eastern production areas rather than prairie areas, and that the Flyway harvest includes few prairie ducks; that mallards are increasing in the Northeast and do not need protection and perhaps should not be protected in light of wood duck and black duck management actions; that the restrictions proposed destroy State black duck harvest reduction plans; that it is wrong to assume all ducks are in trouble; that precedence for the Northeast Zone can be found in special canvasback and goose regulations; that the Service's proposed regulations will not aid the resource and may harm it through reduced hunter interest and support; and finally that waterfowl regulations in eastern Canada in 1985 are unchanged from those of 1984.

In the Mississippi Flyway four States and 255 individuals voiced strong objections to the changed season framework dates. Minnesota, Michigan and Wisconsin recommended a return to an earlier framework opening date. Minnesota noted the frameworks have not been changed for many years and Wisconsin and Michigan stated there was no discussion of framework date changes by the Service at the Flyway Council's July meeting. Minnesota, Michigan and Wisconsin recommended an opening on the Saturday nearest October 1. All three States indicated that if a framework change was necessary October 5 would be acceptable. These States believe the fixed framework proposed are inequitable because States desiring to open early lose 10 days from the framework system in effect in 1984 while States interested in a late closing lose only 7. Further, northern States are much more impacted by the loss of opening days than are States elsewhere in the Flyway. Mississippi was concerned with the framework closing date and asked for continuation of the experimental late season closing of January 31 until the final report of their experiment is available. Comments from two individuals supported Mississippi's request. Thirty-four individuals from Louisiana requested that the Service stay with stabilized regulations in the hope that information from one or more non-drought years could be included in the analysis of stabilized regulations.

Five Central Flyway States and 6 individuals commented on one or more aspects of the proposed late season frameworks. Concern was expressed that the cooperative regulatory processes had broken down. It was noted that season framework date changes are unnecessary and that needed reductions in harvests could be achieved by bag limit adjustments; that the Service guideline of a 25% reduction was not uniformly applied to all Flyways and management units; that point values need reevaluation to insure that the 25% reduction is achieved while hunting opportunity is maintained; that Service actions showed lack of understanding of the goal of the High Plains Management Unit; and that the Service ignored Council input into development of regulations and the Service proposals appeared to be politically rather than biologically oriented. It was recommended that framework dates, including floating opening and closing dates, and season days be restored to 1984–85 levels that the High Plains Management Unit have 23 days in addition to the Low Plains or regular season length; and that mottled ducks be 100-point birds in the Mississippi Flyway as recommended for the Central and Atlantic Flyways.

Statements were received from the Pacific Flyway Council and 9 Flyway States concerning the late season proposals. Two organizations and 95 hunters commented in support of Council recommendations.

The Council believes that the Service departed from the flyway concept of administering the waterfowl resource. The Council noted their actions of the past two years to develop frameworks for recovery of breeding populations, which included pintail restrictions in 1985, were more realistic than Service actions in obtaining harvest restrictions. Arizona, California, Idaho, Nevada, Utah, Oregon, Washington, Colorado, and New Mexico all opposed the Service proposals for late season regulations and supported the Council's stand. One or more States offered comments that generalized nationwide harvest reductions are not appropriate and regulations should have flyway orientation; that many areas contributing ducks to the Flyway are unsurveyed and may be subjected to drought; that Council proposals allow for greater harvest of surplus drakes which will not inhibit population recovery; that States could be more restrictive under the Council's proposed frameworks; and finally that Service proposals are too restrictive and not necessary.

Five national organizations submitted comments on the proposed regulations.

The Wildlife Legislative Fund Of America (WLFA) stated that although the Service has decided hunting pressure must be reduced, the WLFA doubts that the decline in duck populations is due to hunting. The WLFA urged the Service to continue with stabilized regulations, focus on habitat needs and be careful to maintain hunter interest and support. WLFA noted duck populations have not dropped below the "triggering" levels for two years as presented in the stabilized regulations study.

Defenders of Wildlife applauded the Service for restrictive frameworks but believe the action proposed may not be enough. Defenders believe that the daily bag limit of 2 pintail hens proposed in the Atlantic and Mississippi Flyways is too liberal and that it should be reduced to only 1 hen and that the point value for hen pintails should be 100 points in the Atlantic, Mississippi and Central Flyways. Defenders believe the Service should set equitable harvest levels and offered other comments of a non-regulatory nature which will be addressed outside this document.

The Humane Society of the United States (HSUS) endorsed the Service's conclusion that harvest reductions are needed but believes the 25% goal is not adequate, that the harvest strategy cannot be based on black duck experience, that it appears to be based on the desire to maintain duck stamp sales, and that the best strategy would be to close the duck season.

The National Wildlife Federation expressed concern about mallards and pintails and support for regulations to reduce duck harvest but not on a nationwide basis. The Federation believes the Service ignored the correct biological solution to the problem (low duck populations) in favor of a political one. The Federation supports continued use of stabilized regulations with modifications.

The State of Maryland, the Waterfowl Habitat Owners Alliance (California) and several individuals noted that the restrictive regulations proposed for mallards will interfere with the harvest of captive-reared mallards released into the wild and may significantly impact on wetlands habitat restoration and maintenance programs. Maryland has provided incentives to private landowners to create wetland habitats. Many of the owners participating in the habitat program have also released mallards on those wetlands. The State

fears the restrictive regulations will cause landowners to lose interest in releasing birds and maintaining wetlands. Many Californians release mallards on game club properties in southern California and some of those sportsmen fear wetland habitats will be converted to other uses if the proposed mallard restrictions are sustained. It is requested that the Service grant special harvest status in one form or another for marked hand reared mallards.

Response. The support of the States, organizations, and individuals listed above for more liberal regulations for the Atlantic Flyway and for establishment of a Northeast Unit in the Flyway is noted by the Service. The arguments that many ducks in the proposed Northeast Unit originate from more eastern breeding grounds, that several of the ducks important in the harvest there are species for which annual breeding ground harvest information is limited or not available, and that mallard numbers are increasing in the Unit seemed to have merit. These facts were weighed against evidence that many ducks in the Northeast Unit are transients and subject to hunting pressure there and elsewhere in the Flyway and that 2 species important in the harvest presently warrant concern and are covered by restrictive regulations.

In consideration of this information, the Service has established a Northeast Unit on an experimental basis consisting of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. The Flyway proposal to include Connecticut, and parts of New York and New Jersey was modified based on limited information from the Service Resource Publication 147, *Population Ecology of the Mallard* that indicates an increased fraction of more mallards (and probably some other ducks as well) harvested in those 3 States are of western origin than those harvested in the 5 Northeast Unit States. It is obvious that more information is needed on this issue and the Flyway and the Service must strive to better define the boundaries and management objectives of the Unit in the coming year.

In regard to the rest of the Flyway there is evidence that a greater portion of the harvest is of western breeding origin—generally the further south a State is located in the Flyway the larger the fraction of its harvest is of ducks from western breeding grounds. The Service has repeatedly expressed concern about the status of duck populations, including declining mallard flocks in the southern part of the Flyway. The Service believes this situation calls for restrictive regulations in the Atlantic as well as other flyways in 1985. For these reasons, the final frameworks for the Atlantic Flyway, except Northeast Unit States, reflect no change in the season length, bag limit, and framework opening and closing date provisions contained in the August 13, 1985 proposals.

The Service notes the concern of the northern Mississippi Flyway States, that the proposed framework opening and closing dates of October 8 and January 13 translate into a loss of 10 days in relation to the opening date but only a 7-day loss in relation to the closing date. This is because of the option available to the Flyway since 1979 to open on the Saturday nearest the framework opening. In light of this, and the fact that a delayed opening is more restrictive to northern latitude States than mid- and southern-latitude States in the Flyway because of the climatic conditions characteristic to each, the final frameworks contained within this document reflect a change in the framework opening date in the Mississippi Flyway from a fixed date of October 8 to a fixed date of October 5.

Mississippi's request regarding the continuation of their experimental late duck season has been addressed by the Service in the June 4, and August 13, 1985, **Federal Register** (at 50 FR 23463 and 32591, respectively). The Service continues to believe general framework restrictions in all flyways this year are needed to help reduce duck harvest and that the 1985–86 framework closing date in Mississippi should return to the closing date established for the Mississippi Flyway.

The Service recognizes the support for continuation of stabilized duck hunting regulations as has been in effect since 1980; however, the Service believes that the current status of the duck resource is such that restrictions in the general regulations frameworks of opening and closing dates, season length and bag limits is necessary in the 1985–86 season in order to slow the decline of breeding populations and aid their recovery when habitat conditions improve.

The Service is concerned that the Central Flyway feels the cooperative approach to regulations development failed this year. During the course of the serious decline in the duck population the Service established a lengthy record expressing concern about the situation and sought comment on possible regulatory strategies. At the 1985 Waterfowl Status Meeting the Service recommended harvest guidelines for consideration during development of Council regulations proposals. Nearly all Technical Section and Council deliberations included Service employees. During the ten years in which the Flyway Consultant process has been in use, it has been customary for all parties to agree upon a set of regulations to be proposed at the public hearing. Because of differences in the assessment of duck population information, and differences in evaluation of how to achieve desired harvest reductions, agreement was not reached prior to the public hearing. All parties had their opportunity for comment and it was considered. A proposal was announced on August 1 that was basically a Fish and Wildlife Service proposal with one flyway supporting it. In the judgment of the Service, no basic change in the process occurred but some clear differences of opinion and judgment occurred about final actions that needed to be taken. The Service will seek advice in the coming year on ways to make the system function more effectively.

In regard to the Flyway's framework and bag limit comments, the Service agrees that harvest in the Central Flyway will decline as a result of the decreased fall flight. The Service does not agree, however, that sufficient reduction in harvest would be accomplished solely through the bag limit restrictions proposed by the Flyway and harvest reductions which may occur by chance because of lowered fall flights.

The establishment of compressed framework dates was a deliberate effort to reduce harvest. In the absence of a framework change the Service believes even more restrictive bag limits and/or season lengths would have been required. The Service has, however, advanced the opening date to October 5, 1985.

The Service has reevaluated the point value allocations and concludes that in view of the forecast duck situation the values proposed were appropriate and are therefore continued in these final frameworks. The Service recognizes the special features of the High Plains Unit but does not believe it should be exempt from the overall effort to reduce duck harvest. The suggestion that the point value for mottled ducks in the Mississippi Flyway needs to be 100 points deserves review and study by appropriate technical groups in the Central and Mississippi Flyways. This cannot be done prior to establishment of the 1985–86 hunting regulations.

The earlier comments in this section concerning cooperative development of regulations appear equally applicable to the flyway's view that development of

regulations by their Technical committee was ignored. The charge that the Service opted for politically oriented solutions represents a misunderstanding in the Service's view. The series of Service statements, proposals and actions regarding regulations have been based on all available survey and harvest information. The problems result from differences of opinion on how to respond to the biological information available to all of us. The Service believes there is a sound biological basis for the proposals offered and the decisions reached.

The Service endorses the concept of flyway oriented regulations expressed by the Pacific Flyway Council. The Service continues to believe that restrictions in the regulations frameworks for opening and closing dates, season length and bag limit are needed (including in the Pacific Flyway) in light of the current status of the duck resource, particularly mallards and pintails, in order to slow the decline in breeding populations and aid their recovery when breeding habitat conditions improve. The Service concurs with the comments submitted by the Council and States supporting regulations that reflect consideration of the derivation of the ducks harvested in the flyway, especially mallards and pintails, and that emphasize protection of the females of those species while allowing optimum recreation opportunity on the males. The final frameworks contained within this document reflect the Service's endorsement of a daily bag limit for ducks throughout the Pacific flyway of 5-daily, no more than 1 of which may be a female mallard and no more than 1 of which may be a female pintail.

The doubts of the WLFA that the decline in duck populations is due to hunting is shared by others. Their view that the focus needs to be on habitat is shared by many. The Service agrees that habitat quality and quantity is a major problem in waterfowl management. However, the Service must reaffirm its concern about the current status of duck populations. The Service's view of the developing situation this year and the kinds of actions required to address the problem were detailed in the Federal Register of June 4, 1985 (at 50 FR 23462). The subsequent confirmation of a record low fall flight forecast for ducks convinced the Service that restrictive regulations were required to reduce harvest and assist in the rebuilding of breeding stocks. It was therefore not acceptable to continue stabilized regulations at the level of recent years. Since 5 years of stabilized regulations were completed with the 1984–85 season the Service felt there was no conflict with study requirements as a result of the changes proposed.

The Service appreciates the concern expressed by Defenders of Wildlife for the additional protection that should be afforded hen pintails; however, the Service feels that the proposed bag limits/point values for pintails in the Atlantic, Mississippi and Central Flyways will provide optimum harvest opportunity of the species while achieving the harvest reduction objective.

The HSUS conclusion that the harvest reductions are needed but that those proposed are not adequate and appear to be designed to maintain hunter numbers is noted. The Service believes management should consider the needs of the resource first but continue to provide opportunities for resource use to the extent compatible with sound management. The Service believes that the goal of a 25% reduction in harvest is supportable as a strong effort to provide meaningful relief to duck populations at 1985 levels. A closed season represents action much more stringent than required in order to effect population increases and wastes available opportunities for recreational use of the resource.

Regarding the comment of the National Wildlife Federation, the Service believes reductions in harvest are necessary for ducks in general, with emphasis on mallards and pintails, across all flyways based on the most important indicators of breeding habitat and population status that are available on a long term basis. The Service feels the proposed regulations still reflect the differences between flyways and heavily studied management units that have been developed over the past several decades. The Federation's support for continued use of stabilized regulations in the 1985–86 season with modifications where necessary is noted. The Service supports the continuation of some form of a stabilzed regulations strategy but feels that the current status of the duck resource is such that restrictions in the general regulations frameworks of opening and closing dates, seasons length and bag limits are necessary in the 1985–86 season.

Regarding the issue of released mallards it is noted that they comprise a very small part of the annual harvest. Released mallards can be important in local areas and appear to augment the Maryland mallard harvest by 20%—a situation not reported from any other State. The Service believes that private initiatives to maintain waterfowl habitats are important but should not be contingent upon special bag limit provisions.

Captive-reared and properly marked mallards may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: provided that such birds may be killed by shooting, in any number, at any time, within the confines of any premise operated as a shooting preserve under State license, permit, or authorization (see 50 CFR 21.13). This regulation would not preclude captive-reared mallards from being shot in designated areas provided they meet those criteria prescribed by the State(s) for shooting preserves. These regulations appear to accommodate requests to permit added harvest of release ducks. To further change these regulations would require a change in Department policy toward hunting of game farm migratory birds, development of a new set of wildlife regulations, public notice and solicitation of comment and final decision on the issue.

It is noted that in the Atlantic Flyway there is concern that released mallards may interfere with efforts to restore the black duck. Because of this, the Atlantic Flyway Council has refused to endorse special harvest regulations for game farm mallards. The Atlantic Flyway Technical Section has recommended against the release of game farm mallards for the same reason.

3. *Black Duck*—Comments regarding the impact of proposed harvest restrictions on efforts to restrict the harvest of black ducks in the Atlantic Flyway were received from Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Virginia and North Carolina. These States expressed concern that proposed 1985–86 regulations would negate a previous agreement established before the 1983–84 season to reduce harvest of black ducks by 25 percent and would result in an increased harvest of black ducks. They argued that the previous plan proposed by the States and agreed to by the Service was effective in reducing the harvest in excess of 25 percent and that proposed changes in regulations for 1985–86 would unduly complicate our evaluation of the third year of harvest restrictions. Also, they point out that efforts to reduce the harvest of mallards in the Atlantic Flyway only serve to increase the rate of black duck x mallard hybridization and further contributes to the decline of black ducks.

The Humane Society of the United States (HSUS) commented that the black duck harvest restrictions to this point have been a failure since population estimates have not shown a positive response. They asked the Service for a full season closure citing our responsibility under the Migratory Bird Treaty Act but insist that short of this action, the Service must make restrictions which are demonstrably effective. Further, the HSUS requested that the Service make available for public review and comment specific proposals for harvest restrictions in the Atlantic and Mississippi Flyways.

Response: The shortened season length, reduced daily bag limits, hen restrictions on mallards and framework date changes will result in some alterations of harvest control strategies used since 1983. The effects of these regulation changes on the evaluation of black duck restrictions can not be fully assessed at this time but these regulations are designed to achieve greater uniformity among states. Atlantic Flyway States of the Northeast Management Unit are allowed variable bag limit options as in 1984–85 with 1 or 2 black ducks permitted daily; however, the 1985–86 frameworks for the remainder of the Atlantic Flyway States and all Mississippi Flyway States permit the taking of only 1 black duck daily. In addition to these changes, States are asked to continue some within season restrictions in order to achieve their goal of reducing the harvest 25% from the 1977–81 level. Harvest strategies that do not reach this goal will be reviewed and revised prior to the 1986–87 season. The Service notes the comments by the HSUS and will continue to work with the States to reduce the harvest of black ducks. Specific proposals outlining harvest restrictions have in the past been published in **Federal Register** documents (see 48 FR 27802) for public review and comment. The Service welcomes input and comment regarding black duck harvest management and will further advise the public of future regulation changes and results of current management strategies.

6. *September teal season.* A sportmen's group in Massachusetts requested the option for a September teal season.

Response. The option for a September teal season is not currently offered to Atlantic Flyway States and the Service does not favor expanding the option. However, States in the Atlantic Flyway not selecting the point system have the option to select an extra teal limit of no more than 2 blue-winged teal of 2 green-winged teal or 1 of each daily and 4 singly or in the aggregate in possession for 9 consecutive days during the regular duck season.

8. *Experimental September Duck Seasons.* One individual in Tennessee indicated that in light of the status of ducks, particularly mallards and pintails, the experimental September duck season in Tennessee should not allow the harvest of any species other than teal or wood duck.

Response. The Service acknowledges the individual's concern but notes that the limited harvest of ducks other than teal or wood duck that has occurred during the experimental season in Tennessee is such that it has little impact on the resource.

11. *Mergansers.* A sportmen's group in Massachusetts requested that mergansers be added to those species that may be harvested during the States 107-day sea duck season because mergansers are adversely impacting on the commercial and sport fishing industries of the State.

Response. The Service notes that no documentation of the conflict between mergansers and the local fishing industries was included with the request. The Service feels that the bag limit framework of 5 mergansers daily in the Atlantic Flyway in addition to the regular duck season bag limit provides maximum harvest opportunity on mergansers.

13. *Duck Zones.* The Central Flyway Council and Texas reiterated objections to the continuation of zoning in Louisiana. The Council recommended that the current zone boundary in Louisiana be abandoned, that the duck hunting regulations for the State be those which are established for the Mississippi Flyway and that any future zoning proposals be in conformance with the Service's criteria for duck zones. Oklahoma expressed concern for the rationale to reduce all 1985 Flyway duck season lengths by 20% and yet allow Louisiana to continue with an extra 5 days in their West Zone.

Response. The Service addressed similar comments on the proposed regulations for Louisiana in the August 13, 1985, **Federal Register** (50 FR 32593). An Environmental Assessment addressing the concerns expressed on the proposed duck hunting regulations in Louisiana will be completed prior to the establishment of the final 1986–87 regulations frameworks. Regarding the concerns expressed by Oklahoma, these and similar issues will be addressed in the months ahead. The Service notes that Louisiana's regular duck season was reduced from 50 days to 40 days as in the rest of the Mississippi Flyway.

14. *Goose and brant seasons.* Michigan, by letter dated August 8, 1985, reiterated the following requests:

1. A season for Canada geese in the State's Upper Peninsula that would close after 40 days or when a 4,000 bird Mississippi Valley Population Canada goose harvest objective has been reached.

2. A 3-day September (14–16) Canada goose season in the State's Southern Michigan Goose Management Area for the control of local nuisance giant Canada geese. The 3-day season would be taken in lieu of any December hunting days during the State's late extended season for the nuisance geese.

Response. The Service has reviewed Michigan's proposals for Canada geese in the Upper Pennisula (U.P.) and believe they have merit. However, the Service feels that the monitoring system proposed is new and needs to be tested before any quota system is made operational in the U.P. The Service recommends the State test the monitoring system during the coming season. If the test warrant, an operational program can be considered for the 1986–87 waterfowl season.

Michigan's recommendation for a mid-September season on giant Canada geese also has merit. The comment period on early season frameworks closed on July 15 and the final frameworks were published August 6. This request must be deferred to the 1986 regulations cycle.

By letter dated August 22, 1985, the Human Society of the United States expressed oposition to the proposed dusky Canada goose season for Sauvie Island Wildlife Management Area, Oregon, and Ridgefield National Wildlife Refuge, Washington, because: (1) A similar season last year failed to reduce the kill of these geese; (2) production this year was poor, estimated to be 510 young; and (3) the geese are probably "threatened" by definition under the Endangered Species Act of 1973.

Response. The offered season is intended to explore ways to effect a differential harvest among the several populations of geese, especially reducing the harvest of dusky Canada geese while increasing that of the more numerous Taverners Canada geese. A moratorium on goose hunting would not enable this to be done and would aggravate problems stemming from the increasing numbers of wintering geese in general. Unlike last year, the offered season has: (1) Established dusky Canada geese harvest quotas; (2) harvest estimates that are direct measurements rather than

extrapolations from check station information; (3) incentives of longer seasons by not shooting dusy Canada geese; and (4) hunter-training requirements for would-be goose hunters. The harvest is believed warranted because given reasonable production next year, the loss will be compensated. The Service and States annually assess the population status and harvest of these geese and implement various management procedures identified in National Species of Special Emphasis and Pacific Flyway management plans. In our opinion listing this population of geese as being "threatened" is neither warranted or in the best interest of improving the status at this time.

A sportsman's group in Massachusetts requested an extension of the State's Canada goose hunting season from 70 to 90 days and an increase in the daily bag limit from 3 to 4.

Response. The Service notes that the Atlantic Flyway Council recommended no change in the flyway's 1985–86 goose hunting regulations from those of 1984-85. The Service concurs with that recommendation.

Eighteen individuals and 3 hunting/conservation clubs (Wisconsin) expressed support for the proposed 70-day Canada goose season in Wisconsin's Mississippi River Zone.

15. *Tundra Swans.* Regarding the Service's proposed swan hunting regulations for North Carolina, 23 individuals and the Humane Society of the United States expressed opposition; 7 individuals, the National Wildlife Federation and the North Carolina Wildlife Federation expressed support.

The Humane Society indicated that the Service's proposal to continue the experimental swan season in North Carolina but increase the number of permits the State may issue demonstrates that the swan season was never a true experiment. The Humane Society urged the Service to cancel the swan season.

The National Wildlife Federation indicated that the season in North Carolina should be declared operational rather than experimental and that the option for a swan hunting season should be expanded to other Atlantic Flyway States where swans occur in numbers capable of supporting harvest. The North Carolina Wildlife Federation suggested that seasons in 1986–87 and subsequent years be structured to produce a harvest equal to the annual recruitment.

Response. Although the Service has increased the number of permits that North Carolina may issue for its experimental swan season it is not expected to result in a harvest that will adversely impact the resource or alter the experimental season such that it cannot be evaluated. The Service notes the support expressed for the experimental swan season in North Carolina.

21. *Woodcock.* New Jersey, by letter dated August 6, 1985, reiterated its objection to the 10-day zoning penalty imposed on their woodcock season.

Response. The Service addressed New Jersey's concern with the proposed woodcock hunting regulations in the June 4, 1985, **Federal Register** (at 50 FR 23466). The Service notes that the comment period on early-season regulations (including woodcock) closed July 15, 1985, and that final frameworks for early hunting seasons were signed by the Interior Department's Assistant Secretary for Fish and Wildlife and Parks on August 6, 1985.

Nontoxic Shot Regulations

In the February 12, 1985, **Federal Register** (50 FR 5759–5764) and more recently the May 7, 1985, **Federal Register** (50 FR 19178–19182), the Service published a list of zones and areas where nontoxic shot will be required for waterfowl hunting in the 1985–86 hunting season.

More recently, on June 14, 1985, the National Wildlife Federation sued the Department of the Interior to block use of lead shotgun ammunition for waterfowl hunting in parts of 22 counties in California, Illinois, Missouri, Oklahoma, and Oregon. The issues in the case involve the protection of the endangered bald eagle from lead poisoning. The federal court has ordered that lead shot may not be allowed for the hunting of migratory birds in the disputed areas of California, Illinois, Missouri, Oklahoma, and Oregon, and that this hunting may not be authorized unless and until the affected States authorize, agree to and aid the imposition of steel shot requirements by the Service.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council of Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). An environmental assessment addressing this rulemaking and a finding of no significant impact was signed on August 29, 1985. In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of the environmental assessments are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act "[and]" . . . by taking such action necessary to insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species . . . which is determined to be critical." The Service therefore initiated Section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On June 18, 1985, Mr. Conrad A. Fjetland, Acting Chief, Office of Endangered Species (OES), gave a biological opinion that the proposed action was not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. Other biological opinions of relevance were issued January 25, April 18, and July 24, 1985.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior, Washington, DC.

Regulatory Flexibility Act and Executive Order 12291

In the **Federal Register** dated March 14, 1985, (at 50 FR 10282), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the

aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Matomic Building, Room 536, Washington, DC 20240.

Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the **Federal Register** dated July 26, 1985 (at 50 FR 30425).

Authorship

The primary author of this final rule is Morton M. Smith, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed late hunting season rulemakings were published on March 14, June 4, and August 13, 1985, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the close of each period time would be of the essence. This is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select season dates, shooting hours and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures that implement their decisions.

Therefore, the Service under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 703–711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials may select hunting season dates and other options. Upon receipt of season and option selections from State officials, the Service will publish in the **Federal Register** final rulemaking amending 50 CFR Part 20 (§§ 20.104 through 20.107 and § 20.109) to reflect seasons, limits and shooting hours for the contiguous United States for the 1985–86 season.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1985–86 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918, (40 Stat. 755; 16 U.S.C. 703–711), as amended.

BILLING CODE 4310-55-M

Final Regulations Frameworks for 1985-86 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

GENERAL

Split Season: States in all Flyways may split their season for ducks, geese or brant into two segments. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments. Exceptions are noted in appropriate sections.

Shooting Hours: From one-half hour before sunrise to sunset daily, for all species and seasons, including falconry seasons.

Extra Blue-winged Teal: States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

Extra teal: States in the Atlantic Flyway (except Florida) not selecting the point system may select an extra teal limit of no more than 2 blue-winged teal or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession for 9 consecutive days during the regular duck season.

Special Scaup-only Season: States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 5, 1985, and January 31, 1986, except for those States in the Atlantic Flyway outside of the Northeast Management Unit, where the season must fall between October 8, 1985, and January 31, 1986. All dates are inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon by the State and the Service prior to August 31, 1985.

4. These areas must be described and delineated in State hunting regulations.

OR

Extra Scaup. As an alternative, States in the Atlantic, Mississippi and Central Flyways, except those selecting the point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Point System: Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option, and Massachusetts, Pennsylvania and Vermont may not select the point system pending completion of zoning studies.

Deferred Season Selections: States that did not select rail, woodcock, snipe, sandhill cranes, common moorhens and purple gallinules and sea duck seasons in July should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and othe special provisions are listed below by Flyway.

Exception: Pursuant to an order of the district Court for the Eastern District of California, entered in National Wildlife Federation v. Hodel, on August 26, 1985, migratory bird hunting is not authorized for the following areas unless and until the appropriate State game conservation agencies authorize, agree to and aid the Service in establishing steel-shot only zones encompassing that area. If migratory bird hunting in these areas is subsequently permitted, the Service will publish a notice in the Federal Register.

California: That portion of the Lower Klamath Basin (including all of Lower Klamath National Wildlife Refuge) beginning at the junction of Highway 161 (State Line Road) and the Dorris-Brownell Road at the northwest corner of Indian Tom Lake; thence south and east of the Dorris-Brownell Road as it makes a semicircle and unites again with Highway 161; thence west along Highway 161 to the point of origin at the northwest side of Indian Tom Lake. Also included is the Tule Lake National Wildlife Refuge (excluding Refuge lands on Sheepy Ridge) in the Tule Lake portion of the Klamath Basin.

Illinois: Henderson, Peoria, Fulton, Mason, Calhoun, Pike, Alexander, Jackson, Union, and Williamson counties.

Missouri: Holt, St. Charles, Pike, and Lincoln Counties, and those portions of Chariton, Livingston, Carroll, and Linn counties contained within the Swan Lake Goose Management Area.

Oklahoma: Sequoyah County.

Oregon: That portion of Klamath County lying west and south of a line commencing at the Oregon-California State line and proceeding along State Highways 39 and 39-140, U.S. Highway 97, and State Highway 62 to the Klamath County-Jackson County line.

ATLANTIC FLYWAY

The Atlantic Flyway includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.

Ducks, Coots and Mergansers

Hunting Seasons and Duck Limits (except the Northeast Management Unit):

Outside Dates: Between October 8, 1985, and January 13, 1986.

Hunting Season: Not more than 40 days.

Duck Limits: The daily bag limit of ducks is 4 and may include no more than 3 mallards of which only 1 may be a hen, 2 pintails, 2 wood ducks, and 1 black duck. The possession limit is 8, including no more than 6 mallards, (no more than 2 of which may be a female), 2 black ducks, 4 pintails, and 4 wood ducks, (except as noted below). Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit of redheads is 2 daily, except that in areas open to canvasback hunting the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback.

Hunting Seasons and Duck Limits for the Northeast Management Unit: Includes the States of Maine, Vermont, New Hampshire, Massachusetts, and Rhode Island.

Outside dates: Between October 5, 1985 and January 13, 1986.

Hunting Season: Not more than 40 days.

Duck limits: States may only select: (a) basic daily bag of 4 ducks and may include no more than 2 black ducks and 2 wood ducks. The possession limit is 8 ducks and may include no more than 4 black ducks and 4 wood ducks; or (b) basic daily bag of 5 ducks and may include no more than 1 black duck and 2 wood ducks. The possession limit is 10 ducks and may include no more than 2 black ducks and 4 wood ducks. Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit of redheads is 2 daily, except that in areas open to canvasback hunting the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback.

Point System Option for States in the Atlantic Flyway: As an alternative to conventional bag limits for ducks, a 40-day season with a point-system bag limit may be selected by Atlantic Flyway States not in the Northeast Management Unit during the framework dates prescribed. Point values for species and sexes taken are as follow: in Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas or during the special experimental season); the female mallard, black duck, and mottled duck (except South Carolina) count 100 points each. Wood duck (except in Virginia, North Carolina, South Caroline and Georgia during the early wood duck season option), redhead and hooded merganser count 70 points each; scaup, blue-winged teal, green-winged teal, sea ducks, wigeon, shoveler, gadwall and

mergansers (except hooded) count 20 points each; the wood duck during the early wood duck season option in Virginia, North Carolina, South Carolina and Georgia counts 25 points each; the male mallard, pintail, ring-necked duck, goldeneye, bufflehead and all other ducks count 35 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Merganser Limits: Throughout the Flyway the daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: Throughout the Flyway daily bag and possession limits of coots are 15 and 30, respectively.

Areas closed to canvasback hunting are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey - Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia, and North Carolina - Those portions of each State lying east of U.S. Highway 1.

Experimental Canvasback Season: Areas or portions of areas as specified below, otherwise closed to taking of canvasbacks, may be opened to hunting of canvasbacks during an experimental season. The experimental season must occur during the last 11 days of the regular season in New York, New Jersey and North Carolina and the last 6 days of the regular duck season in Maryland and Virginia, the daily bag under conventional regulations may include no more than 4 canvasbacks, not more than 1 of which may be a female. Under the point system male canvasbacks are 25 points and females 100 points. Possession limits are twice the daily bag limits. The areas eligible for this experimental season are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls, and all waters of Lake Cayuga.

New Jersey - (1) east of the Garden State Parkway from Route 440, south to Route 36 (Raritan and Sandy Hook Bays, Navesink and Shrewsbury Rivers); (2) east of the Garden State Parkway from Route 88 south to Route 72 (Barnegat, Silver and Manahawkin Bays, Metedoconk and Toms Rivers).

Maryland - The waters of Chesapeake Bay and its tributaries to the first upstream bridge, except on the Patuxent River the boundary is the second upstream bridge (Maryland Route 231 bridge near Benedict, MD); includes Potomac River and its tributaries upstream to U.S. Route 301 bridge.

Virginia - Starting at the Virginia-Maryland line (301 bridge) these lands and waters enclosed in the areas bounded by: U.S. Highway 301 south to Route 207 and continuing to the junction of U.S. Route 1, south on Route 1 to Route 460, then southeast on 460 to Route 13, then east and north on Route 13 to the Maryland line, then westward on the Maryland-Virginia line to Route 301.

North Carolina - That portion of Pamlico Sound and its tributaries designated as coastal fishing waters within two miles of the mainland, extending from Long Shoal Point on the north side of Long Shoal River to that point of marsh near Whortonville on the north side of Broad Creek known as Piney Point and upstream in Pamlico River to the Aurora-Belhaven ferry crossing.

The remaining portions of areas in each of the five participating States presently closed to the taking of canvasback will remain closed.

Early Wood Duck Season Option: Virginia, North Carolina, South Carolina and Georgia may split their regular hunting season so that a hunting season not to exceed 9 consecutive days occurs between October 8 and October 16. During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks. Under the point system, wood ducks shall be 25 points. For other ducks, daily bag and possesion limits shall be the same as established for the Flyway under conventional or point system regulations. For those States using conventional regulations, the extra teal option may be selected concurrent with the early wood duck season option. This exception to the daily bag and possession limits of wood ducks shall not apply to that portion of the duck hunting season that occurs after October 16.

Restrictions on Wood Ducks: Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

Restriction on Mottled Ducks: The season is closed to the taking of mottled ducks in South Carolina.

Special Scaup and Goldeneye Season: In lieu of a special scaup season, Vermont may, for the Lake Champlain Zone, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneye or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

Zoning:

New York: New York may, for Long Island Zone, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York (excluding the Lake Champlain zone) may be divided into three zones (West, North, South) for the purpose of setting separate duck, coot and merganser seasons. Only conventional regulations may be selected. A 2-segment split season may be selected in each zone. Teal and scaup bonus options shall be applicable, but the 16-day special scaup season will not be allowed.

The West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton, then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

Connecticut may be divided into two zones as follows:

a. North Zone - That portion of the State north of Interstate 95.

b. South Zone - That portion of the State south of Interstate 95.

Maine may be divided into two zones as follows:

a. North Zone - Game Management Zones 1 through 5.

b. South Zone - Game Management Zones 6 through 8.

New Hampshire

Coastal Zone - That portion of the State east of a boundary formed by State Highway 4 beginning at the Maine-New Hampshire line in Rollinsford west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south along Interstate 95 to the Massachusetts line.

Inland Zone - That portion of the State north and west of the above boundary.

West Virginia may be divided into two zones as follows:

a. Allegheny Mountain Upland Zone - The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Routh 50; follows U.S. Route 50 to the intersection with State Route 93; follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to

Petersburg; follows State Route 28 south to Minnehaha Springs; then follows State Route 39 west to U.S. Route 219; and follows U.S. Route 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows: Route 19 north to the intesection of I-79, and follows I-79 north to the intersection of U.S. Route 48. The northern boundary follows U.S. Route 48 east to the Maryland State line and the State line to the point of beginning.

b. Remainder of the State - That portion outside the above boundaries.

Zoning Experiments:

Vermont will initiate a Lake Champlain Zone in 1985. The Lake Champlain Zone of New York must follow the waterfowl season, daily bag and possession limits, and shooting hours selected by Vermont. Maryland, Massachusetts, New Jersey, and Pennsylvania, may continue zoning experiments now in progress as shown in the sections that follow. Maryland may be divided into two zones, Massachusetts and New Jersey may be divided into three zones, Pennsylvania into four zones and Vermont into two zones all on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. Only conventional regulations may be selected in Massachusetts, Pennsylvania and Vermont. Maryland must select the point system. A two-segment split season without penalty may be selected. The basic daily bag limit of ducks in each zone and the restrictions applicable to the regular season for the Flyway also apply. Teal and scaup bonus bird options, and the 16-day special scaup season shall be allowed.

Zone Definitions:

Maryland

Inland Zone - That portion of the State north and west of U.S. Route 1 from its junction with the Maryland-Pennsylvania border south to its junction with I-95 north of Washington, D.C and east and south along I-95 to the Maryland-Virginia border.

Coastal Zone - That portion of the State south and east of the above described highway boundaries.

Massachusetts

Western Zone - That portion of the State west of a line extending from the Vermont line at Interstate 91, south to Route 9, west on Route 9 to Route 10, south on Route 10 to Route 202, south on Route 202 to the Connecticut line.

Central Zone - That portion of the State east of the Western Zone and west of a line extending from the New Hampshire line at Interstate 95 south to Route 1, south on Route 1 to I-93, south on I-93 to Route 3, south on Route 3 to Route 6, west on Route 6 to Route 28, west on Route 28 to I-195, west to the Rhode Island line. EXCEPT the waters, and the lands 150 yards along the high-water mark, of the Assonit River to the Route 24

bridge, and the Taunton River to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone - That portion of the State east and south of the Central Zone.

New Jersey

Coastal Zone - That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware boundary in Delaware Bay.

North Zone - That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70 beginning at the Garden State Parkway west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone - That portion of New Jersey not within the North Zone or the Coastal Zone.

Pennsylvania

Lake Erie Zone - The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone - That portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147; then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junctions with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone - That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

South Zone - The remaining portion of the State.

Vermont

Lake Champlain Zone - Includes the United States portion of Lake Champlain and those portions of New York and Vermont which includes that part of New York lying east and north of boundary running south from the Canadian border along New York Route 9B to New York Route 9 south of Champlain, New York; New York Route 9 to New York Route 22 south of Keeseville; along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22; along New York Route 22 to U.S.

Highway 4 at Whitehall; and along U.S. Highway 4 to the Vermont border. From the New York border at U.S. Highway 4, along U.S. Highway 4 to Bermont Route 22A at Fair Haven; Route 22A to U.S. Highway 7 at Vergennes; U.S. Highway 7 to the Canadian border.

Interior Vermont Zone - The remainding portion of the State.

Sea Ducks: The daily bag and possession limit for sea ducks in special sea duck areas is in addition to the limits applying to other ducks during the regular duck season. In all areas outside of special sea duck areas, sea ducks are included in the regular duck season conventional or point system daily bag and possession limits.

Canada Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1985, and January 20, 1986, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons for Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. In New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on I-81 to Route 443, east on 443 to Leighton, then east via 209 to Stroudsburg, then east on I-80 to the New Jersey line, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1986. In addition, that portion of the Susquehanna River from Harrisburg north to the confluence of the west and north branches at Northumberland, including a 25-yard zone of land adjacent to the waters of the river, is included in the 90-day zone. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with the possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. Those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select a 50-day season for Canada geese within the October 1, 1985, to January 20, 1986, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. North Carolina and South Carolina may select a 43-day season for Canada geese within a December 20, 1985, to January 31, 1985, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively. In South Carolina the season on Canada geese is closed in the counties of Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Cherokee, Chester, Colleton, Edgefield, Fairfield, Greenwood, Hampton, Kershaw, Lancaster, Laurens, Lee, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartenburg, Sumter, Union and York.

Closures on Canada geese: The season for Canada geese is closed in Florida and Georgia.

Snow Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1985, and January 31, 1986, States in the Atlantic Flyway may select a 90-day season for snow geese (including blue geese); the daily bag and possession limits are 4 and 8, respectively.

Atlantic Brant

Outside Dates, Season Lengths, and Limits: Between October 1, 1985, and January 20, 1986, States in the Atlantic Flyway may select a 50-day season for Atlantic brant; the daily bag and possession limits are 4 and 8 brant, respectively.

Tundra Swans

In North Carolina an experimental season for tundra swans may be selected subject to the following conditions: (a) the season may be 90 days and must run concurrently with the snow goose season; (b) the State agency must issue and obtain harvest and hunting participation data; and (c) no more than 6,000 permits may be issued, authorizing each permittee to take 1 tundra swan.

MISSISSIPPI FLYWAY

The Mississippi Flyway includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee and Wisconsin.

Ducks, Coots, and Mergansers

Outside Dates: Between October 5, 1985, and January 13, 1986, in all States.

Hunting Season: Not more than 40 days.

Limits: The daily bag limit of ducks is 4, and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 2 wood ducks (except as noted below) and 2 pintails. The possession limit is 8, including no more than 4 mallards (no more than 2 of which may be females), 2 black ducks, 4 wood ducks (except as noted below) and 4 pintails. Except in closed areas, the limits of canvasbacks and redheads are 1 daily and 2 in possession for each species.

Closed Areas for Canvasback Hunting:

Mississippi River - (1) Entire river, both sides, from Lock and Dam 9 upstream to the confluence of the Chippewa River. (2) Pool 19 bordering Iowa and Illinois.

Michigan - Macomb and St. Clair Counties, including the adjacent Great Lakes waters and interconnecting waterways under the jurisdiction of the State of Michigan.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad from Lock and Dam 9 north to the centerline of the Chippewa River.

Merganser Limits: The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Point System Option: As an alternative to conventional bag limits for ducks, a 40-day season with point-system bag and possession limits may be selected within the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback, female mallard and black duck count 100 points each; the redhead, wood duck (except as noted below) and hooded merganser count 70 points each; the blue-winged teal, cinnamon teal, wigeon, gadwall, shoveler, scaup, green-winged teal and mergansers (except hooded merganser) count 20 points each; the male mallard, pintail, and all other species of ducks count 35 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The posession limit is the maximum number of birds that legally could have been taken in 2 days.

Coot Limits—Point System: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Early Wood Duck Season Option: Arkansas, Louisiana, Mississippi and Alabama may split their regular duck hunting seasons in such a way that a hunting season not to exceed 9 consecutive days may occur between October 8 and October 16. During this period, under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks, and under the point system the point value of wood ducks shall be 25 points. For other species of ducks, daily bag and possession limits shall be the same as established for the Flyway under conventional or point-system regulations. In addition, the extra blue-winged teal option available to States in this Flyway that select conventional regulations and do not have a September teal season may be selected during this period. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 16.

Western Louisiana: In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season for ducks, coots and mergansers may extend 5 additional days. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

Pymatuning Reservoir Area, Ohio: The waterfowl seasons, limits and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Zoning: Alabama, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons for ducks, coots and mergansers by zones described as follows:

Alabama: South Zone - Mobile and Baldwin Counties. North Zone - The remainder of Alabama. The season in the South Zone may be split.

Illinois: North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Highway 92 to I-280, east along I-280 to I-80, then east along I-80 to the Indiana border. Central Zone - That portion of the State between the North and South Zone boundaries. South Zone - That portion of the State south of a line running east from the Missouri border along Illinois Highway 155 to Illinois Highway 159, north along Illinois Highway 159 to Illinois Highway 161, east along Illinois Highway 161 to Illinois Highway 4, north along Illinois Highway 4 to I-70, then east along I-70 to the Indiana border.

Indiana: North Zone: That portion of the State north of State Highway 18. Ohio River Zone: That portion of Indiana south of Interstate Highway 64. South Zone: That portion of the State between the North and Ohio River Zone boundaries. The season in each zone may be split into two segments.

Iowa: North Zone - That portion of Iowa north of Interstate 80. South Zone - the remainder of the State.

Michigan: North Zone - The Upper Peninsula. Southeast Zone - That portion of the Lower Peninsula south and east of a line running north from the Michigan-Ohio border along U.S. Highway 127 to US-27 to South County Line Road in Gratiot County, east along South County Line Road to McClelland Road, north along McClelland Road to M-57, west along M-57 to US-27, north along US-27 to M-20, east along M-20 to US-10, east along US-10 to M-13, north along M-13 to US-23, north and east along US-23 to Shore Road in Arenac County, east along Shore Road to the tip of Point Lookout, then due east ten miles into Saginaw Bay, and from that point along a northeast line to the Ontario border. Middle Zone - The remainder of the State. Michigan may split its season in each zone into two segments.

Missouri: North Zone - That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone - The remainder of Missouri. Missouri may split its season in each zone into two segments.

Ohio: The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingam, Guernsey, Harrison and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. Ohio River Zone - The counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs. South Zone - That portion of the State between the North and Ohio River Zone boundaries. Ohio may split its season in each zone into two segments.

Tennessee: Reelfoot Zone - Lake and Obion Counties, or a designated portion of that area. State Zone - The remainder of Tennessee. Seasons may be split into two segments in each zone.

Wisconsin: North Zone - That portion of the State north of a line extending northerly from the Minnesota border along the center line of the Chippewa River to State Highway 35, east along State Highway 35 to State Highway 25, north along State Highway 25 to U.S. Highway 10, east along U.S. Highway 10 to its junction with the Manitowoc Harbor in the city of Manitowoc, then easterly to the eastern State boundary in Lake Michigan. South Zone - The remainder of Wisconsin. The season in the South Zone may be split into two segments.

Within each State: (1) the same bag limit option must be selected for all zones; and (2) if a special seaup season is selected for a zone, it shall be held outside the regular season in that zone.

Geese

Definition: For the purpose of hunting regulations listed below, the term "geese" also includes brant.

Outside Dates, Season Lengths and Limits: Between September 28, 1985, and January 20, 1986, States may select 70-day seasons for geese, with a daily bag limit of 5 geese, to include no more than 2 white-fronted geese. The possession limit is 10 geese, to include no more than 4 white-fronted geese. Regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Outside Dates and Limits on Snow and White-fronted Geese in Louisiana: Between September 28, 1985, and February 14, 1986, Louisiana may select 70-day seasons on snow (including blue) and white-fronted geese by zones established for duck hunting seasons, with daily bag and possession limits as described above.

Minnesota. In the:

(a) Lac Qui Parle Zone (described in State Regulations)—the season for Canada geese closes after 50 days or when 4,500 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 2.

(b) Southeastern Zone (described in State regulations)—the season for Canada geese may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season for Canada geese may extend for 50 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

Iowa: The season may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4. The season for geese in the Southwest Goose Zone (that portion of the State bounded by U.S. Highways 92 and 71) may be held at a different time than the season in the remainder of the State.

Missouri. In the:

(a) Swan Lake Zone (described in State regulations)—the season for Canada geese closes after 70 days or when 16,000 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeast Zone (east of U.S. Highway 67 and south of Crystal City)— A 50-day season on Canada geese may be selected between December 1, 1985, and January 20, 1986, with a daily bag limit of 1 Canada goose and a possession limit of 2.

(c) Remainder of the State—the season for Canada geese may extend for 50 days in the respective duck hunting zones. The daily bag limit is 1 Canada goose, and the possession limit is 2.

Wisconsin: In the:

(a) Horicon - Central Zone (Columbia, Dodge, Fond Du Lac, Green Lake, Marquette and Winnebago Counties, and the northwest portion of Washington County north of State Highway 33 and west of U.S. Highway 45) - the harvest of Canada geese is limited to 15,000 birds. The season may not exceed 40 days. In the Theresa Zone (described in State regulations), the daily bag limit is 1 Canada goose per permittee through October 13 and 2 Canada geese per permittee thereafter. In the remainder of the Horicon-Central Zone, the season limit may not exceed 2 Canada geese per permittee.

(b) Mississippi River Zone (that portion of the State west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin and Pierce Counties)—the season for Canada geese may extend for 70 days. Limits are 1 Canada goose daily and 2 in possession through November 24, and 2 daily and 4 in possession thereafter.

(c) Northeast Zone (that portion of the North Hunting Zone which includes the Counties of Vilas, Oneida, Lincoln, Marathon, a portion of Wood County, and all counties or portions of counties eastward). The season for Canada geese may not exceed 20 days. The daily bag limit is 1 Canada goose and the possession limit is 2. In Brown County, a special late season to control local populations of giant Canada geese may be held during December 1-31. The daily bag and possession limits during this special season are 2 and 4 birds, respectively.

(d) Southeast Zone (that portion of the South Hunting Zone which includes part of Wood County, Juneau, Sauk, Dan and Green Counties and all counties or portions of counties eastward) - in that portion of the Southeast Zone outside the Horicon-Central tag zone, the season may not exceed 20 days. The daily bag limit is 1 Canada goose and the possession limit is 2. In the Rock Prairie Zone (described in State regulations), a special late season to harvest giant Canada geese may be held between November 16 and December 15. During the late season, the daily bag limit is 1 Canada goose and the possession limit is 2.

(e) Remainder of the State - the season for Canada geese may not exceed 20 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

Illinois: In the:

(a) Southern Illinois Quota Zone (described in State regulations) - The season for Canada geese will close after 40 days or when 17,500 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Tri-County Area (all of Knox County; the townships of Buckhart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam and that portion of Vanner Township bounded on the north by Illinois Route 9 and on the east by U.S. 24 in Fulton County; the township of Alba, Annawan, Atkinson and Cornwall in Henry County) - The season for Canada geese may not exceed 20 days. The daily bag limit is 1 Canada goose and the possession limit is 4.

(c) Remainder of State - Seasons for Canada geese up to 20 days may be selected by zones established for duck hunting seasons, except that in the South Zone the season will close no later than December 15. The daily bag limit is 1 Canada goose and the possession limit is 4.

Michigan: In the:

(a) North Zone - In the counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon, the framework opening date for geese is September 26. In the remainder of the North Zone, the framework opening date is September 28. Throughout the North Zone, the season for Canada geese may extend for 20 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

(b) Middle Zone:

(1) Allegan County Zone (that portion of Allegan County west of U.S. Highway 131) - the season for Canada geese closes after 40 days or when 3,000 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese and the possession limit is 4.

(2) Remainder of Middle Zone — The season for Canada geese may extend for 30 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

(c) Southeast Zone - The season for Canada geese may extend for 40 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(d) Southern Michigan Goose Management Area (described in State regulations) - A late Canada goose season of up to 47 days may be held between January 1, 1986, and February 16, 1986. The daily bag limit is 2 Canada geese and the possession limit is 4.

Ohio: The daily bag limit is 2 Canada geese and the possession limit is 4, except that in the counties of Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer and Auglaize, the daily bag limit is 1 Canada goose and the possession limit is 2.

Indiana: In:

(a) Posey County - The season for Canada geese will close after 40 days or when 1,800 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Remainder of the State - The season for Canada geese may extend for 70 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Kentucky: In the:

(a) West Kentucky Zone (that portion of the State west of a line beginning at the Kentucky-Tennessee border at Fulton, Kentucky, extending northerly along the Purchase Parkway to I-24, east on I-24 to U.S. 641; northerly on U.S. 641 to U.S. 60; northeasterly on U.S. 60 to U.S. 41; and then northerly on U.S. 41 to the Kentucky-Indiana border) -

The season for Canada geese will close after 40 days or when 7,000 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese and the possession limit is 4. The season may extend to January 31, 1986.

(b) Remainder of the State - The season may extend for 70 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Tennessee: In the:

(a) Northwest Zone (Lake, Obion, and Weakley Counties, and those portions of Gibson and Dyer Counties not included in the Southwest Zone) - The season will close after 40 days or when 1,500 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese and the possession limit is 4. The season may extend to January 31, 1986.

(b) Southwest Zone (that portion of the State bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45) - The season for Canada geese may extend for 15 days, with a framework closing date of January 31, 1986. The daily bag limit is 1 Canada goose and the possession limit is 2.

(c) Remainder of the State - The season for Canada geese may extend for 70 days. The daily bag limit is 1 Canada goose and the possession limit is 2, except in that portion west of State Highway 13, where the daily bag and possession limits are 2 and 4, respectively.

Arkansas and Louisiana: The season for Canada geese is closed.

Mississippi: In the:

(a) Sardis Zone (described in State regulations) - The season for Canada geese may extend for 30 days, 10 days of which must occur before December 15, 1985. The daily bag limit is 1 Canada goose and possession limit is 2.

(b) Remainder of the State - The season for Canada geese may not exceed 15 days. The daily bag limit is 1 Canada goose and the possession limit is 2.

In both areas, the framework closing date is January 31, 1986.

Alabama: In Alabama, the daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri, Illinois, Indiana, Kentucky and Tennessee Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Zone, the Swan Lake Zone in Missouri, Posey County in Indiana, and, if applicable, the West Kentucky Zone and the Northwest Zone in Tennessee will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing or by the State through State regulations with such notice and time (not in excess of 48 hours) as they deem necessary.

Shipping Restriction: In Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton and Carlisle, geese may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

CENTRAL FLYWAY

The Central Flyway includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the entire Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas and Wyoming (east of the Continental Divide).

Ducks (including mergansers) and Coots

Outside Dates: October 5, 1985, through January 13, 1986.

Hunting Season: Seasons in the Low Plains Unit may include no more than 50 days. Seasons in the High Plains Mallard Management Unit may include no more than 65 days. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations.

States may split their seasons into 2 or, in lieu of zoning, 3 segments.

Daily Bag and Possession Limits: Conventional limits are 4 ducks daily, including no more than 3 mallards of which no more than 1 may be a female, 3 pintails of which no more than 1 may be a female, 1 canvasback, 1 redhead, 1 hooded merganser and 2 wood ducks; and 8 in possession, including no more than 6 mallards of which no more than 1 may be a female, 6 pintails of which no more than 2 may be females, 1 canvasback, 2 redheads, 2 hooded mergansers and 4 wood ducks.

As an alternative, States may select point system bag and possession limits. Under this system, the daily limit is reached when the point values of the last duck taken and other ducks already taken during that day total 100 or more points. The value of each female mallard, canvasback, and mottled duck (Texas only) is 100 points; each wood duck, redhead and hooded merganser is 70 points; each blue-winged teal, green-winged teal, cinnamon teal, scaup, gadwall, wigeon, shoveler, and merganser (except the hooded merganser) is 20 points; and of each duck of other species and sexes is 35 points. The possession limit is the equivalent of two daily limits.

Daily bag and possession limits for coots are 15 and 30, respectively.

Zoning: Duck and coot hunting seasons may be selected independently in described zones of the following States:

Montana (Central Flyway portion):

Experimental Zone 1. The counties of Bighorn, Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland and Yellowstone.

Experimental Zone 2. The counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure and Wibaux.

Nebraska (Low Plains portion):

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd County including the adjacent waters of the Niobrara River.

Zone 2. The area bounded by designated highways and political boundaries starting on U.S. 73 at the State Line near Falls City; north to N-67; north through Nemaha to U.S. 73-75; north to U.S. 34; west to the Alvo Road; north to U.S. 6; northeast to N-63; north and west to U.S. 77; north to N-92; west to U.S. 81; south to N-66; west to N-14; south to I-80; west to U.S. 34; west to N-10; south to the State Line; west to U.S. 283; north to N-23; west to N-47; north to U.S. 30; east to N-14; north to N-52; northwesterly to N-91; west to U.S. 281; north to Wheeler County and including all of Wheeler and Garfield Counties and Loup County east of U.S. 183; east on N-70 from Wheeler County to N-14; south to N-39; southeast to N-22; east to U.S. 81; southeast to U.S. 30; east to U.S. 73; north to N-51; east to the State Line; and south and west along the State Line to the point of beginning.

Zone 3. The area, excluding Zone 1, north of Zone 2.

Zone 4. The area south of Zone 2.

New Mexico:

Experimental Zone 1. The Central Flyway portion of New Mexico north of Interstate Highway 40 and U.S. Highway 54.

Experimental Zone 2. The remainder of the Central Flyway portion of New Mexico.

Oklahoma:

Zone 1. That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas-Oklahoma border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I-40, I-40 to U.S. 177, U.S. 177 to OK 33, OK 33 to I-35, I-35 to U.S. 60, U.S. 60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Oklahoma-Kansas state line.

Zone 2. The remainder of the Low Plains.

South Dakota (Low Plains portion):

South Zone. Bon Homme County south of S.D. Highway 50; Charles Mix County south and west of a line formed by S.D. Highway 50 from Douglas County to Geddes, Highways CFAS 6198 and FAS 3207 to Lake Andes, and S.D. Highway 50 to Bon Homme County; Gregory County; and Yankton County west of U.S. Highway 81.

North Zone. The remainder of the Low Plains.

Wyoming (Central Flyway portion):

Zone 1. Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse and Niobrara Counties.

Zone 2. Platte, Goshen and Laramie Counties.

Zone 3. Carbon and Albany Counties.

Zone 4. Park, Big Horn, Hot Springs, Washakie and Fremont Counties.

Geese

Definitions: In the Central Flyway, "geese" includes all species of geese and brant, "dark geese" includes Canada and white-fronted geese and black brant, and "light geese" include all others.

Outside Dates: September 28, 1985, through January 19, 1986, for dark geese and September 28, 1985, through February 16, 1986 (February 28, 1986, in New Mexico), for light geese.

Possession Limits: Goose possession limits are twice the daily bag limits.

Hunting Seasons: Seasons in States, and independently in described goose management units within States, may be as follows:

Colorado: No more than 93 days with a daily limit of 5 geese that may include no more than 2 dark geese.

Kansas: For dark geese, no more than 72 days with daily limits of 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 24 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

For Light Goose Unit 1 (that area east of U.S. 75 and north of I-70), no more than 86 days with a daily limit of 5.

For Light Goose Unit 2 (the remainder of Kansas), no more than 86 days with a daily limit of 5.

Montana: No more than 93 days with daily limits of 2 geese in Sheridan County and 3 geese in the remainder of the Central Flyway.

Nebraska: For Dark Goose Unit 1 (Boyd, Cedar west of U.S. 81, Keya Paha east of U.S. 183 and Knox Counties), no more than 79 days with daily limits of 1 Canada goose and 1 white-fronted goose through November 8 and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For Dark Goose Unit 2 (the remainder of the State east of the following highways starting at the South Dakota line; U.S. 183 to NE 2, NE 2 to U.S. 281, and U.S. 281 to Kansas), no more than 72 days with daily limits of 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 17 and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For Dark Goose Unit 3 (that part of the State west of Units 1 and 2), no more than 72 days with daily limits of 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 17 and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For light geese, no more than 86 days with a daily limit of 5.

New Mexico: For dark geese, no more than 93 days with a daily limit of 2.

For light geese, no more than 93 days with a daily limit of 5.

North Dakota: For dark geese, no more than 72 days with daily limits of 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through November 3 and no more than 2 dark geese during the remainder of the season.

For light geese, no more than 86 days with a daily limit of 5.

Oklahoma: For Dark Goose Unit 1 (that portion of western and southern Oklahoma bounded by the following highways: starting at the Kansas-Oklahoma line, U.S. 77 to U.S. 177, U.S. 177 to OK 33 to U.S. 75, U.S. 75 to Indian Nation Turnpike, Indian Nation Turnpike to U.S. 271, and U.S. 271 to the Oklahoma-Texas line), no more than 72 days with a daily limit of 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

For Dark Goose Unit 2 (the remainder of Oklahoma), no more than 72 days with a daily limit of 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

For light geese, no more than 86 days with a daily limit of 5.

South Dakota: For dark geese in the Missouri River Unit (Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson, east of SD Highway 65, Dewey, Gregory, Haakon, north of Kirley Road and east of Plum Creek, Hughes, Hyde, Lyman, Potter, Stanley, Sully, Tripp east of Y.S. Highway 183, Walworth and Yankton west of U.S. Highway 81 Counties), no more than 79 days with daily limits of 1 Canada goose and 1 white-fronted goose through November 8 and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

For dark geese in the remainder of the State, no more than 72 days with a daily limit of 1 Canada goose and 1 white-fronted goose.

For light geese, no more than 86 days with a daily limit of 5.

Texas: West of U.S. 81, no more than 93 days with a daily limit of 5 which may include no more than 2 dark geese.

For dark geese east of U.S. 81, no more than 72 days with a daily limit of 1 Canada goose and 1 white-fronted goose.

For light geese east of U.S. 81, no more than 86 days with a daily limit of 5.

Wyoming: For geese in each of 4 Units that coincide with management zones for ducks, no more than 93 days with daily limits of 2.

Tundra Swans

The following States may issue permits authorizing each permittee to take no more than one tundra swan, subject to guidelines in a current, approved management plan and general conditions that each State determine hunter participation and harvest, and specified conditions as follows:

Montana (Central Flyway portion): no more than 500 permits with the season dates concurrent with the season for taking geese.

North Dakota: no more than 1,000 permits with the season dates concurrent with the season for taking ducks.

South Dakota: no more than 500 permits with the season dates concurrent with the season for taking ducks.

PACIFIC FLYWAY

The Pacific Flyway includes Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington and Wyoming (west of the Continental Divde including the Great Divide Basin).

Ducks, Coots, Common Moorhens, and Common Snipe

Outside Dates: Between October 8, 1985, and January 13, 1986.

Hunting Seasons (except the Columbia Basin):

Concurrent 79-day seasons on ducks (including mergansers), coots, common moorhens (gallinules) and common snipe may be selected except as subsequently noted.

Hunting Seasons for the Columbia Basin Portions of Washington, Oregon, and Idaho:

Concurrent seasons on ducks, coots, and common snipe may be selected.

In the Idaho counties of Ada, Bannock, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, Washington and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons must run concurrently but may differ from the remainder of their respective States. The season length and duck limits are the same as those for the Pacific Flyway, except as subsequently noted.

In the Oregon counties of Morrow and Umatilla and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be 86 days and must run concurrently.

Duck Limits: The basic daily bag limit is 5 ducks, including no more than 1 female mallard, 1 female pintail, and either 2 canvasbacks or 2 redheads or 1 of each. The possession limit is twice the daily bag limit.

Coot and Common Moorhen (Gallinule) Limits: The daily bag and possession limit of coots and common moorhens is 25 singly or in the aggregate.

Common Snipe Limits: The daily bag and possession limit of common snipe is 8 and 16, respectively.

California—Waterfowl Zones: Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern and Southern Zones of California may differ from those in the remainder of the State.

Nevada—Clark County Waterfowl Zone: Season dates for Clark County may differ from those in the remainder of Nevada.

Colorado, Montana, New Mexico and Wyoming—Common Snipe: For States partially within the Flyway a 93-day season for common snipe may be selected to occur between September 1, 1985, and February 28, 1986, and need not be concurrent with the duck season.

Geese (including Brant)

Outside dates, season lengths and limits on geese (including brant): Between September 28, 1985, and January 19, 1986, a 93-day season on geese (except brant in Washington, Oregon and California) may be selected, except as subsequently noted. The basic daily bag and possession limit is 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese) and 3 dark geese (all other species of geese). The basic daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively. Between October 19 and November 29, 1985, Washington, Oregon and California may select an open season for brant with daily bag and possession limits of 2 and 4 brant, respectively.

Aleutian Canada goose closure: There will be no open season on Aleutian Canada geese. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Cackling Canada goose closure: There will be no open season on the cackling Canada geese in California, Oregon and Washington.

Canada goose closures in California: Three areas in California, described as follows, are restricted in the hunting of Canada geese:

(1) In the counties of Del Norte and Humboldt there will be no open season for Canada geese.

(2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Benion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, there will be no open season for Canada geese.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly on State Highway 99 to the point of beginning; the hunting season for Canada geese will close no later than November 23.

Western Oregon: In those portions of Coos and Curry Counties lying west of U.S. Highway 101 and that portion of Western Oregon north of the Lane-Douglas county line, except for Sauvie Island in Columbia and Multnomah Counties, there shall be no open season on Canada geese. In the remainder of Western Oregon, the season and limits shall be the same as those for the Pacific Flyway, except the season in the Sauvie Island Wildlife Management Area must end upon attainment of the quota of 100 dusky Canada geese and the season in the remainder of Sauvie Island must end upon attainment of the quota of 60 dusky Canada geese. Hunting of Canada geese on Sauvie Island shall only be by hunters possessing a state-issued permit authorizing them to do so.

Oregon (Lake and Klamath Counties) — geese: In the Oregon counties of Lake and Klamath the season on white-fronted geese will not open until two weeks after the opening date of the general goose season.

Columbia Basin Portions of Washington and Oregon—geese: In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa and Wasco, the goose season may be of 100 days duration.

Western Washington: In the Washington counties of Island, Skagit, Snohomish, and Whatcom, the season for snow geese may not extend beyond January 1, 1986. In Clark, Cowlitz, and Wahkiakum Counties, except for Ridgefield National Wildlife Refuges and lands to be designated by the State, there shall be no open season on Canada geese. For Ridgefield National Wildlife Refuge the season must end upon attainment of the quota of 20 dusky Canada geese. For lands to be designated by the state in Clark, Cowlitz, and Wahkiakum Counties, the season must end upon attainment of the quota of 20 dusky Canada geese. The season in permitted areas shall only be by hunters possessing a state-issued permit authorizing them to do so.

California (Northeastern Zone) — geese: In the Northeastern Zone of California the season may be from October 12 to January 12, except that white-fronted geese may be taken only during October 12 to November 3. Limits will be 3 geese per day and 6 in possession, of which not more than 1 white-fronted goose or 2 Canada geese shall be in the daily limit and not more than 2 white-fronted geese and 4 Canada geese shall be in possession.

California (Balance of the State Zone) — geese: In the Balance of the State Zone the season may be from November 2 through January 19, except that white-fronted geese may be taken only during November 2 to January 5. Limits shall be 3 geese per day and in possession, of which not more than 1 may be a dark goose. The dark goose limits may be expanded to 2 provided that they are Canada geese (except Aleutian and cackling Canada geese for which the season is closed).

Pacific Population of Canada geese—Idaho, Oregon and Montana: In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundery, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 Canada geese and the season for Canada geese may not extend beyond January 5, 1986.

Rocky Mountain Population of Canada Geese—Montana and Wyoming: In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond January 5, 1986. In Lincoln County, Wyoming, the combined special sandhill crane-Canada goose season and the regular goose season shall not exceed 92 days.

Idaho, Colorado and Utah: In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season for Canada geese may be no more than 86 days and may not extend beyond January 5, 1986.

Nevada: Nevada may designate season dates on geese in Clark County and in Elko County and that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. In Clark County the season on Canada geese may be no more than 86 days. The daily bag and possession limit is 2 Canada geese throughout the State.

Arizona, California, Utah and New Mexico: In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in Arizona; in New Mexico; and in Washington County, Utah; the season for Canada geese may be no more than 86 days. The daily bag and possession limit is 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) where the daily bag and possession limits for Canada geese are 1 and 2, respectively.

Tundra Swans

In Utah, Nevada and Montana, an open season for tundra swans may be selected to the following conditions: (a) the season must run concurrently with the duck season; (b) appropriate State agency must issue permits and obtain harvest and hunter participation data; (c) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 tundra swan; (d) in Nevada, no more than 550 permits may be issued, authorizing each permittee to take 1 tundra swan in either Churchill, Lyon, or Pershing Counties; (e) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 tundra swan in either Teton or Cascade Counties.

Sandhill Cranes

Arizona may select an experimental sandhill crane season subject to the conditions specified in the frameworks for early seasons.

SPECIAL FALCONRY FRAMEWORKS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular and any special season framework dates.

Daily Bag and Possession Limits: Daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting season and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season or falconry season) exceed 107 days for a species in one geographical area.

Dated: August 29, 1985.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

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Federal Register

Thursday
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Part IV

The President

Proclamation 5365—To Implement Reductions in U.S. Rates of Duty Pursuant to the United States-Israel Free Trade Area Agreement, and for Other Purposes

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Presidential Documents

Title 3—

The President

Proclamation 5365 of August 30, 1985

To Implement Reductions in U.S. Rates of Duty Pursuant to the United States-Israel Free Trade Area Agreement, and for Other Purposes

By the President of the United States of America

A Proclamation

1. Section 4 of the United States-Israel Free Trade Area Implementation Act of 1985 (the FTA Act) (19 U.S.C. 2112 note) confers authority upon the President to proclaim changes in tariff treatment which the President determines are required or appropriate to carry out the schedule of duty reductions for products of Israel set forth in Annex 1 to the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the Agreement), entered into on April 22, 1985, and submitted to the Congress on April 29, 1985. I have determined that the modifications to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) set forth in Annexes I, VIII, IX, AND X to this Proclamation are required or appropriate to carry out such duty reductions.

2. Previously, pursuant to Title V of the Trade Act of 1974, as amended, (the Trade Act) (19 U.S.C. 2461, *et seq.*), I designated certain articles provided for in the TSUS as eligible articles under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries, and determined that limitations on the preferential treatment for eligible articles from certain beneficiary developing countries were necessary or appropriate. Previously, pursuant to section 503(a)(2)(A) of the Trade Agreements Act of 1979 (the Trade Agreements Act) (19 U.S.C. 2119 note), I determined that certain articles provided for in the TSUS are not import sensitive and, if the product of a least developed developing country (LDDC), are eligible for full tariff reductions pursuant to certain trade agreements without staging. Previously, pursuant to sections 211 and 218 of the Caribbean Basin Economic Recovery Act (the CBERA) (19 U.S.C. 2701, 2706), I designated certain articles provided for in the TSUS as eligible articles under the CBERA when imported from designated beneficiary countries.

3. In order to provide, for purposes of the GSP, for the continued designation of eligible articles and beneficiary developing countries (including least developed beneficiary developing countries, pursuant to section 504(c)(6) of the Trade Act (19 U.S.C. 2464(c)(6)), and associations of countries to be treated as individual countries for purposes of limitations on preferential treatment), and for the continuation of existing limitations on preferential treatment for articles from certain beneficiary developing countries, and in accordance with Title V of the Trade Act, as amended, it is appropriate that such preferential treatment and designations be set forth in this Proclamation.

4. Section 604 of the Trade Act (19 U.S.C. 2483) confers authority upon the President to embody in the TSUS the substance of the relevant provisions of that Act, of other Acts affecting import treatment, and of actions taken thereunder. In addition, section 8(b)(2) of the FTA Act (which amends Title V of the Trade Act) confers authority upon the President to embody in the TSUS, by proclamation, actions taken with respect to the GSP. In order to implement the duty reductions authorized by the FTA Act and to facilitate the administration of the preferential tariff regimes described above, it is necessary or

appropriate to incorporate the duty treatment provided pursuant to the relevant provisions of the GSP, the Trade Agreements Act, the CBERA, and the FTA Act, in a rate of duty column in the TSUS entitled "Special", and to make other necessary and conforming changes as set forth in Annexes I through XI to this Proclamation.

5. In Proclamation 5291 of December 28, 1984, I determined that modifications in the TSUS were appropriate in order to provide duty-free coverage comparable to the expanded coverage provided by other signatories to the Agreement on Trade in Civil Aircraft (31 UST (pt. 1) 619). Through technical error, the staged reductions in rates of duty for certain tariff items redesignated by the Proclamation were omitted. Accordingly, I have determined that due to the implementation of Proclamation 5291 that further modifications to Annex III to Proclamation 4707 of December 11, 1979, set forth in Annex XII to this Proclamation, are appropriate in order to ensure the application of such reductions in customs duties for articles classified in those tariff items.

6. In order to make technical corrections in the preferential treatment under the GSP for articles that are imported from countries designated as beneficiary developing countries consistent with the changes to the TSUS which have resulted from the implementation of Proclamation 5291 of December 28, 1984, and Proclamation 5305 of February 21, 1985, I have determined that the technical corrections to Executive Order No. 11888 of November 24, 1975, as amended, and general headnote 3 set forth in sections A and B, respectively, of Annex XIII to this Proclamation, are appropriate.

7. In Proclamation 5133 of November 30, 1983, as amended by Proclamation 5142 of December 29, 1983, and Proclamation 5308 of March 14, 1985, I designated certain countries and territories as "beneficiary countries" under section 212 of the CBERA. Section 213(c)(2)(A) of the CBERA provides that duty-free treatment under the CBERA for sugar and beef products that are the product of a beneficiary country shall be suspended if such beneficiary country, within the ninety-day period beginning on the date of its designation as a beneficiary country, does not submit a stable food production plan to the President. I have not received stable food production plans from five beneficiary countries (Antigua and Barbuda, Montserrat, Netherlands Antilles, St. Lucia, and St. Vincent and the Grenadines) within the required ninety-day period. As provided by section 213(c)(3) of the CBERA, I have entered into consultations with these five beneficiary countries. These countries do not export sugar or beef products to the United States and, therefore, have determined not to submit stable food production plans at this time. Should they wish to export either sugar or beef products in the future, they may submit a stable food production plan for review by the United States Government at that time. In accordance with section 213(c)(2)(A) of the CBERA, I am suspending duty-free treatment extended under the CBERA to sugar and beef products that are the product of these five beneficiary countries. I will terminate the suspension of duty-free treatment under the CBERA imposed by this Proclamation with regard to any affected beneficiary countries which take appropriate action to remedy the factors on which the suspension was based.

8. In Proclamation 5021 of February 14, 1983, as amended by Proclamation 5291 of December 28, 1984, I proclaimed temporary duty reductions on certain articles pursuant to legislation implementing the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials. And, pursuant to section 604 of the Trade Act, I modified the Appendix to the TSUS by inserting a new part 4 to such Appendix providing temporary duty reductions for such articles which were entered, or withdrawn from warehouse for consumption, on and after February 11, 1983, and before the close of August 11, 1985, as set forth in the Annex to Proclamation 5021. The effective period for the temporary reduction of such duties having expired on August 11, 1985, I am modifying the Appendix to the TSUS, pursuant to section 604 of the Trade Act, by deleting part 4 thereof.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to sections 4 and 8(b)(2) of the FTA Act, section 213(c) of the CBERA, and section 604 of the Trade Act, do proclaim that:

(1) The rate of duty column in the TSUS entitled "LDDC" is retitled "Special" each place it appears, including part 1B of the Appendix to the TSUS.

(2) Part 1 of the Appendix to the TSUS is further modified by inserting a rate of duty column entitled "Special", following the rate of duty column numbered 1, opposite each item for which a rate of duty column entitled "LDDC" is not set forth.

(3) The column in the TSUS entitled "GSP" is deleted.

(4) The modifications to the TSUS made by Annex I to this Proclamation, including the designations of eligible articles and beneficiary developing countries and the limitations on preferential treatment necessary to continue existing GSP treatment incorporated therein, and the suspension of duty-free treatment extended under the CBERA to sugar and beef products of certain beneficiary countries, shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the effective date of this Proclamation.

(5) Products of Israel provided for in TSUS items which are enumerated in Annex VIII to this Proclamation and which are imported into the customs territory of the United States in accordance with general headnote 3 of the TSUS (as modified by Annex I to this Proclamation) on or after the effective date of this Proclamation are eligible for duty-free treatment, and a rate of duty of "Free" applicable to such products is inserted in the column in the TSUS entitled "Special" followed by the symbol "I" in parentheses.

(6) Products of Israel provided for in TSUS items which are enumerated in Annex IX to this Proclamation and which are imported into the customs territory of the United States in accordance with general headnote 3 (as modified by Annex I) on or after the effective date of this Proclamation are subject to duty as described in such Annex IX, and the rate of duty applicable to such products is inserted in the column in the TSUS entitled "Special" followed by the symbol "I" in parentheses.

(7) Products of Israel provided for in TSUS items which are enumerated in Annex X to this Proclamation and which are imported into the customs territory of the United States in accordance with general headnote 3 (as modified by Annex I) on or after January 1, 1995, are eligible for duty-free treatment, and a rate of duty of "Free" applicable to such products shall be inserted on such date in the column in the TSUS entitled "Special" followed by the symbol "I" in parentheses. Until January 1, 1995, products of Israel provided for in the TSUS items enumerated in Annex X are subject to the rate of duty in column numbered 1 of the TSUS unless the tariff treatment of such products is expressly modified in accordance with section 5(c)(2) of the FTA Act.

(8) In order to provide duty-free treatment to articles hereby designated as eligible articles for purposes of the GSP when imported from any designated beneficiary developing country, for each of the TSUS items enumerated in Annex III to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "A" in parentheses for each such item.

(9) In order to provide duty-free treatment to articles hereby designated as eligible articles for purposes of the GSP, except when imported from the designated beneficiary countries set forth opposite those TSUS items enumerated in general headnote 3 (as modified by Annex I to this Proclamation), for each of the TSUS items enumerated in Annex IV to this Proclamation, a rate

of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "A*" in parentheses for each such item.

(10) For each of the TSUS items which are enumerated in section A of Annex V to this Proclamation, the rates of duty set forth for each item in such section A of Annex V is inserted in the column in the TSUS entitled "Special" followed by the symbol "D" in parentheses.

(11) For each of the TSUS items which are enumerated in sections B and C of Annex V to this Proclamation, effective as of the dates provided in such sections B and C, the rates of duty set forth for each item in such sections B and C of Annex V shall be inserted in the column in the TSUS entitled "Special" followed by the symbol "D" in parentheses.

(12) For each of the TSUS items which are enumerated in Annex VI to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "E" in parentheses.

(13) For each of this TSUS items which are enumerated in Annex VII to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "E*" in parentheses.

(14) For each of the TSUS items which are enumerated in Annex XI to this Proclamation, the rate status set forth for each item in such Annex XI is inserted in the column in the TSUS entitled "Special".

(15) Annex III to Proclamation 4707 of December 11, 1979, is amended as set forth in Annex XII to this Proclamation effective as to articles entered, or withdrawn from warehouse for consumption, on and after the effective date specified in Annex XII to this Proclamation.

(16) Annexes II and III of Executive Order No. 11888, as amended, and general headnote 3 are further amended as set forth in sections A and B, respectively, of Annex XIII to this Proclamation effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the effective dates specified in sections A and B of Annex XIII to this Proclamation.

(17) Annex III of Proclamation 4707 and Annex III of Proclamation 4768 of June 28, 1980, are amended as set forth in Annex II to this Proclamation as of the effective date of this Proclamation.

(18) Except for articles provided for in items which are enumerated in Annex IV to Proclamation 4707 and Annex IV to Proclamation 4768 and which are not enumerated in Annex V to this Proclamation, Annex IV to Proclamation 4707 and Annex IV to Proclamation 4768 are superseded by Annex V to this Proclamation, to the extent inconsistent therewith, as of the effective date of this Proclamation.

(19) Executive Order No. 11888, as amended by subsequent Executive orders for purposes of the GSP, and as amended by subsequent proclamation to the extent they amend Executive Order No. 11888 for purposes of the GSP, is superseded by this Proclamation as of the effective date of this Proclamation.

(20) Proclamations 4707, 4768, 5133, 5142, 5291, 5305, and 5308, are superseded to the extent inconsistent with this Proclamation.

(21) Part 4 of the Appendix to the TSUS is deleted effective August 12, 1985.

(22) Except as provided in paragraphs (11), (15), (16), and (21), the provisions of this Proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on and after September 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, 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 tenth.

Ronald Reagan

Billing code 3195-01

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter and footnotes are included to assist in the understanding of ordered modifications.
2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty Special", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Effective as to articles entered, or withdrawn from warehouse for consumption, on and after September 1, 1985.

1.(a) General headnote 3 is modified as follows:

(1) The words "column designated LDDC" are changed to "column designated Special" in the first sentence of this headnote.

(2) Subdivisions (c), (d), and (g) are deleted.

(3) Subdivisions (e), (f), and (h) are redesignated as subdivisions (c), (d), and (f), respectively.

(4) Add in alphabetical sequence the following subdivision:

"(e) Products Eligible for Special Tariff Treatment.

(i) The "Special" column reflects rates of duty available under one or more special tariff treatment programs which are provided for in subdivision (e) of this headnote and which are identified in parentheses immediately following the rate(s) of duty set out in such column. Upon application in proper form by a person who possesses the right to make entry for the imported article, a special rate shall be applied to such article only if--

(A) it is classified in an item for which a special rate (or rates) is set out in the "Special" column opposite such item;

(B) it is imported from a country--

(1) which is designated as an eligible country with respect to such item under a program designated in the "Special" column opposite such item, and

(2) which is otherwise eligible for column 1 rates of duty; and

(C) it has satisfied all other requirements for eligibility for such program or programs.

(ii) Programs under which special tariff treatment may be provided to imported articles, and the corresponding symbols for such programs as they are indicated in the "Special" column, are as follows:

Generalized System of Preferences	A or A*
Least Developed Developing Countries	D
Caribbean Basin Economic Recovery Act	E or E*
United States-Israel Free Trade Area Implementation Act of 1985	I

(iii)(A) Articles which are eligible for the special tariff treatment provided for in subdivision (e) of this headnote and which are subject to temporary modification under any provision of part 1 of the Appendix to these schedules shall be subject, for the period indicated in the "Effective Period" column in the Appendix, to rates of duty as follows:

(1) if the "Special" column in the Appendix is blank, the rate of duty in column numbered 1 therein shall apply;

(2) if a rate of duty for which the article may be eligible is set forth in the "Special" column in the Appendix followed by one or more symbols described above, such rate shall apply in lieu of the rate followed by the corresponding symbol(s) set forth for such article in the "Special" column in schedules 1 to 8; or

(3) if "No change" followed by one or more symbols described above appears in the "Special" column in the Appendix and subdivision (iii)(A)(2) above does not apply, the rate of duty in column numbered 1 in the Appendix or the applicable rate(s) of duty set forth in the "Special" column in schedules 1 to 8, whichever is lower, shall apply.

(B) Unless the context requires otherwise, articles which are eligible for the special tariff treatment provided for in subdivision (e) of this headnote and which are subject to temporary modification under any provision of parts 2 or 3 of the Appendix to these schedules shall be subject, for the period indicated in the Appendix, to the rates of duty in column numbered 1 therein.

(iv) Whenever any rate of duty set forth in the "Special" column in schedules 1 to 8 is equal to, or higher than, the corresponding rate of duty provided in column numbered 1 in such schedules, such rate of duty in the "Special" column shall be deleted; except that, if the rate of duty in the "Special" column is an intermediate stage in a series of staged rate reductions for that item, such rate shall be treated as a suspended rate and shall be set forth in the "Special" column, followed by one or more symbols described above, and followed by an "s" in parentheses. If no rate of duty for which the article may be eligible is provided in the "Special" column for a particular item in schedules 1 to 8, the rate of duty provided in column numbered 1 shall apply.

(v) Products of Countries Designated Beneficiary Developing Countries for Purposes of the Generalized System of Preferences (GSP).

(A) The following countries, territories, and associations of countries eligible for treatment as one country (pursuant to section 502(a)(3) of the Trade Act of 1974 (19 U.S.C. 2462(a)(3)) are designated beneficiary developing countries for the purposes of the Generalized System of Preferences, provided for in Title V of the Trade Act of 1974, as amended (19 U.S.C. 2461 et seq.):

Independent Countries 1/

Angola	Guinea	Portugal
Antigua and Barbuda	Guinea Bissau	Romania
Argentina	Guyana	Rwanda
Bahamas	Haiti	Saint Lucia
Bahrain	Honduras	Saint Vincent and the Grenadines
Bangladesh	India	Sao Tome and Principe
Barbados	Indonesia	Senegal
Belize	Israel	Seychelles
Benin	Ivory Coast	Sierra Leone
Bhutan	Jamaica	Singapore
Bolivia	Jordan	Solomon Islands
Botswana	Kenya	Somalia
Brazil	Kiribati	Sri Lanka
Brunei Darussalam	Korea, Republic of	Sudan
Burkina Faso	Lebanon	Suriname
Burma	Lesotho	Swaziland
Burundi	Liberia	Syria
Cameroon	Madagascar	Taiwan
Cape Verde	Malawi	Tanzania
Central African Republic	Malaysia	Thailand
Chad	Maldives	Togo
Chile	Mali	Tonga
Colombia	Malta	Trinidad and Tobago
Comoros	Mauritania	Tunisia
Congo	Mauritius	Turkey
Costa Rica	Mexico	Tuvalu
Cyprus	Morocco	Uganda
Djibouti	Mozambique	Uruguay
Dominica	Nauru	Vanuatu
Dominican Republic	Nepal	Venezuela
Ecuador	Nicaragua	Western Somoa
Egypt	Niger	Yemen Arab Republic (Sanaã)
El Salvador	Oman	Yugoslavia
Equatorial Guinea	Pakistan	Zaire
Fiji	Panama	Zambia
Gambia	Papua New Guinea	Zimbabwe
Ghana	Paraguay	
Grenada	Peru	
Guatemala	Philippines	

1/ Pursuant to section 4(b)(1) of the Taiwan Relations Act (22 U.S.C. 3303(b)(1)) the reference to countries includes Taiwan.

Non-Independent Countries & Territories

Anguilla	French Polynesia	Pitcairn Islands
Bermuda	Gibraltar	Saint Christopher-Nevis
British Indian Ocean Territory	Heard Island and McDonald Islands	Saint Helena
Cayman Islands	Hong Kong	Tokelau
Christmas Island (Australia)	Macau	Trust Territory of the Pacific Islands
Cocos (Keeling) Islands	Montserrat	Turks and Caicos Islands
Cook Islands	Netherlands Antilles	Virgin Islands, British
Falkland Islands (Islas Malvinas)	New Caledonia	Wallis and Futuna
	Niue	Western Sahara
	Norfolk Island	

Associations of Countries (treated as one country)

Member Countries of the Cartagena Agreement (Andean Group)

Consisting of:

Bolivia
Colombia
Ecuador
Peru
Venezuela

Association of South East Asian Nations (ASEAN)

Consisting of:

Brunei
Indonesia
Malaysia
Philippines
Singapore
Thailand

Member Countries of the Caribbean Common Market (CARICOM)

Consisting of:

Antigua and Barbuda	Jamaica
Bahamas	Montserrat
Barbados	Saint Christopher-Nevis
Belize	Saint Lucia
Dominica	Saint Vincent and the Grenadines
Grenada	Trinidad and Tobago
Guyana	

(8) The following beneficiary countries are designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the Trade Act of 1974, as amended:

Bangladesh	Malawi
Benin	Maldives
Bhutan	Mali
Botswana	Nepal
Burkina Faso	Niger
Burundi	Rwanda
Cape Verde	Sao Tome and Principe
Central African Republic	Sierra Leone
Chad	Somalia
Comoros	Sudan
Djibouti	Tanzania
Equatorial Guinea	Togo
Gambia	Uganda
Guinea	Western Samoa
Guinea-Bissau	Yemen Arab Republic (Sanaã)
Haiti	
Lesotho	

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Whenever an eligible article is imported into the customs territory of the United States directly from one of the countries designated as a least-developed beneficiary developing country, it shall be entitled to receive the duty-free treatment provided for in subdivision (e)(v)(C) of this headnote without regard to the limitations on preferential treatment of eligible articles in section 504(c) of the Trade Act, as amended (19 U.S.C. 2464(c)).

(C) Articles provided for in an item for which a rate of duty appears in the "Special" column followed by the symbols "A" or "A*" in parentheses are those designated by the President to be eligible articles for purposes of the GSP pursuant to section 503 of the Trade Act of 1974. The symbol "A" indicates that all beneficiary developing countries are eligible for preferential treatment with respect to all articles provided for in the designated TSUS item. The symbol "A*" indicates that certain beneficiary developing countries, specifically enumerated in subdivision (e)(v)(D) of this headnote, are not eligible for such preferential treatment with regard to any article provided for in the designated TSUS item. Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (e)(v)(A) of this headnote, it shall be eligible for duty-free treatment as set forth in the "Special" column, unless excluded from such treatment by subdivision (e)(v)(D) of this headnote; provided that, in accordance with regulations promulgated by the Secretary of the Treasury the sum of (1) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3) of the Trade Act of 1974, plus (2) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

(D) Articles provided for in an item for which a rate of duty appears in the "Special" column followed by the symbol "A*" in parentheses, if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not eligible for the duty-free treatment provided in subdivision (e)(v)(C) of this headnote:

TSUS item No.	Country or Territory 1/	TSUS item No.	Country or Territory 1/
107.48	Brazil	155.20	Argentina Brazil Dominican Republic Philippines
121.61	Argentina		
121.65	Argentina		
130.37	Argentina		
130.40	Argentina	167.05	Mexico
135.51	Mexico	176.15	Brazil
135.90	Mexico	192.17	Colombia
135.95	Mexico	192.21	Colombia
136.20	Mexico	202.62	Mexico
136.22	Mexico	204.40	Taiwan
136.30	Mexico	206.60	Mexico
136.61	Mexico	206.98	Taiwan
137.10	Mexico	207.00	Taiwan
137.40	Mexico	222.10	Hong Kong
137.50	Mexico	222.50	Taiwan
137.63	Mexico	245.20	Brazil
137.71	Mexico	245.30	Brazil
138.05	Mexico	256.60	Republic of Korea
141.77	Mexico	256.87	Mexico
146.22	Turkey	319.05	India
146.44	Philippines	337.40	Hong Kong Republic of Korea
146.76	Mexico		
148.03	Mexico	355.81	Taiwan
148.12	Mexico	389.61	Hong Kong Taiwan
148.17	Mexico		
148.72	Chile	406.20	Israel

1/ Pursuant to section 4(b)(1) of the Taiwan Relations Act (22 U.S.C. 3303(b)(1)) the reference to countries includes Taiwan.

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TSUS item No.	Country or Territory 1/
407.16	Mexico
413.24	Republic of Korea
417.23	Israel
418.13	Israel
428.96	Brazil
429.49	Israel
445.42	Taiwan
452.44	Brazil
470.85	Mexico
473.52	Mexico
473.56	Mexico
511.64	Mexico
522.21	Mexico
532.22	Republic of Korea
532.31	Mexico
534.84	Taiwan
534.91	Taiwan
534.94	Taiwan
535.31	Mexico
545.25	Mexico
545.53	Mexico
545.87	Taiwan
602.10	Peru
603.40	Chile
606.36	Brazil
606.37	Brazil
606.44	Brazil
610.65	Republic of Korea
610.70	Taiwan
610.74	Republic of Korea Taiwan
610.82	Republic of Korea
610.88	Taiwan
612.03	Chile
612.06	Chile Peru Zambia
613.18	Taiwan
618.15	Venezuela
642.14	Republic of Korea
642.16	Republic of Korea
642.17	Republic of Korea
646.32	Republic of Korea
646.90	Mexico
646.92	Taiwan
648.97	Taiwan
649.37	Taiwan
650.89	Hong Kong Taiwan
651.21	Taiwan
651.33	Hong Kong
651.37	Taiwan
651.46	Republic of Korea Taiwan
651.49	Taiwan
652.03	Republic of Korea
652.60	Taiwan
652.70	Republic of Korea
652.84	Mexico
653.00	Republic of Korea
653.38	Taiwan
653.39	Taiwan
653.48	Taiwan
653.85	Taiwan
653.93	Taiwan
653.94	Republic of Korea
654.08	Taiwan
654.30	Republic of Korea Taiwan
654.40	Taiwan
654.60	Hong Kong
657.24	Taiwan
657.25	Taiwan
657.35	Taiwan
660.42	Brazil
660.48	Brazil Mexico
661.06	Hong Kong Taiwan
661.09	Singapore
661.65	Israel
661.94	Hong Kong Taiwan
662.35	Mexico
664.10	Taiwan
672.16	Taiwan
674.31	Taiwan
674.35	Taiwan
676.15	Taiwan
676.20	Taiwan
676.30	Republic of Korea Taiwan
676.52	Hong Kong Malaysia Mexico Republic of Korea Singapore Taiwan
678.50	Hong Kong Mexico Republic of Korea Taiwan
680.14	Taiwan
682.35	Mexico

1/ Pursuant to section 4(b)(1) of the Taiwan Relations Act (22 U.S.C. 3303(b)(1)) the reference to countries includes Taiwan.

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TSUS item No.	Country or Territory 1/	TSUS item No.	Country or Territory 1/
682.60	Hong Kong Mexico Taiwan	688.42	Hong Kong Taiwan
683.01	Republic of Korea Taiwan	692.32	Brazil Mexico Taiwan
683.15	Mexico	692.60	Taiwan
683.70	Hong Kong Taiwan	696.10	Taiwan
		696.35	Taiwan
683.80	Hong Kong	696.40	Taiwan
684.10	Taiwan	700.90	Mexico
684.15	Singapore	703.14	Mexico
684.25	Republic of Korea Singapore	706.61	Hong Kong Taiwan
684.48	Hong Kong	708.45	Taiwan
684.53	Taiwan	708.47	Hong Kong
684.55	Mexico	709.09	Mexico
684.58	Hong Kong Taiwan	709.40	Hong Kong
		711.38	Mexico
684.59	Hong Kong Taiwan	713.15	Mexico
684.70	Republic of Korea Taiwan	722.08	Hong Kong Republic of Korea Taiwan
685.14	Hong Kong Republic of Korea Singapore Taiwan	722.11	Hong Kong Republic of Korea Taiwan
		725.01	Republic of Korea
685.16	Hong Kong Republic of Korea Taiwan	725.03	Republic of Korea
		725.32	Taiwan
		725.50	Taiwan
685.18	Republic of Korea Taiwan	726.25	Taiwan
		727.06	Mexico
685.25	Hong Kong Republic of Korea Taiwan	727.23	Taiwan
		727.29	Taiwan
		727.35	Taiwan
685.32	Hong Kong Republic of Korea Taiwan	727.70	Taiwan
		728.22	Taiwan
		730.94	Republic of Korea
685.40	Republic of Korea Taiwan	732.60	Taiwan
		734.15	Taiwan
685.70	Singapore	734.25	Hong Kong
685.90	Hong Kong Mexico Taiwan	734.70	Republic of Korea
		734.86	Taiwan
		734.87	Taiwan
686.30	Taiwan	734.90	Taiwan
687.70	Malaysia	735.07	Republic of Korea
688.10	Taiwan	735.09	Taiwan
688.12	Mexico Taiwan	735.12	Taiwan
		735.20	Taiwan
688.17	Mexico	737.07	Hong Kong
688.18	Mexico	737.15	Hong Kong
688.41	Hong Kong Taiwan	737.21	Hong Kong
		737.23	Hong Kong Taiwan

1/ Pursuant to section 4(b)(1) of the Taiwan Relations Act (22 U.S.C. 3303(b)(1)) the reference to countries includes Taiwan.

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TSUS item No.	Country or Territory 1/	TSUS item No.	Country or Territory 1/
737.28	Republic of Korea Taiwan	748.21	Taiwan
		750.20	Taiwan
737.30	Republic of Korea Taiwan	750.40	Hong Kong
		750.45	Republic of Korea
737.40	Hong Kong Republic of Korea	751.05	Taiwan
		755.25	Hong Kong
737.42	Republic of Korea	771.41	Taiwan
737.47	Republic of Korea	771.43	Taiwan
737.49	Hong Kong Taiwan	771.45	Taiwan
		772.35	Taiwan
737.51	Republic of Korea	772.51	Brazil Republic of Korea
737.60	Hong Kong		
737.80	Hong Kong	772.60	Republic of Korea
737.95	Hong Kong Taiwan	773.05	Taiwan
		774.45	Hong Kong
740.11	Hong Kong Israel	774.55	Taiwan
		790.03	Taiwan
740.12	Hong Kong	790.10	Taiwan
740.13	Hong Kong	790.39	Taiwan
740.14	Hong Kong	790.70	Republic of Korea
740.15	Hong Kong	791.15	Hong Kong Republic of Korea
740.38	Hong Kong Taiwan		
		791.28	Mexico
741.25	Hong Kong	792.50	Philippines
745.70	Taiwan	792.60	Hong Kong
748.20	Taiwan		

(vi) Products of Least Developed Developing Countries.

(A) The following countries are designated least developed developing countries (LDDC's):

Bangladesh	Malawi
Benin	Maldives
Bhutan	Mali
Botswana	Nepal
Burkina Faso	Niger
Burundi	Rwanda
Cape Verde	Somalia
Central African Republic	Sudan
Chad	Tanzania
Comoros	Uganda
Gambia	Western Samoa
Guinea	Yemen Arab Republic (Sanaã)
Haiti	
Lesotho	

(B) Products of such countries imported into the customs territory of the United States, whether imported directly or indirectly, and entered under an item for which a rate of duty appears in the "Special" column followed by the symbol "D" in parentheses are eligible for full tariff reductions without staging, as set forth in the "Special" column, in accordance with section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251).

1/ Pursuant to section 4(b)(1) of the Taiwan Relations Act (22 U.S.C. 3303(b)(1)) the reference to countries includes Taiwan.

(vii) Products of Countries Designated as Beneficiary Countries for Purposes of the Caribbean Basin Economic Recovery Act (CBERA).

(A) The following countries and territories or successor political entities are designated beneficiary countries for the purposes of the CBERA, pursuant to section 212 of that Act (19 U.S.C. 2702):

Antigua and Barbuda	Honduras
Bahamas	Jamaica
Barbados	Montserrat
Belize	Netherlands Antilles
Costa Rica	Panama
Dominica	Saint Christopher-Nevis
Dominican Republic	Saint Lucia
El Salvador	Saint Vincent and the Grenadines
Grenada	Trinidad and Tobago
Guatemala	Virgin Islands, British
Haiti	

(B)(1) Unless otherwise excluded from eligibility by the provisions of subdivisions (e)(vii)(D) or (e)(vii)(E) of this headnote, any article which is the growth, product, or manufacture of a beneficiary country shall be eligible for duty-free treatment if that article is provided for in an item for which a rate of duty appears in the "Special" column followed by the symbols "E" or "E*" in parentheses, and if--

(i) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(ii) the sum of (A) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (B) the direct costs of processing operations performed in a beneficary country or countries is not less than 35 per centum of the appraised value of such article at the time it is entered. For purposes of determining the percentage referred to in (ii)(B) above, the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which subdivision (e)(vii) of this headnote applies, an amount not to exceed 15 per centum of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in (ii)(B) above.

(2) Pursuant to subsection 213(a)(2) of the CBERA, the Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subdivision (e)(vii) of this headnote including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under the CBERA, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country, and must be stated as such in a declaration by the appropriate party; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone--

(i) simple combining or packaging operations, or

(ii) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in subdivision (e)(vii)(B) of this headnote, the phrase "direct costs of processing operations" includes, but is not limited to--

(i) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(ii) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(C) Articles provided for in an item for which a rate of duty appears in the "Special" column followed by the symbols "E" or "E*" in parentheses are those designated by the President to be eligible articles for purposes of the CBERA pursuant to section 213 of that Act. The symbol "E" indicates that all articles provided for in the designated TSUS item are eligible for preferential treatment. The symbol "E*" indicates that some articles provided for in the designated TSUS item are not eligible for preferential treatment, as further described in subdivision (e)(vii)(D) of this headnote. Whenever an eligible article is imported into the customs territory of the United States in accordance with the provisions of subdivision (e)(vii)(B) of this headnote from a country or territory listed in subdivision (e)(vii)(A) of this headnote, it shall be eligible for duty-free treatment as set forth in the "Special" column, unless excluded from such treatment by subdivisions (e)(vii)(D) or (e)(vii)(E) of this headnote.

(D) Articles provided for in an item for which a rate of duty appears in the "Special" column followed by the symbol "E*" in parentheses shall be eligible for the duty-free treatment provided for in subdivision (e)(vii) of this headnote, except--

(1) articles of beef or veal, however provided for in subpart B of part 2 of schedule 1, and sugars, sirups, and molasses, provided for in items 155.20 or 155.30, if a product of the following countries, pursuant to section 213(c) of the CBERA:

Antigua and Barbuda	Saint Lucia
Montserrat	Saint Vincent and the Grenadines
Netherlands Antilles	

(2) sugars, sirups, and molasses, provided for in items 155.20 or 155.30, to the extent that importation and duty-free treatment of such articles are limited by headnote 4, subpart A, part 10, schedule 1, pursuant to section 213(d) of the CBERA; or

(3) textile and apparel articles--

(i) in chief value of cotton, wool, man-made fibers, or blends thereof in which those fibers, in the aggregate, exceed in value each other single component fiber thereof; or

(ii) in which either the cotton content or the man-made fiber content equals or exceeds 50 percent by weight of all component fibers thereof; or

(iii) in which the wool content exceeds 17 percent by weight of all component fibers thereof; or

(iv) containing blends of cotton, wool, or man-made fibers, which fibers, in the aggregate, amount to 50 percent or more by weight of all component fibers thereof;

provided, that beneficiary country exports of handloom fabrics of the cottage industry, or hand-made cottage industry products made of such handloom fabrics, or traditional folklore handicraft textiles products, if such products are properly certified under an arrangement established between the United States and such beneficiary country, are eligible for the duty-free treatment provided for in subdivision (e)(vii) of this headnote.

(E) The duty-free treatment provided under the CBERA shall not apply to watches, and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which column 2 rates of duty apply.

(viii) United States-Israel Free Trade Area Implementation Act of 1985.

(A) The products of Israel described in Annex I of the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel, entered into on April 22, 1985, are subject to duty as provided herein. Products of Israel, as defined in subdivision (e)(viii)(B) of this headnote, imported into the customs territory of the United States and entered under an item for which a rate of duty appears in the "Special" column followed by the symbol "I" in parentheses are eligible for tariff treatment, as set forth in the "Special" column, in accordance with Section 4(a) of the United States-Israel Free Trade Area Implementation Act of 1985 (99 Stat. 82).

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(B) For purposes of subdivision (e)(viii) of this headnote, articles imported into the customs territory of the United States are eligible for treatment as "products of Israel" only if--

(1) that article is the growth, product, or manufacture of Israel or is a new or different article of commerce that has been grown, produced, or manufactured in Israel;

(2) that article is imported directly from Israel into the customs territory of the United States; and

(3) the sum of--

(i) the cost or value of the materials produced in Israel, plus

(ii) the direct costs of processing operations performed in Israel, is not less than 35 percent of the appraised value of such article at the time it is entered.

If the cost or value of materials produced in the customs territory of the United States is included with respect to an article to which subdivision (e)(viii) of this headnote applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied toward determining the percentage referred to in subdivision (e)(viii)(B)(3) of this headnote.

(C) No article may be considered to meet the requirements of subdivision (e)(viii)(B)(1) of this headnote by virtue of having merely undergone--

(1) simple combining or packaging operations; or

(2) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(D) As used in subdivision (e)(viii) of this headnote, the phrase "direct costs of processing operations" includes, but is not limited to--

(1) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(2) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned, or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(E) The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out subdivision (e)(viii) of this headnote."

(b) Conforming changes:

(1) The first sentence of general headnote 4 is modified by inserting after the words "provided in" the phrase "general headnote 3(e) or in".

(2) In the first sentence and subdivision (a)(i) of headnote 4 to subpart A of part 10 of schedule 1 the phrase "general headnote 3(g)" is changed to "general headnote 3(e)(vii)".

(3) In subdivision (a) of headnote 2 to subpart B of part 6 of schedule 6 the phrase "general headnote 3(e)" is changed to "general headnote 3(c)".

(4) In the article descriptions of items 692.03, 692.07, and 692.11 the phrase "(see general headnote 3(e))" is changed to "(see general headnote 3(c))".

2.(a) Item 307.68 is superseded by:

	[Yarns of wool or hair:]			
	[Other:]			
	[Other:]			
	"Other:			
307.70	Fancy yarns and yarns put up for handwork.....	[See Annex II]	[See Annex VIII]	55.5% ad val.
307.80	Other.....	[See Annex II]	[See Annex IX]	55.5% ad val."

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(b) Conforming change: The headnotes to subpart C of part 1 of schedule 3 are modified by adding thereto:

"8. For the purposes of item 307.70, the term "fancy yarns" means yarns constructed with novelty effects, including such yarns as slub yarns, loop yarns, boucle yarns, thick-and-thin yarns, core yarns, and gimp yarns, all the foregoing whether or not of novelty color effects; the term does not embrace yarns having novelty effects imparted solely from color or from combinations of different colors."

3. Item 309.31 is superseded by:

	[Grouped filaments and strips...:]			
	[Wholly of grouped filaments...:]			
	[Other:]			
	"Valued over 80 cents per pound:			
309.32	Of nylon.....	[See Annex II]	[See Annexes V and IX]	45% ad val.
309.33	Other.....	[See Annex II]	[See Annexes V and IX]	45% ad val."

4.(a) Item 310.11 is superseded by:

	[Yarns of man-made fibers:]			
	[Other:]			
	[Wholly of continuous man-made fibers...:]			
	[Plied:]			
	[With not over 20 turns per inch...:]			
	"Valued over $1 per pound:			
310.12	Textured yarns, of nylon.....	[See Annex II]	[See Annex IX]	55% ad val.
310.15	Other.....	[See Annex II]	[See Annex IX]	55% ad val."

(b) Conforming change: The headnotes to subpart E of part 1 of schedule 3 are modified by adding thereto:

"4. For the purpose of this subpart, the term "textured" refers to (a) yarns of continuous man-made fibers having special characteristics of bulk or elasticity, or both, which have been imparted to the filaments, by twisting and untwisting, false twisting, crimping, curling, or other additional processing subsequent to the extrusion of the filaments from the spinneret and (b) yarns of discontinuous man-made fibers which have been heavily brushed subsequent to spinning."

5. Item 310.91 is superseded by:

	[Yarns put up for handwork,...:]			
	"Valued over 90 cents per pound:			
310.93	Yarns put up for handwork.....	[See Annex II]	[See Annex VIII]	55% ad val.
310.95	Sewing thread.....	[See Annex II]	[See Annex IX]	55% ad val."

6. Headnote 4 of subpart A of part 3 of schedule 3 is modified by deleting "With respect only to the fabrics provided for in items 319.21 through 319.25 and 320.01 through 320.98," and inserting in lieu thereof "With respect only to the fabrics provided for in items 319.21 through 319.25 and 320.01 through 320.98 other than such fabrics which are products of Israel as defined by general headnote 3(e)(viii)(B)".

7. Item 332.40 is superseded by:

	[Woven fabrics, in chief value, but not wholly, of cotton:]			
	"Other:			
332.30	Not combed.....	[See Annex II]	[See Annex IX]	40% ad val.
332.50	Combed.....	[See Annex II]	[See Annex VIII]	40% ad val."

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8. Item 345.50 is superseded by:

	[Knit fabrics:]			
	"Of man-made fibers:			
345.40	Fabrics, of nylon, not containing over 17 percent of wool by weight, and not of circular knit construction.....	[See Annex II]	[See Annex VIII]	113.5% ad val.
345.55	Other.....	[See Annex II]	[See Annex IX]	113.5% ad val."

9. Item 346.60 is superseded by:

	[Fabrics of pile construction,...:]			
	"Of man-made fibers:			
346.58	Fabrics of velveteen construction (whether or not the filling floats are cut) or velvets.....	[See Annex II]	[See Annex VIII]	79.5% ad val.
346.62	Other.....	[See Annex II]	[See Annex IX]	79.5% ad val."

10. Item 360.15 is superseded by:

	[Floor coverings of pile...:]			
	[In which the pile was inserted or knotted...:]			
	[With pile hand-inserted...:]			
	[Other:]			
	"Valued over 66-2/3 cents per square foot:			
360.12	Of wool.....	5.1% ad val.	[See Annex VIII]	45% ad val.
360.17	Other.....	5.1% ad val.	[See Annexes VII and IX]	45% ad val."

11. Item 360.44 is superseded by:

	[Floor coverings of pile...:]			
	[In which the pile was inserted or knotted...:]			
	[With pile not hand-inserted...:]			
	[Other:]			
	[Wilton (including brussels) and velvet...:]			
	"Other:			
360.45	Imitation oriental.....	[See Annex II]	[See Annexes III, VII, and VIII]	60% ad val.
360.47	Other.....	[See Annex II]	[See Annexes III, VII, and IX]	60% ad val."

12. Item 361.56 is superseded by:

	[Floor coverings not specially provided for,...:]			
	[Other:]			
	[Other:]			
	"Other:			
361.60	Of man-made fibers, except nonwoven.....	[See Annex II]	[See Annex VIII]	40% ad val.
361.70	Other.....	[See Annex II]	[See Annexes VII and IX]	40% ad val."

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13. Item 363.51 is superseded by:

	[Other bedding, not ornamented:]			
	[Of vegetable fibers:]			
	[Bedspreads, coverlets, quilts and comforters:]			
	[Not jacquard-figured:]			
	"Not block-printed by hand:			
363.52	Bedspreads.....	[See Annex II]	[See Annexes VII and IX]	25% ad val.
363.53	Other.....	[See Annex II]	[See Annexes VII and VIII]	25% ad val."

14.(a) Item 365.78 is superseded by:

	[Lace or net furnishings,...:]			
	[Net furnishings made on a lace,...:]			
	[Of cotton:]			
"365.64	Towels and washcloths, except dish towels.....	[See Annex II]	[See Annex IX]	90% ad val.
365.66	Other.....	[See Annex II]	[See Annex IX]	90% ad val."

(b) Conforming changes:

Items 365.68, 365.72, 365.74, 365.76, and 365.77 are redesignated items 365.52, 365.54, 365.56, 365.58, and 365.62, respectively.

15. Item 365.86 is superseded by:

	[Lace or net furnishings,...:]			
	[Net furnishings made on a lace,...:]			
	[Other:]			
	"Of wool or man-made fibers:			
365.87	Curtains or drapes, of man-made fibers.....	[See Annex II]	[See Annex IX]	90% ad val.
365.89	Other.....	[See Annex II]	[See Annex IX]	90% ad val."

16. Item 366.18 is superseded by:

	[Other furnishings, not ornamented:]			
	[Of vegetable fibers:]			
	[Towels:]			
	[Of cotton:]			
	[Pile or tufted construction:]			
	"Valued not over 45 cents each:			
366.17	Dish towels.....	[See Annex II]	[See Annex IX]	40% ad val.
366.19	Other.....	[See Annex II]	[See Annex IX]	40% ad val."

17. Item 366.21 is superseded by:

	[Other furnishings, not ornamented:]			
	[Of vegetable fibers:]			
	[Towels:]			
	[Of cotton:]			
	[Pile or tufted construction:]			
	[Valued over 45 cents each:]			
	"Valued not over $1.45 per pound:			
366.20	Dish towels.....	[See Annex II]	[See Annex IX]	40% ad val.
366.22	Other.....	[See Annex II]	[See Annex IX]	40% ad val."

18. Item 366.27 is superseded by:

	[Other furnishings, not ornamented:]				
	[Of vegetable fibers:]				
	[Towels:]				
	[Of cotton:]				
	"Other:				
366.26	Towels, not jacquard-figured, but not including shop towels (dedicated to use in garages, filling stations, and machine shops), and not including dish towels.....	[See Annex II]	[See Annex IX]	40% ad val.	
366.28	Other.....	[See Annex II]	[See Annex IX]	40% ad val."	

19. Item 367.34 is superseded by:

	[Other furnishings, not ornamented:]				
	[Of wool:]				
	[Other:]				
	"Other:				
367.32	Wall hangings.....	7.5% ad val.	[See Annex VIII]	50% ad val.	
367.33	Other.....	7.5% ad val.	[See Annex IX]	50% ad val."	

20. Item 367.60 is superseded by:

	[Other furnishings, not ornamented:]				
	[Of man-made fibers:]				
	[Other:]				
	"Other:				
367.61	Curtains or drapes.....	[See Annex II]	[See Annex IX]	22.5% ad val.	
367.63	Other.....	[See Annex II]	[See Annex IX]	22.5% ad val."	

21.(a) Items 379.00 through 383.95, including the superior headings thereto, are superseded by:

	"Men's or boy's lace or net wearing apparel, whether or not ornamented, and other men's or boys' wearing apparel, ornamented:				
	Of cotton:				
381.00	Certified hand-loomed and folklore products.....	[See Annex II]	[See Annexes VII and IX]	90% ad val.	
	Other:				
	Knit:				
381.02	Coats, suits, vests, trousers, slacks, shorts, shirts, and sweaters.....	[See Annex II]	[See Annex IX]	90% ad val.	
381.03	Parts of sweaters.....	[See Annex II]	[See Annex IX]	90% ad val.	
381.04	Other.....	[See Annex II]	[See Annex IX]	90% ad val.	
	Not knit:				
381.05	Coats (other than suit-type coats and jackets, not imported as parts of suits), shirts, suits, vests, trousers, slacks, and shorts.....	[See Annex II]	[See Annex IX]	90% ad val	
381.06	Suit-type coats and jackets, not imported as parts of suits.....	[See Annex II]	[See Annex IX]	90% ad val.	
381.08	Other.....	[See Annex II]	[See Annex IX]	90% ad val.	

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	[Men's or boys'...:]			
	Of wool:			
381.11	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	90% ad val.
	Other:			
	Knit:			
381.13	Coats, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.
381.15	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Not knit:			
381.17	Coats, shirts, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.
381.20	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Of man-made fibers:			
	Knit:			
381.23	Coats, suits, swimming trunks and other swimwear, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.
381.24	Shirts	[See Annex II]	[See Annex IX]	90% ad val.
381.25	Sweaters	[See Annex II]	[See Annex IX]	90% ad val.
381.28	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Not knit:			
381.31	Coats, shirts, suits, swimming trunks and other swimwear, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.
381.32	Judo, karate, and other oriental martial arts uniforms	[See Annex II]	[See Annex VIII]	90% ad val.
381.33	Other	[See Annex II]	[See Annex IX]	90% ad val.
381.35	Other	[See Annex II]	[See Annexes VII and IX]	90% ad val.
	Other men's or boys' wearing apparel, not ornamented:			
	Of cotton:			
	Knit:			
381.37	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	45% ad val.
	Other:			
381.39	Coats, suits, vests, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	45% ad val.
	Shirts and sweaters:			
381.40	T-shirts, except all white; sweatshirts	21% ad val.	[See Annex IX]	45% ad val.
381.41	Other	21% ad val.	[See Annex IX]	45% ad val.
	Other:			
381.42	Parts of sweaters	[See Annex II]	[See Annex IX]	45% ad val.
381.43	Other	[See Annex II]	[See Annex IX]	45% ad val.
	Not knit:			
	Coats:			
	Valued not over $4 each:			
381.44	Suit-type coats and jackets, not imported as parts of suits	[See Annex II]	[See Annex IX]	37.5% ad val.
381.45	Other	[See Annex II]	[See Annex IX]	37.5% ad val.
	Valued over $4 each:			
381.46	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and VIII]	37.5% ad val.

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	[Other men's or boys'...:]			
	[Of cotton:]			
	[Not knit:]			
	[Coats:]			
	[Valued...:]			
	Other:			
381.47	Raincoats, 3/4-length or longer, not of corduroy; suit-type sport coats and jackets, not imported as parts of suits, and other coats, all the foregoing not of corduroy or denim.....	8% ad val.	[See Annex IX]	37.5% ad val.
381.48	Other.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Dressing gowns, including bathrobes, and beach robes:			
381.49	Valued not over $2.50 each.....	[See Annex II]	[See Annex IX]	37.5% ad val.
381.50	Valued over $2.50 each.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Pajamas:			
381.51	Valued not over $1.50 per suit...	[See Annex II]	[See Annex IX]	37.5% ad val.
381.52	Valued over $1.50 per suit.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Shirts:			
381.54	Certified hand-loomed and folklore products.....	[See Annex II]	[See Annexes VII and IX]	45% ad val.
	Other:			
381.55	Men's sport shirts, with two or more colors in the warp and/or the filling, except corduroy.....	21% ad val.	[See Annex IX]	45% ad val.
381.56	Other.....	21% ad val.	[See Annex IX]	45% ad val.
381.57	Shirt collars and cuffs.....	[See Annex II]	[See Annex VIII]	20% ad val.
	Vests:			
381.58	Valued not over $2 each.....	[See Annex II]	[See Annex IX]	37.5% ad val.
381.59	Valued over $2 each.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Other:			
381.60	Certified hand-loomed and folklore products.....	[See Annex II]	[See Annexes VII and IX]	37.5% ad val.
	Other:			
381.62	Suits, trousers, slacks, and shorts.....	16.5% ad val.	[See Annex IX]	37.5% ad val.
381.63	Judo, karate, and other oriental martial arts uniforms.....	[See Annex II]	[See Annex VIII]	37.5% ad val.
	Other:			
381.64	Other parts of shirts..	[See Annex II]	[See Annex IX]	37.5% ad val.
381.65	Other.....	[See Annex II]	[See Annex IX]	37.5% ad val.

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	[Other men's or boys'...:]			
	Of vegetable fibers, except cotton:			
381.66	Knit	5% ad val.	[See Annexes VII and IX]	45% ad val.
	Not knit:			
381.68	Shirt collars and cuffs	[See Annex II]	[See Annexes VII and IX]	10% ad val.
381.69	Other	[See Annex II]	[See Annexes VII and IX]	35% ad val.
	Of wool:			
	Knit:			
	Valued not over $5 per pound:			
381.71	Coats, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	63% ad val.
381.72	Other	[See Annex II]	[See Annex IX]	63% ad val.
	Valued over $5 per pound:			
381.74	Sweaters valued over $18 per pound wholly of cashmere	[See Annex II]	[See Annex IX]	32% ad val.
381.75	Coats, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	54.5% ad val.
381.76	Other	[See Annex II]	[See Annex IX]	54.5% ad val.
	Not knit:			
	Valued not over $4 per pound:			
381.78	Coats, shirts, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	58% ad val.
381.79	Other	[See Annex II]	[See Annex IX]	58% ad val.
	Valued over $4 per pound:			
381.81	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	58.5% ad val.
	Other:			
381.83	Coats, shirts, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	58.5% ad val.
381.84	Other	[See Annex II]	[See Annex IX]	58.5% ad val.
	Of silk:			
381.85	Knit	[See Annex II]	[See Annexes VII and IX]	60% ad val.
381.86	Not knit	[See Annex II]	[See Annexes VII and IX]	65% ad val.
	Of man-made fibers:			
	Knit:			
	Coats, suits, trousers, slacks, and shorts:			
381.87	Jogging, warm-up, and similar athletic jackets, trousers, and slacks	[See Annex II]	[See Annex IX]	72% ad val.
381.88	Other	[See Annex II]	[See Annex IX]	72% ad val.

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	[Other men's or boys'...:]			
	[Of man-made fibers:]			
	[Knit:]			
381.89	Shirts	[See Annex II]	[See Annex IX]	72% ad val.
381.90	Sweaters	[See Annex II]	[See Annex IX]	72% ad val.
381.91	Swimming trunks and other swimwear	[See Annex II]	[See Annex IX]	72% ad val.
381.92	Other	[See Annex II]	[See Annex IX]	72% ad val.
	Not knit:			
381.93	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	76% ad val.
	Other:			
	Coats, shirts, suits, swimming trunks and other swimwear, trousers, slacks, and shorts:			
381.94	Sport shirts not having two or more colors in the warp and/or the filling	[See Annex II]	[See Annex IX]	76% ad val.
381.95	Other	[See Annex II]	[See Annex IX]	76% ad val.
	Other:			
381.96	Nonwoven disposable apparel designed for use in hospitals, clinics, laboratories, or contaminated areas	[See Annex II]	[See Annex IX]	76% ad val.
381.97	Judo, karate, and other oriental martial arts uniforms	[See Annex II]	[See Annex VIII]	76% ad val.
381.98	Other	[See Annex II]	[See Annex IX]	76% ad val.
381.99	Other	[See Annex II]	[See Annexes VII and IX]	40% ad val.
	Women's, girls', or infants' lace or net wearing apparel, whether or not ornamented, and other women's, girls', or infants' wearing apparel, ornamented:			
	Of cotton:			
384.00	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	90% ad val.
	Other:			
	Knit:			
384.02	Blouses, shirts, sweaters, coats, suits, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.

	[Women's, girls', or infants'...:]			
	[Of cotton:]			
	[Other:]			
	[Knit:]			
384.03	Dressing gowns, including bathrobes, beach robes, lounging robes, and similar apparel; parts of garments	[See Annex II]	[See Annex IX]	90% ad val.
384.04	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Not knit:			
384.05	Blouses, coats, and shirts	[See Annex II]	[See Annex IX]	90% ad val.
	Suits, vests, trousers, slacks, and shorts:			
384.06	Denim (including brushed denim) trousers and slacks; vests	[See Annex II]	[See Annex IX]	90% ad val.
384.07	Other trousers and slacks; suits; shorts	[See Annex II]	[See Annex IX]	90% ad val.
384.08	Infants' sets up to and including 24 months of age	[See Annex II]	[See Annex IX]	90% ad val.
384.09	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Of wool:			
384.10	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	90% ad val.
	Other:			
	Knit:			
384.12	Coats	[See Annex II]	[See Annex IX]	90% ad val.
384.13	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Not knit:			
384.15	Blouses, coats, and shirts	[See Annex II]	[See Annex IX]	90% ad val.
384.16	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Of man-made fibers:			
	Knit:			
384.18	Blouses, body suits and body shirts, shirts, and sweaters	[See Annex II]	[See Annex IX]	90% ad val.
384.19	Coats; suits; swimming suits and other swimwear; tops; shorts; women's trousers and slacks (other than jogging, warm-up, and similar athletic trousers and slacks for women)	[See Annex II]	[See Annex IX]	90% ad val.
384.20	Other trousers and slacks	[See Annex II]	[See Annex IX]	90% ad val.
384.21	Infants' sets up to and including 24 months of age	[See Annex II]	[See Annex IX]	90% ad val.

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	[Women's, girls', or infants'...:]			
	[Of man-made fibers:]			
	[Knit:]			
384.22	Other	[See Annex II]	[See Annex IX]	90% ad val.
	Not knit:			
384.23	Blouses, coats, shirts, suits, swimming suits and other swimwear, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.
384.24	Judo, karate, and other oriental martial arts uniforms	[See Annex II]	[See Annex VIII]	90% ad val.
384.25	Dresses; dressing gowns, including bathrobes, beach robes, lounging robes, and similar apparel; pajamas and other nightwear; coveralls, overalls, jumpsuits, and similar apparel; other playsuits, washsuits, sunsuits, and similar apparel; skirts; vests with attachments for sleeves; parts of garments except parts of trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	90% ad val.
384.26	Other	[See Annex II]	[See Annex IX]	90% ad val.
384.27	Other	[See Annex II]	[See Annexes VII and IX]	90% ad val.
	Other women's, girls', or infants' wearing apparel, not ornamented:			
	Of cotton:			
	Knit:			
384.28	Blouses and sweaters	21% ad val.	[See Annex IX]	45% ad val.
384.29	Shirts	21% ad val.	[See Annex IX]	45% ad val.
	Coats, suits, trousers, slacks, and shorts:			
384.30	Jogging, warm-up, and similar athletic jackets; suits; trousers and slacks	[See Annex II]	[See Annex IX]	45% ad val.
384.31	Other coats and jackets; shorts	[See Annex II]	[See Annex IX]	45% ad val.
384.32	Dresses	[See Annex II]	[See Annex IX]	45% ad val.
384.33	Parts of sweaters	[See Annex II]	[See Annex IX]	45% ad val.
384.34	Other	[See Annex II]	[See Annex IX]	45% ad val.
	Not knit:			
	Coats:			
384.35	Valued not over $4 each	[See Annex II]	[See Annex IX]	37.5% ad val.
	Valued over $4 each:			
384.36	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	37.5% ad val.
384.37	Other	8% ad val.	[See Annex IX]	37.5% ad val.
	Dressing gowns, including bathrobes, and beach robes:			
384.38	Valued not over $2.50 each	[See Annex II]	[See Annex IX]	37.5% ad val.

	[Other women's, girls', or infants'...:]			
	[Of cotton:]			
	[Not knit:]			
	[Dressing gowns,...:]			
	Valued over $2.50 each:			
384.39	Corduroy.....	8% ad val.	[See Annex IX]	37.5% ad val.
384.40	Other.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Pajamas:			
384.41	Valued not over $1.50 per suit...	[See Annex II]	[See Annex IX]	37.5% ad val.
384.42	Valued over $1.50 per suit.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Vests:			
384.43	Valued not over $2 each.....	[See Annex II]	[See Annex IX]	37.5% ad val.
384.44	Valued over $2 each.....	8% ad val.	[See Annex IX]	37.5% ad val.
	Other:			
384.45	Certified hand-loomed and folklore products.....	[See Annex II]	[See Annexes VII and IX]	37.5% ad val.
	Other:			
	Blouses, shirts, suits, trousers, slacks, and shorts:			
384.46	Blouses; shirts for male infants; denim (including brushed denim) trousers and slacks.....	16.5% ad val.	[See Annex IX]	37.5% ad val.
384.47	Other shirts; suits; other trousers and slacks; shorts.....	16.5% ad val.	[See Annex IX]	37.5% ad val.
	Dresses:			
384.48	Corduroy.....	[See Annex II]	[See Annex IX]	37.5% ad val.
384.49	Other.....	[See Annex II]	[See Annex IX]	37.5% ad val.
384.50	Judo, karate, and other oriental martial arts uniforms.....	[See Annex II]	[See Annex IX]	37.5% ad val.
384.51	Women's and girls' playsuits (other than coveralls, overalls, jumpsuits, and similar apparel), washsuits, sunsuits, and similar apparel, all the foregoing of corduroy; skirts (other than divided skirts and culottes) of corduroy, denim, or velveteen; skirts (other than divided skirts and culottes) of any fabric construction (other than corduroy, denim, or velveteen) for girls and infants; infants' sets up to and including 24 months of age.....	[See Annex II]	[See Annex IX]	37.5% ad val.
384.52	Other (including coveralls, jumpsuits, and similar apparel).....	[See Annex II]	[See Annex IX]	37.5% ad val.

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	[Other women's, girls', or infants'...:]				
	Of vegetable fibers, except cotton:				
	Knit:				
384.53	Sweaters subject to wool restraints; wearing apparel not subject to cotton, wool, or man-made fiber restraints	[See Annex II]	[See Annexes VII and IX]	45% ad val.	
384.54	Other	[See Annex II]	[See Annex IX]	45% ad val.	
	Not knit:				
384.55	Wearing apparel subject to cotton or wool restraints; blouses, shirts, coats, jackets, dresses, skirts, and culottes, all the foregoing subject to man-made fiber restraints	[See Annex II]	[See Annex IX]	35% ad val.	
384.56	Other	[See Annex II]	[See Annexes VII and IX]	35% ad val.	
	Of wool:				
	Knit:				
384.57	Infants' outerwear	[See Annex II]	[See Annex IX]	78.5% ad val.	
	Other:				
	Valued not over $5 per pound:				
384.58	Coats	[See Annex II]	[See Annex IX]	63% ad val.	
384.59	Other	[See Annex II]	[See Annex IX]	63% ad val.	
	Valued over $5 per pound:				
384.60	Sweaters valued over $18 per pound wholly of cashmere	[See Annex II]	[See Annex IX]	52% ad val.	
384.62	Coats	[See Annex II]	[See Annex IX]	54.5% ad val.	
384.63	Other	[See Annex II]	[See Annex IX]	54.5% ad val.	
	Not knit:				
	Valued not over $4 per pound:				
384.65	Blouses, coats, and shirts	[See Annex II]	[See Annex IX]	58% ad val.	
384.66	Other	[See Annex II]	[See Annex IX]	58% ad val.	
	Valued over $4 per pound:				
384.68	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	58.5% ad val.	
	Other:				
384.70	Blouses and shirts	37.5¢ per lb. + 21% ad val.	[See Annex IX]	58.5% ad val.	
384.72	Coats	[See Annex II]	[See Annex IX]	58.5% ad val.	
384.75	Other	[See Annex II]	[See Annex IX]	58.5% ad val.	
	Of silk:				
384.77	Knit	[See Annex II]	[See Annexes VII and IX]	60% ad val.	
384.78	Not knit	[See Annex II]	[See Annexes VII and IX]	65% ad val.	
	Of man-made fibers:				
	Knit:				
384.80	Blouses, body suits and body shirts, shirts (other than sweatshirts), and sweaters	[See Annex II]	[See Annex IX]	72% ad val.	

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	[Other women's, girls', or infants'...:]			
	[Of man-made fibers:]			
	[Knit:]			
384.81	Sweatshirts	[See Annex II]	[See Annex IX]	72¼ ad val.
384.82	Coats, suits, tops, trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	72¼ ad val.
	Swimming suits and other swimwear:			
384.83	Valued not over $10 each	[See Annex II]	[See Annex VIII]	72¼ ad val.
384.84	Valued over $10 each	[See Annex II]	[See Annex VIII]	72¼ ad val.
384.86	Other	[See Annex II]	[See Annex IX]	72¼ ad val.
	Not knit:			
384.88	Certified hand-loomed and folklore products	[See Annex II]	[See Annexes VII and IX]	76¼ ad val.
	Other:			
	Blouses, coats, shirts, suits, trousers, slacks, and shorts:			
384.90	Women's trousers and slacks (other than nonwoven disposable trousers and slacks designed for use in hospitals, clinics, laboratories, or contaminated areas)	[See Annex II]	[See Annex IX]	76¼ ad val.
384.91	Other	[See Annex II]	[See Annex IX]	76¼ ad val.
	Other:			
384.92	Judo, karate, and other oriental martial arts uniforms	[See Annex II]	[See Annex VIII]	76¼ ad val.
384.93	Nonwoven disposable apparel designed for use in hospitals, clinics, laboratories or contaminated areas; coveralls, overalls, jumpsuits and similar apparel; women's dresses with two or more colors in the warp and/or the filling; swimming suits and other swimwear; infants' sets up to and including 24 months of age; parts of trousers, slacks, and shorts	[See Annex II]	[See Annex IX]	76% ad val.
384.94	Other	[See Annex II]	[See Annex IX]	76% ad val.
	Other:			
384.95	Subject to cotton restraints	[See Annex II]	[See Annex IX]	40% ad val.
384.96	Other	[See Annex II]	[See Annexes VII and IX]	40% ad val."

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(b) Conforming change: The schedule 3 headnotes are modified by adding thereto:

"10. For the purposes of this schedule and in schedule 7:
(a) the term "Subject to cotton restraints" refers to--
(i) articles in which the cotton component equals or exceeds 50 percent by weight of all component fibers thereof; or
(ii) articles in which the cotton with wool and/or man-made fibers in the aggregate equal or exceed 50 percent by weight of the component fibers thereof and the cotton component equals or exceeds the weight of each of the total wool and/or total man-made fiber components.
(b) The term "Subject to wool restraints" refers to articles in which the wool content exceeds 17 percent by weight of all component fibers and which are not provided for in (a) above.
(c) The term "Subject to man-made fiber restraints" refers to articles not meeting the requirements of (a) or (b) above, but qualifying as--
(i) articles in which the man-made fiber components equal or exceed 50 percent by weight of all component fibers thereof; or
(ii) articles in which the man-made fibers in combination with cotton and/or wool in the aggregate equal or exceed 50 percent by weight of the component fibers thereof and the man-made fiber component exceeds the weight of the total wool and/or total cotton component."

22. Item 386.50 is superseded by:

	[Articles not specially provided for...:]			
	[Other articles, not ornamented:]			
	[Of cotton:]			
	"Other:			
386.51	Tents and tarpaulins.....	[See Annex II]	[See Annex IX]	40% ad val.
386.52	Shoe uppers; inked ribbons; kerosene heater wicks; laparotomy sponges.....	[See Annex II]	[See Annex IX]	40% ad val.
386.53	Other.....	[See Annex II]	[See Annex VIII]	40% ad val."

23.(a) Item 402.80 and the superior heading thereto are superseded by:

	[Cyclic organic chemical products...:]			
	[Other:]			
	[Halogenated hydrocarbons:]			
"402.78	Pentabromomethylbenzene; Tribromocumene.....	[See Annex II]	[See Annexes V, VI, and X]	7¢ per lb. + 71% ad val.
	Other:			
402.81	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex II]	[See Annexes V, VI, and IX]	7¢ per lb. + 71% ad val."

(b) Conforming change:

Item 402.82 is redesignated as 402.83.

24. Item 403.56 and the superior heading thereto are superseded by:

	[Cyclic organic chemical products...:]			
	[Other:]			
	[Alcohols, phenols, ethers...:]			
	[Other:]			
	[Halogenated, sulfonated:]			
"403.54	Tetrabromobisphenol A.....	[See Annex II]	[See Annexes V, VI, and X]	7¢ per lb. + 62% ad val.
	Other:			
403.57	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex II]	[See Annexes V, VI, and IX]	7¢ per lb. + 62% ad val."

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25. Item 403.64 and the superior heading thereto are superseded by:

	[Cyclic organic chemical products:]			
	[Other:]			
	[Alcohols, phenols, ethers...:]			
	[Other:]			
	[Ethers, ether-alcohols,...:]			
"403.62	Decabromodiphenyl oxide; Octabromodiphenyl oxide.....	[See Annex II]	[See Annexes V, VI, and X]	7¢ per lb. + 70.5% ad val.
	Other:			
403.65	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex II]	[See Annexes V, VI, and IX]	7¢ per lb. + 70.5% ad val."

26. Item 404.36 and the superior heading thereto are superseded by:

	[Cyclic organic chemical products...:]			
	[Other:]			
	[Carboxylic acids, anhydrides,...:]			
	[Other:]			
	[Polycarboxylic acids and...:]			
"404.33	Tetrabromophthalic anhydride.....	[See Annex II]	[See Annexes V, VI, and X]	7¢ per lb. + 73% ad val.
	Other:			
404.37	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex II]	[See Annexes V, VI, and IX]	7¢ per lb. + 73% ad val."

27. Item 405.52 is superseded by:

	[Cyclic organic chemical products...:]			
	[Other:]			
	[Other nitrogen-function compounds...:]			
	[Other:]			
	"Carboxyimide-function compounds (including orthobenzoic sulfimide and its salts) and imine-function compounds:			
405.51	Ethylenebistetra-bromophthalimide.....	[See Annex II]	[See Annexes V, VI, and X]	7¢ per lb. + 61% ad val.
405.53	Other.....	[See Annex II]	[See Annexes V, VI, and IX]	7¢ per lb. + 61% ad val."

28. Item 407.07 and the superior heading thereto are superseded by:

	[All other products, by whatever name known,...:]			
"407.01	Dibromoethyldibromocyclohexane.....	13.5% ad val.	[See Annexes VI and X]	7¢ per lb. + 53.5% ad val.
	Other:			
	[Articles provided for in item 407.05]			
407.06	Other.....	13.5% ad val.	[See Annexes VI and IX]	7¢ per lb. + 53.5% ad val."

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29. Headnote 3 to part 5 of schedule 6 is modified by:

(a) striking out "685.11 through 685.19" and inserting in lieu thereof "684.92 through 685.08"; and
(b) modifying subparagraph (b) by striking out "685.15" each place it appears therein and inserting in lieu thereof "684.98", and by striking out "685.16" and inserting in lieu thereof "685.00".

30. The superior heading to items 740.30 through 740.38 is modified by changing the words "this part" in the parenthetical phrase to "this subpart".

31. The first sentence of headnote 1 to subpart A of part 1 of the Appendix is modified by deleting "The duties" and inserting in lieu thereof "Except as provided in general headnote 3(e)(iii)(A)), the duties".

32. Headnote 1 to subpart B of part 1 of the Appendix is modified by deleting "inclusive." and inserting in lieu thereof "inclusive, except as provided in general headnote 3(e)(iii)(A)."

33. In the article description for item 905.50 change the reference of "items 379.96 and 383.92" to "items 381.96 and 384.93".

34. In the article description for item 906.50 change the reference of "item 405.52" to "item 405.53".

35. In the article description for item 906.97 change the reference of "item 403.56" to "item 403.57".

36. In the article description for item 907.08 change the reference of "item 403.56" to "item 403.57".

37. Subpart B of part 2 of the Appendix is modified by adding a new headnote, as follows:

"1. Any article described in the provisions of this subpart is subject to duty at the rate set forth herein in lieu of the rate provided therefor in schedules 1 to 8, inclusive, unless a lower rate of duty is provided for such article in the "Special" column set forth in schedules 1 to 8, inclusive.".

38. Headnote 1 to subpart C of part 2 of the Appendix is modified by deleting "elsewhere in the Tariff Schedules." and inserting in lieu thereof "elsewhere in the Tariff Schedules, or in the "Special" column set forth in schedules 1 to 8, inclusive.".

39. Headnote 1 to subpart D of part 2 of the Appendix is modified by deleting "inclusive." and inserting in lieu thereof "inclusive, unless a lower rate of duty is provided for such article in the "Special" column set forth in schedules 1 to 8, inclusive.".

40. The second sentence of headnote 1 to part 4 of the Appendix is modified by deleting "The provisions" and inserting in lieu thereof "Except as provided in general headnote 3(e)(iii)(A), the provisions".

ANNEX II

A. Annex III to Presidential Proclamation 4707 of December 11, 1979, as amended, is further amended--

a) by deleting from Section A of that Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

307.68	379.13	379.69	383.08	383.53
309.31	379.33	379.71	383.10	383.57
310.11	379.15	379.72	383.12	383.58
310.91	379.17	379.74	383.13	383.60
332.40	379.20	379.75	383.15	383.64
345.50	379.23	379.76	383.16	383.65
346.60	379.26	379.78	383.18	383.67
360.44	379.28	379.79	383.19	383.68
361.56	379.31	379.81	383.20	383.69
363.51	379.33	379.83	383.22	383.72
365.66	379.35	379.84	383.23	383.73
365.72	379.37	379.86	383.25	383.77
365.74	379.39	379.87	383.26	383.78
365.76	379.41	379.89	383.29	383.80
365.77	379.43	379.90	383.30	383.81
365.78	379.45	379.91	383.32	383.83
365.86	379.48	379.92	383.33	383.84
366.18	379.51	379.94	383.36	383.85
366.21	379.54	379.95	383.39	383.86
366.27	379.56	379.96	383.42	383.90
367.60	379.57	379.98	383.45	383.92
379.00	379.60	383.00	383.48	383.93
379.02	379.63	383.02	383.49	383.94
379.04	379.64	383.03	383.50	
379.06	379.66	383.05	383.52	
379.08	379.68	383.06	383.53	

b) by inserting in Section A of that Annex the following TSUS item numbers, in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
307.68 2/	30¢ per lb. + 15% ad val.	30¢/lb. + 15%	30¢/lb. + 15%	18¢/lb. + 15%	6¢/lb. + 35%	13.5%	10.5% 2/	2/	2/
307.70 2/	2/	2/	2/	2/	2/	2/	10.5% 2/	9%	9%
307.80 2/	2/	2/	2/	2/	2/	2/	10.5% 2/	9%	9%
309.31 3/	10.5% ad val.	10.5%	10.5%	10.4%	10.3%	10.3%	10.2% 3/	3/	3/
309.32 3/	3/	3/	3/	3/	3/	3/	10.2% 3/	10.1%	10%
309.33 3/	3/	3/	3/	3/	3/	3/	10.2% 3/	10.1%	10%
310.11 4/	13.5% ad val.	13.5%	13.5%	12.7%	12%	11.2%	10.4% 4/	6/	6/
310.12 4/	4/	4/	4/	4/	4/	4/	10.4% 4/	9.7%	8.9%
310.15 4/	4/	4/	4/	4/	4/	4/	10.4% 4/	9.7%	8.9%
310.91 3/	22% ad val.	22%	22%	20.5%	19%	17.5%	16% 3/	3/	3/
310.93 3/	3/	3/	3/	3/	3/	3/	16% 3/	14.5%	13%
310.95 3/	3/	3/	3/	3/	3/	3/	16% 3/	14.5%	13%
332.30 5/	5/	5/	5/	5/	5/	5/	12% 5/	11.3%	10.5%
332.40 5/	15% ad val.	15%	15%	14.3%	13.5%	12.6%	12% 5/	5/	5/
332.50 5/	5/	5/	5/	5/	5/	5/	12% 5/	11.3%	10.5%
345.40 5/	5/	5/	5/	5/	5/	5/	6¢/lb. + 16% 5/	4¢/lb. + 15%	14%
345.50 5/	25¢ per lb. + 20% ad val.	25¢/lb. + 20%	25¢/lb. + 20%	21¢/lb. + 19%	18¢/lb. + 18%	32¢/lb. + 17%	8¢/lb. + 16% 5/	5/	5/
345.55 5/	5/	5/	5/	5/	5/	5/	6¢/lb. + 16% 5/	4¢/lb. + 15%	14%
346.58 6/	6/	6/	6/	6/	6/	6/	5¢/lb. + 21.3% 6/	2¢/lb. + 20.4%	19.5%
346.60 6/	15¢ per lb. + 25% ad val.	15¢/lb. + 25%	15¢/lb. + 25%	12¢/lb. + 24.1%	10¢/lb. + 23.2%	7¢/lb. + 22.3%	5¢/lb. + 21.3% 6/	9/	9/
346.62 6/	6/	6/	6/	6/	6/	6/	5¢/lb. + 21.3% 6/	2¢/lb. + 20.4%	19.5%

Footnote 2 for items 307.68, 307.70, and 307.80:
2/ Item 307.68 is discontinued effective September 1, 1985, and is superseded by items 307.70 and 307.80.

Footnote 3 for items 309.31, 309.32, and 309.33:
3/ Item 309.31 is discontinued effective September 1, 1985, and is superseded by items 309.32 and 309.33.

Footnote 4 for items 310.11, 310.12, and 310.15:
4/ Item 310.11 is discontinued effective September 1, 1985, and is superseded by items 310.12 and 310.15.

Footnote 3 for items 310.91, 310.93, and 310.95:
3/ Item 310.91 is discontinued effective September 1, 1985, and is superseded by items 310.93 and 310.95.

Footnote 5 for items 332.30, 332.40, and 332.50:
5/ Item 332.40 is discontinued effective September 1, 1985, and is superseded by items 332.30 and 332.50.

Footnote 5 for items 345.40, 345.50, and 345.55:
5/ Item 345.50 is discontinued effective September 1, 1985, and is superseded by items 345.40 and 345.55.

Footnote 6 for items 346.58, 346.60, and 346.62:
6/ Item 346.60 is discontinued effective September 1, 1985, and is superseded by items 346.58 and 346.62.

ANNEX II

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A.(con.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
360.44 2/	7/	7/	7/	19.2%	17.3%	15.5%	13.7% 7/	7/	7/
360.45 2/	7/	7/	7/	7/	7/	7/	13.7% 7/	11.8%	7/
360.47 2/	7/	7/	7/	7/	7/	7/	13.7% 7/	11.8%	10%
361.56 8/	8.5% ad val.	8.5%	8.5%	8%	7.6%	6.9%	6.4% 8/	8/	8/
361.60 8/	8/	8/	8/	8/	8/	8/	6.4% 8/	5.8%	5.3%
361.70 8/	8/	8/	8/	8/	8/	8/	6.4% 8/	5.8%	5.3%
363.51 7/	6% ad val.	6%	6%	5.8%	5.7%	5.5%	5.3% 7/	7/	7/
363.52 7/	7/	7/	7/	7/	7/	7/	5.3% 7/	5.2%	5%
363.53 7/	7/	7/	7/	7/	7/	7/	5.3% 7/	5.2%	5%
365.52 7/	7/	7/	7/	7/	7/	7/	16% 7/	14.4%	12.8%
365.54 7/	7/	7/	7/	7/	7/	7/	16% 7/	14.4%	12.8%
365.56 3/	3/	3/	3/	3/	3/	3/	21% 3/	18.3%	15.5% 3/
365.58 3/	3/	3/	3/	3/	3/	3/	21% 3/	18.3%	15.5% 3/
365.62 8/	8/	8/	8/	8/	8/	8/	15.2% 8/	14%	12.8%
365.64 4/	4/	4/	4/	4/	4/	4/	20.2% 4/	17.7%	15.3% 4/
365.66 4/	4/	4/	4/	4/	4/	4/	20.2% 4/	17.7%	15.3% 4/
365.68 7/	7/	22.5% 7/	22.5%	20.8%	19.3%	17.7%	16% 7/	7/	7/
365.72 7/	7/	22.5% 7/	22.5%	20.8%	19.3%	17.7%	16% 7/	7/	7/
365.74 3/	3/	32% 3/	32%	29.3%	26.5%	23.8%	21% 3/	3/	3/
365.76 3/	3/	32% 3/	32%	29.3%	26.5%	23.8%	21% 3/	3/	3/
365.77 8/	20% ad val.	20%	20%	18.8%	17.6%	16.4%	15.2% 8/	8/	8/
365.78 4/	30% ad val.	30%	30%	27.5%	25.1%	22.6%	20.2% 4/	4/	4/
365.86 9/	21% ad val.	21%	21%	19.6%	18.3%	16.9%	15.5% 9/	9/	9/
365.87 9/	9/	9/	9/	9/	9/	9/	15.5% 9/	14.2%	12.8%
365.89 9/	9/	9/	9/	9/	9/	9/	15.5% 9/	14.2%	12.8%
366.17 10/	10/	10/	10/	10/	10/	10/	11.7% 10/	11.1%	10.5%
366.18 10/	14% ad val.	14%	14%	13.4%	12.8%	12.3%	11.7% 10/	10/	10/
366.19 10/	10/	10/	10/	10/	10/	10/	11.7% 10/	11.1%	10.5%
366.20 11/	11/	11/	11/	11/	11/	11/	13.7¢/lb. 11/	13.0¢/lb.	13.0¢/lb.
366.21 11/	14¢ per lb.	14¢/lb.	14¢/lb.	13.9¢/lb	13.8¢/lb.	13.7¢/lb.	13.7¢/lb. 11/	11/	11/
366.22 11/	11/	11/	11/	11/	11/	11/	13.7¢/lb. 11/	13.0¢/lb.	13.0¢/lb.
366.26 12/	12/	12/	12/	12/	12/	12/	12% 12/	11.3%	10.5%
366.27 12/	15% ad val.	15%	15%	14.3%	13.5%	12.8%	12% 12/	12/	12/
366.28 12/	12/	12/	12/	12/	12/	12/	12% 12/	11.3%	10.5%

Footnote 7 for items 360.44, 360.45, and 360.47:
7/ Item 360.46 is discontinued effective March 31, 1982, and is superseded by items 360.42, 360.43, and 360.44. Item 360.44 is discontinued effective September 1, 1985, and is superseded by items 360.45 and 360.47.

Footnote 8 for items 361.56, 361.60, and 361.70:
8/ Item 361.56 is discontinued effective September 1, 1985, and is superseded by items 361.60 and 361.70.

Footnote 7 for items 363.51, 363.52, and 363.53:
7/ Item 363.51 is discontinued effective September 1, 1985, and is superseded by items 363.52 and 363.53.

Footnote 7 for items 365.52, 365.54, 365.68, and 365.72:
7/ Item 365.70 is discontinued effective March 30, 1980, and is superseded by items 365.68 and 365.72. Effective September 1, 1985, items 365.68 and 365.72 are redesignated items 365.52 and 365.54, respectively.

Footnote 3 for items 365.56, 365.58, 365.74, and 365.76:
3/ Item 365.75 is discontinued effective March 30, 1980, and is superseded by items 365.74 and 365.76. Effective September 1, 1985, items 365.74 and 365.76 are redesignated items 365.56 and 365.58, respectively. For items 365.56 and 365.58, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12.8%.

Footnote 8 for items 365.62 and 365.77:
8/ Item 365.77 is redesignated item 365.62 effective September 1, 1985.

Footnote 4 for items 365.64, 365.66, and 365.78:
4/ Item 365.78 is discontinued effective September 1, 1985, and is superseded by items 365.64 and 365.66. For items 365.64 and 365.66 the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12.8%.

Footnote 9 for items 365.86, 365.87, and 365.89:
9/ Item 365.86 is discontinued effective September 1, 1985, and is superseded by items 365.87 and 365.89.

Footnote 10 for items 366.17, 366.18, and 366.19:
10/ Item 366.18 is discontinued effective September 1, 1985, and is superseded by items 366.17 and 366.19.

Footnote 11 for items 366.20, 366.21, and 366.22:
11/ Item 366.21 is discontinued effective September 1, 1985, and is superseded by items 366.20 and 366.22.

Footnote 12 for items 366.26, 366.27, and 366.28:
12/ Item 366.27 is discontinued effective September 1, 1985, and is superseded by items 366.26 and 366.28.

ANNEX II

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A.(con.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
367.60 2/	23c per lb. + 17% ad val.	25c/lb. + 17%	25c/lb. + 17%	20c/lb. + 15.6%	16c/lb. + 14.2%	12c/lb. + 12.8%	8c/lb. + 11.3% 4/	4/	4/
367.61 2/	4/	4/	4/	4/	4/	4/	8c/lb. + 11.3% 4/	4c/lb. + 9.9%	8.5%
367.63 2/	4/	4/	4/	4/	4/	4/	8c/lb. + 11.3% 4/	4c/lb. + 9.9%	8.5%
379.00 3/	35% ad val.	4/	4/	32%	29%	26%	23% 3/	3/	3/
379.02 5/	35% ad val.	4/	4/	32.7%	30.3%	26%	25.7% 5/	5/	5/
379.04 6/	35% ad val.	4/	4/	32%	29%	26%	23% 6/	6/	6/
379.06 7/	35% ad val.	4/	4/	32.7%	30.3%	28%	25.7% 7/	7/	7/
379.08 8/	35% ad val.	4/	4/	32%	29%	26%	23% 8/	8/	8/
379.11 9/	42.5% ad val.	4/	4/	39.7%	36.8%	34%	31.2% 9/	9/	9/
379.13 10/	42.5% ad val.	4/	4/	39.7%	36.9%	34.1%	31.4% 10/	10/	10/
379.15 11/	42.5% ad val.	4/	4/	39.7%	36.8%	34%	31.2% 11/	11/	11/
379.17 12/	42.5% ad val.	4/	4/	39.7%	36.9%	34.1%	31.4% 12/	12/	12/
379.20 13/	42.5% ad val.	4/	4/	39.7%	36.8%	34%	31.2% 13/	13/	13/
379.23 14/	42.5% ad val.	4/	4/	40.4%	38.3%	36.3%	34.2% 14/	14/	14/
379.26 15/	42.5% ad val.	4/	4/	41.3%	40%	38.8%	37.5% 15/	15/	15/
379.28 16/	42.5% ad val.	4/	4/	39.7%	36.8%	34%	31.2% 16/	16/	16/
379.31 17/	42.5% ad val.	4/	4/	40.4%	38.3%	36.3%	34.2% 17/	17/	17/
379.33 18/	42.5% ad val.	4/	4/	39.7%	36.8%	34%	31.2% 18/	18/	18/

Footnote 4 for items 367.60, 367.61, and 367.63:
4/ Item 367.60 is discontinued effective September 1, 1985, and is superseded by items 367.61 and 367.63.

Footnote 3 for item 379.00:
3/ Item 379.00 is redesignated item 381.00 effective September 1, 1985.

Footnote 5 for item 379.02:
5/ Item 379.02 is redesignated item 381.02 effective September 1, 1985.

Footnote 6 for item 379.04:
6/ Item 379.04 is discontinued effective September 1, 1985, and is superseded by items 381.03 and 381.04.

Footnote 7 for item 379.06:
7/ Item 379.06 is discontinued effective September 1, 1985, and is superseded by items 381.05 and 381.06.

Footnote 8 for item 379.08:
8/ Item 379.08 is redesignated item 381.08 effective September 1, 1985.

Footnote 9 for item 379.11:
9/ Item 379.11 is redesignated item 381.11 effective September 1, 1985.

Footnote 10 for item 379.13:
10/ Item 379.13 is redesignated item 381.13 effective September 1, 1985.

Footnote 11 for item 379.15:
11/ Item 379.15 is redesignated item 381.15 effective September 1, 1985.

Footnote 12 for item 379.17:
12/ Item 379.17 is redesignated item 381.17 effective September 1, 1985.

Footnote 13 for item 379.20:
13/ Item 379.20 is redesignated item 381.20 effective September 1, 1985.

Footnote 14 for item 379.23:
14/ Item 379.23 is redesignated item 381.23 effective September 1, 1985.

Footnote 15 for item 379.26:
15/ Item 379.26 is discontinued effective September 1, 1985, and is superseded by items 381.24 and 381.25.

Footnote 16 for item 379.28:
16/ Item 379.28 is redesignated 381.28 effective September 1, 1985.

Footnote 17 for item 379.31:
17/ Item 379.31 is redesignated 381.31 effective September 1, 1985.

Footnote 18 for item 379.33:
18/ Item 379.33 is discontinued effective September 1, 1985, and is superseded by items 381.32 and 381.33.

ANNEX II

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A. (con.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1981	1982	1983	1984	1985	1986	1987
379.35 19	21% ad val.	4/	4/	18%	15%	12%	9% 19/	19/	19/
379.37 20	21% ad val.	4/	4/	18.9%	16.8%	14.8%	12.7% 20/	20/	20/
379.39 21	21% ad val.	4/	4/	20.3%	19.5%	18.8%	18% 21/	21/	21/
379.41 22	21% ad val.	4/	4/	18.8%	16.7%	14.5%	12.3% 22/	22/	22/
379.43 22	16.5% ad val.	4/	4/	15.1%	13.7%	12.3%	10.8% 23/	23/	23/
379.45 24	8% ad val.	4/	4/	7.5%	7%	6.5%	6% 24/	24/	24/
379.48 25	16.5% ad val.	4/	4/	15.1%	13.7%	12.3%	10.8% 25/	25/	25/
379.51 26	16.5% ad val.	4/	4/	15.1%	13.7%	12.3%	10.8% 26/	26/	26/
379.54 27	21% ad val.	4/	4/	18.9%	16.8%	14.7%	12.6% 27/	27/	27/
379.56 28	7% ad val.	4/	4/	6.6%	6.2%	5.8%	5.3% 28/	28/	28/
379.57 2/	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 2/	2/	2/
379.69 8/	16.5% ad val.	3/	3/	15%	13.5%	12%	10.5% 8/	8/	8/
379.63 5/	16.5% ad val.	3/	3/	14.8%	13.2%	11.5%	9.8% 5/	5/	5/
379.64 6/	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 6/	6/	6/
379.68 7/	2.5% ad val.	3/	3/	2.4%	2.3%	2.3%	2.2% 7/	7/	7/
379.69 8/	7.5% ad val.	3/	3/	6.8%	6%	5.3%	4.5% 8/	8/	8/
379.71 9/	17.5c per lb. + 30% ad val.	3/	3/	31c/lb. + 28.8%	25c/lb. + 27.7%	18c/lb. + 26.5%	12c/lb. + 25.3% 9/	9/	9/
379.72 10	17.5c per lb. + 30% ad val.	3/	3/	32c/lb. + 28.4%	28c/lb. + 26.8%	23c/lb. + 25.1%	18c/lb. + 23.5% 10/	10/	10/

Footnote 19 for item 379.35:
19/ Item 379.35 is redesignated 381.35 effective September 1, 1985.

Footnote 20 for item 379.37:
20/ Item 379.37 is redesignated 381.37 effective September 1, 1985.

Footnote 21 for item 379.39:
21/ Item 379.39 is redesignated 381.39 effective September 1, 1985.

Footnote 22 for item 379.41:
22/ Item 379.41 is discontinued effective September 1, 1985, and is superseded by items 381.42 and 381.43.

Footnote 23 for item 379.43:
23/ Item 379.43 is discontinued effective September 1, 1985, and is superseded by items 381.44 and 381.45.

Footnote 24 for item 379.45:
24/ Item 379.45 is redesignated 381.46 effective September 1, 1985.

Footnote 25 for item 379.48:
25/ Item 379.48 is redesignated 381.49 effective September 1, 1985.

Footnote 26 for item 379.51:
26/ Item 379.51 is redesignated 381.51 effective September 1, 1985.

Footnote 27 for item 379.54:
27/ Item 379.54 is redesignated 381.54 effective September 1, 1985.

Footnote 28 for item 379.56:
28/ Item 379.56 is redesignated 381.57 effective September 1, 1985.

Footnote 2 for item 379.57:
2/ Item 379.57 is redesignated 381.58 effective September 1, 1985.

Footnote 3 for items 379.57 through 379.98:
3/ This item is not established until January 1, 1982.

Footnote 4 for item 379.60:
4/ Item 379.60 is redesignated item 381.60 effective September 1, 1985.

Footnote 5 for item 379.63:
5/ Item 379.63 is redesignated item 381.63 effective September 1, 1985.

Footnote 6 for item 379.64:
6/ Item 379.64 is discontinued effective September 1, 1985, and is superseded by items 381.64 and 381.65.

Footnote 7 for item 379.68:
7/ Item 379.68 is redesignated item 381.68 effective September 1, 1985.

Footnote 8 for item 379.69:
8/ Item 379.69 is redesignated item 381.69 effective September 1, 1985.

Footnote 9 for item 379.71:
9/ Item 379.71 is redesignated item 381.71 effective September 1, 1985.

Footnote 10 for item 379.72:
10/ Item 379.72 is redesignated item 381.72 effective September 1, 1985.

ANNEX II

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A.(con.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
379.74[11]	17.5¢ per lb. + 15.5% ad val.	3/	3/	31¢/lb. + 14.2%	25¢/lb. + 12.8%	19¢/lb. + 11.5%	12¢/lb. + 10.2% 11/	11/	11/
379.75[12]	17.5¢ per lb. + 20% ad val.	3/	3/	37.1¢/lb. + 20%	36.7¢/lb. + 20%	36.3¢/lb. + 20%	35.8¢/lb. + 20% 12/	12/	12/
379.76[13]	17.5¢ per lb. + 20% ad val.	3/	3/	31¢/lb. + 19.5%	25¢/lb. + 19%	19¢/lb. + 18.5%	12¢/lb. + 18% 13/	13/	13/
379.78[14]	25¢ per lb. + 21% ad val.	3/	3/	21¢/lb. + 21%	18¢/lb. + 21%	14¢/lb. + 21%	11¢/lb. + 21% 14/	14/	14/
379.79[15]	25¢ per lb. + 21% ad val.	3/	3/	21¢/lb. + 20.3%	17¢/lb. + 19.7%	13¢/lb. + 19%	8¢/lb. + 18.3% 15/	15/	15/
379.81[16]	17.5¢ per lb. + 21% ad val.	3/	3/	31¢/lb. + 19.1%	25¢/lb. + 17.2%	19¢/lb. + 15.3%	12¢/lb. + 13.3% 16/	16/	16/
379.83[17]	17.5¢ per lb. + 21% ad val.	3/	3/	35¢/lb. + 21%	33¢/lb. + 21%	31¢/lb. + 21%	28¢/lb. + 21% 17/	17/	17/
379.84[18]	17.5¢ per lb. + 21% ad val.	3/	3/	31¢/lb. + 20.3%	25¢/lb. + 19.7%	19¢/lb. + 19%	12¢/lb. + 18.3% 18/	18/	18/
379.86[19]	10% ad val.	3/	3/	9.3%	8.7%	8%	7.3% 19/	19/	19/
379.87[20]	16% ad val.	3/	3/	14.6%	13.2%	11.8%	10.3% 20/	20/	20/
379.89[21]	25¢ per lb. + 32.5% ad val.	3/	3/	20¢/lb. + 32.1%	18¢/lb. + 31.7%	12¢/lb. + 31.3%	8¢/lb. + 30.8% 21/	21/	21/
379.90[22]	25¢ per lb. + 32.5% ad val.	3/	3/	23¢/lb. + 32.5%	21¢/lb. + 32.5%	19¢/lb. + 32.5%	17¢/lb. + 32.5% 22/	22/	22/
379.91[23]	25¢ per lb. + 32.5% ad val.	3/	3/	20¢/lb. + 31.3%	16¢/lb. + 30%	12¢/lb. + 28.8%	8¢/lb. + 27.5% 23/	23/	23/
379.92[24]	25¢ per lb. + 32.5% ad val.	3/	3/	21¢/lb. + 30.3%	17¢/lb. + 28.1%	14¢/lb. + 25.9%	10¢/lb. + 23.6% 24/	24/	24/
379.94[25]	25¢ per lb. + 27.5% ad val.	3/	3/	21¢/lb. + 25.4%	17¢/lb. + 23.4%	14¢/lb. + 21.3%	10¢/lb. + 19.2% 25/	25/	25/

Footnote 11 for item 379.74:
11/ Item 379.74 is redesignated item 381.74 effective September 1, 1985.

Footnote 12 for item 379.75:
12/ Item 379.75 is redesignated item 381.75 effective September 1, 1985.

Footnote 13 for item 379.76:
13/ Item 379.76 is redesignated item 381.76 effective September 1, 1985.

Footnote 14 for item 379.78:
14/ Item 379.78 is redesignated item 381.78 effective September 1, 1985.

Footnote 15 for item 379.79:
15/ Item 379.79 is redesignated item 381.79 effective September 1, 1985.

Footnote 16 for item 379.81:
16/ Item 379.81 is redesignated item 381.81 effective September 1, 1985.

Footnote 17 for item 379.83:
17/ Item 379.83 is redesignated item 381.83 effective September 1, 1985.

Footnote 18 for item 379.84:
18/ Item 379.84 is redesignated item 381.84 effective September 1, 1985.

Footnote 19 for item 379.86:
19/ Item 379.86 is redesignated item 381.85 effective September 1, 1985.

Footnote 20 for item 379.87:
20/ Item 379.87 is redesignated item 381.86 effective September 1, 1985.

Footnote 21 for item 379.89:
21/ Item 379.89 is discontinued effective September 1, 1985, and is superseded by items 381.87 and 381.88.

Footnote 22 for item 379.90:
22/ Item 379.90 is discontinued effective September 1, 1985, and is superseded by items 381.89 and 381.90.

Footnote 23 for item 379.91:
23/ Item 379.91 is redesignated item 381.91 effective September 1, 1985.

Footnote 24 for item 379.92:
24/ Item 379.92 is redesignated item 381.92 effective September 1, 1985.

Footnote 25 for item 379.94:
25/ Item 379.94 is redesignated item 381.93 effective September 1, 1985.

ANNEX II

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A. (cont.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1950	1951	1952	1953	1954	1985	1986	--
379.95 25/	25¢ per lb. + 27.5% ad val.	3/	3/	23¢/lb. + 27.5%	21¢/lb. + 27.5%	19¢/lb. + 27.5%	17¢/lb. + 27.5% 26/	26/	26/
379.96 27/	25¢ per lb. + 27.5% ad val.	3/	3/	20¢/lb. + 25.8%	16¢/lb. + 24%	12¢/lb. + 22.3%	8¢/lb. + 20.5% 27/	27/	27/
379.98 28/	10% ad val.	3/	3/	9%	8%	7%	6% 28/	28/	28/
381.00 29/	29/	29/	29/	29/	29/	29/	23% 29/	20%	17½ 29/
381.02 30/	30/	30/	30/	30/	30/	30/	25.7% 30/	23.3%	21%
381.03 31/	31/	31/	31/	31/	31/	31/	23% 31/	20%	17½ 31/
381.04 31/	31/	31/	31/	31/	31/	31/	23% 31/	20%	17½ 31/
381.05 32/	32/	32/	32/	32/	32/	32/	25.7% 32/	23%	21%
381.06 32/	32/	32/	32/	32/	32/	32/	25.7% 32/	23%	21%
381.08 33/	33/	33/	33/	33/	33/	33/	23% 33/	20%	17½ 33/
381.11 34/	34/	34/	34/	34/	34/	34/	31.2% 34/	28.3%	25.5% 34/
381.13 35/	35/	35/	35/	35/	35/	35/	31.4% 35/	28.6%	25.8% 35/
381.15 36/	36/	36/	36/	36/	36/	36/	31.2% 36/	28.3%	25.5% 36/

Footnote 26 for item 379.95:
26/ Item 379.95 is discontinued effective September 1, 1985, and is superseded by items 381.94 and 381.95.

Footnote 27 for item 379.96:
27/ Item 379.96 is discontinued effective September 1, 1985, and is superseded by items 381.96, 381.97, and 381.98.

Footnote 28 for items 379.98:
28/ Item 379.98 is redesignated item 381.99 effective September 1, 1985.

Footnote 29 for item 381.00:
29/ Item 379.00 is redesignated item 381.00 effective September 1, 1985.
For item 381.00, the rate of duty effective with respect to articles entered on and after January 1, 1986, will be 14%.

Footnote 30 for item 381.02:
30/ Item 379.02 is redesignated item 381.02 effective September 1, 1985.

Footnote 31 for items 381.03 and 381.04:
31/ Item 379.04 is discontinued effective September 1, 1985, and is superseded by items 381.03 and 381.04.
For items 381.03 and 381.04, the rate of duty effective with respect to articles entered on and after January 1, 1986, will be 14%.

Footnote 32 for items 381.05 and 381.06:
32/ Item 379.06 is discontinued effective September 1, 1985, and is superseded by items 381.05 and 381.06.

Footnote 33 for item 381.08:
33/ Item 379.08 is redesignated item 381.08 effective September 1, 1985.
For item 381.08, the rate of duty effective with respect to articles entered on and after January 1, 1986, will be 14%.

Footnote 34 for item 381.11:
34/ Item 379.11 is redesignated item 381.11 effective September 1, 1985.
For item 381.11, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.8%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 35 for item 381.13:
35/ Item 379.13 is redesignated item 381.13 effective September 1, 1985.
For item 381.13, the rate of duty effective with respect to articles entered on and after January 1, 1986, will be 23%.

Footnote 36 for item 381.15:
36/ Item 379.15 is redesignated item 381.15 effective September 1, 1985.
For item 381.15, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.8%.
Effective with respect to articles entered on and after January 1, 1990--17%.

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(con.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1--							
		1987	1988	1989	1990	1991	1992	1993	
381.17 37	37/	37/	37/	37/	37/	37/	31.4% 37/	26.0%	23.0% 39/
381.20 38	38/	38/	38/	38/	38/	38/	31.2% 38/	26.3%	23.3% 40/
381.23 39	39/	39/	39/	39/	39/	39/	34.2% 39/	32.1%	30%
381.24 40	40/	40/	40/	40/	40/	40/	37.5% 40/	36.3%	35%
381.25 40	40/	40/	40/	40/	40/	40/	37.5% 40/	36.3%	35%
381.28 41	41/	41/	41/	41/	41/	41/	31.2% 41/	26.3%	23.3% 43/
381.31 42	42/	42/	42/	42/	42/	42/	34.2% 42/	32.1%	30%
381.32 43	43/	43/	43/	43/	43/	43/	31.2% 43/	26.3%	23.3% 43/
381.33 43	43/	43/	43/	43/	43/	43/	31.2% 43/	26.3%	23.3% 43/
381.35 44	44/	44/	44/	44/	44/	44/	9% 44/	8%	8%
381.37 45	45/	45/	45/	45/	45/	45/	12.7% 45/	10.6%	8.3%
381.39 46	46/	46/	46/	46/	46/	46/	18% 46/	17.3%	16.3%
381.42 47	47/	47/	47/	47/	47/	47/	12.3% 47/	10.2%	8%
381.43 47	47/	47/	47/	47/	47/	47/	12.3% 47/	10.2%	8%
381.44 48	48/	48/	48/	48/	48/	48/	10.8% 48/	9.4%	8%
381.45 48	48/	48/	48/	48/	48/	48/	10.8% 48/	9.4%	8%
381.46 49	49/	49/	49/	49/	49/	49/	6% 49/	5.5%	5%
381.49 50	50/	50/	50/	50/	50/	50/	10.8% 50/	9.4%	8%
381.51 51	51/	51/	51/	51/	51/	51/	10.8% 51/	9.4%	8%
381.54 52	52/	52/	52/	52/	52/	52/	12.6% 52/	10.5%	8.4%
381.57 53	53/	53/	53/	53/	53/	53/	5.3% 53/	4.9%	4.5%

Footnote 37 for item 381.17:
37/ Item 379.17 is redesignated item 381.17 effective September 1, 1985.
For item 381.17, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

Footnote 38 for item 381.20:
38/ Item 379.20 is redesignated item 381.20 effective September 1, 1985.
For item 381.20, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.8%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 39 for item 381.23:
39/ Item 379.23 is redesignated item 381.23 effective September 1, 1985.

Footnote 40 for items 381.24 and 381.25:
40/ Item 379.26 is discontinued effective September 1, 1985, and is superseded by items 381.24 and 381.25.

Footnote 41 for item 381.28:
41/ Item 379.28 is redesignated item 381.28 effective September 1, 1985.
For item 381.28, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.8%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 42 for item 381.31:
42/ Item 379.31 is redesignated item 381.31 effective September 1, 1985.

Footnote 43 for items 381.32 and 381.33:
43/ Item 379.33 is discontinued effective September 1, 1985, and is superseded by items 381.32 and 381.33.
For items 381.32 and 381.33, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.8%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 44 for item 381.35:
44/ Item 379.35 is redesignated item 381.35 effective September 1, 1985.

Footnote 45 for item 381.37:
45/ Item 379.37 is redesignated item 381.37 effective September 1, 1985.

Footnote 46 for item 381.39:
46/ Item 379.39 is redesignated item 381.39 effective September 1, 1985.

Footnote 47 for items 381.42 and 381.43:
47/ Item 379.41 is discontinued effective September 1, 1985, and is superseded by items 381.42 and 381.43.

Footnote 48 for items 381.44 and 381.45:
48/ Item 379.43 is discontinued effective September 1, 1985, and is superseded by items 381.44 and 381.45.

Footnote 49 for item 381.46:
49/ Item 379.45 is redesignated item 381.46 effective September 1, 1985.

Footnote 50 for item 381.49:
50/ Item 379.48 is redesignated item 381.49 effective September 1, 1985.

Footnote 51 for item 381.51:
51/ Item 379.51 is redesignated item 381.51 effective September 1, 1985.

Footnote 52 for item 381.54:
52/ Item 379.54 is redesignated item 381.54 effective September 1, 1985.

Footnote 53 for item 381.57:
53/ Item 379.56 is redesignated item 381.57 effective September 1, 1985.

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Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1984	1985	1986	1987	1988	1989	1990	1991
381.58 2/	2/	2/	2/	2/	2/	2/	10.8% 2/	9.4%	8%
381.60 4/	4/	4/	4/	4/	4/	4/	10.5% 4/	9%	7.5%
381.63 5/	5/	5/	5/	5/	5/	5/	9.8% 5/	8.2%	6.5%
381.64 6/	6/	6/	6/	6/	6/	6/	10.8% 6/	9.4%	8%
381.65 6/	6/	6/	6/	6/	6/	6/	10.8% 6/	9.4%	8%
381.68 7/	7/	7/	7/	7/	7/	7/	2.2% 7/	2.1%	2%
381.69 8/	8/	8/	8/	8/	8/	8/	4.5% 8/	3.8%	3%
381.71 9/	9/	9/	9/	9/	9/	9/	12¢/lb. + 25.3% 9/	6¢/lb. + 24.2%	23%
381.72 10/	10/	10/	10/	10/	10/	10/	18¢/lb. + 23.5% 10/	14¢/lb. + 21.9%	9¢/lb. + 20.3% 10/
381.74 11/	11/	11/	11/	11/	11/	11/	12¢/lb. + 10.2% 11/	8¢/lb. + 8.8%	7.5%
381.75 12/	12/	12/	12/	12/	12/	12/	35.8¢/lb. + 20% 12/	35.4¢/lb. + 20%	35¢/lb. + 20%
381.76 13/	13/	13/	13/	13/	13/	13/	12¢/lb. + 18% 13/	8¢/lb. + 17.5%	17%
381.78 14/	14/	14/	14/	14/	14/	14/	11¢/lb. + 21% 14/	7¢/lb. + 21%	4¢/lb. + 21%
381.79 15/	15/	15/	15/	15/	15/	15/	8¢/lb. + 18.3% 15/	4¢/lb. + 17.7%	17%
381.81 16/	16/	16/	16/	16/	16/	16/	12¢/lb. + 13.3% 16/	8¢/lb. + 11.4%	9.5% 20.3%
381.83 17/	17/	17/	17/	17/	17/	17/	28¢/lb. + 21% 17/	24¢/lb. + 21%	24¢/lb. + 21%
381.84 18/	18/	18/	18/	18/	18/	18/	12¢/lb. + 18.3% 18/	8¢/lb. + 17.7%	17%
381.85 19/	19/	19/	19/	19/	19/	19/	7.3% 19/	6.7%	6%
381.86 20/	20/	20/	20/	20/	20/	20/	10.3% 20/	8.9%	7.5%

Footnote 2 for item 381.58:
2/ Item 379.57 is redesignated item 381.58 effective September 1, 1985.

Footnote 4 for item 381.60:
4/ Item 379.60 is redesignated item 381.60 effective September 1, 1985.

Footnote 5 for item 381.63:
5/ Item 379.63 is redesignated item 381.63 effective September 1, 1985.

Footnote 6 for items 381.64 and 381.65:
6/ Item 379.64 is discontinued effective September 1, 1985, and is superseded by items 381.64 and 381.65.

Footnote 7 for item 381.68:
7/ Item 379.68 is redesignated item 381.68 effective September 1, 1985.

Footnote 8 for item 381.69:
8/ Item 379.69 is redesignated item 381.69 effective September 1, 1985.

Footnote 9 for item 381.71:
9/ Item 379.71 is redesignated item 381.71 effective September 1, 1985.

Footnote 10 for item 381.72:
10/ Item 379.72 is redesignated item 381.72 effective September 1, 1985.
For item 381.72, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--4¢/lb. + 16.6%
Effective with respect to articles entered on and after January 1, 1989--17%

Footnote 11 for item 381.74:
11/ Item 379.74 is redesignated item 381.74 effective September 1, 1985.

Footnote 12 for item 381.75:
12/ Item 379.75 is redesignated item 381.75 effective September 1, 1985.

Footnote 13 for item 381.76:
13/ Item 379.76 is redesignated item 381.76 effective September 1, 1985.

Footnote 14 for item 381.78:
14/ Item 379.78 is redesignated item 381.78 effective September 1, 1985.

Footnote 15 for item 381.79:
15/ Item 379.79 is redesignated item 381.79 effective September 1, 1985.

Footnote 16 for item 381.81:
16/ Item 379.81 is redesignated item 381.81 effective September 1, 1985.

Footnote 17 for item 381.83:
17/ Item 379.83 is redesignated item 381.83 effective September 1, 1985.

Footnote 18 for item 381.84:
18/ Item 379.84 is redesignated item 381.84 effective September 1, 1985.

Footnote 19 for item 381.85:
19/ Item 379.86 is redesignated item 381.85 effective September 1, 1985.

Footnote 20 for item 381.86:
20/ Item 379.87 is redesignated item 381.86 effective September 1, 1985.

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Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 -							
		1986	1987	1988	1989	1990	1991	1992	1993
381.87[21]	21/	21/	21/	21/	21/	21/	8¢/lb. + 30.8% 21/	4¢/lb. + 30.4%	30%
381.88[21]	21/	21/	21/	21/	21/	21/	8¢/lb. + 30.8% 21/	4¢/lb. + 30.4%	30%
381.89[22]	22/	22/	22/	22/	22/	22/	17¢/lb. + 32.5% 22/	15¢/lb. + 32.5%	13¢/lb. + 32.5%
381.90[22]	22/	22/	22/	22/	22/	22/	17¢/lb. + 32.5% 22/	15¢/lb. + 32.5%	13¢/lb. + 32.5%
381.91[23]	23/	23/	23/	23/	23/	23/	8¢/lb. + 27.5% 23/	4¢/lb. + 26.3%	25%
381.92[24]	24/	24/	24/	24/	24/	24/	10¢/lb. + 23.6% 24/	7¢/lb. + 21.4%	5¢/lb. + 19.2% 24/
381.93[25]	25/	25/	25/	25/	25/	25/	10¢/lb. + 19.2% 25/	7¢/lb. + 17.1%	5¢/lb. + 15.1% 25/
381.94[26]	26/	26/	26/	26/	26/	26/	17¢/lb. + 27.5% 26/	15¢/lb. + 27.5%	14¢/lb. + 27.5%
381.95[26]	26/	26/	26/	26/	26/	26/	17¢/lb. + 27.5% 26/	15¢/lb. + 27.5%	14¢/lb. + 27.5%
381.96[27]	27/	27/	27/	27/	27/	27/	8¢/lb. + 20.5% 27/	4¢/lb. + 18.8%	17%
381.97[27]	27/	27/	27/	27/	27/	27/	8¢/lb. + 20.5% 27/	4¢/lb. + 18.8%	17%
381.98[27]	27/	27/	27/	27/	27/	27/	8¢/lb. + 20.5% 27/	4¢/lb. + 18.8%	17%
381.99[28]	28/	28/	28/	28/	28/	28/	6% 28/	5%	4%
383.00[54]	35% ad val.	3/	3/	32%	29%	26%	23% 54/	54/	54/
383.02[55]	35% ad val.	3/	3/	32.7%	30.3%	28%	25.7% 55/	55/	55/
383.03[56]	35% ad val.	3/	3/	32%	29%	26%	23% 56/	56/	56/
383.05[2/ 4/]	35% ad val.	3/	3/	33.9%	28.8%	25.8%	22.9% 2/	2/	2/
383.06[4/]	35% ad val.	3/	3/	32.7%	30.3%	28%	25.7% 4/	4/	4/

Footnote 21 for items 381.87 and 381.88:
21/ Item 379.89 is discontinued effective September 1, 1985, and is superseded by items 381.87 and 381.88.

Footnote 22 for items 381.89 and 381.90:
22/ Item 379.90 is discontinued effective September 1, 1985, and is superseded by items 381.89 and 381.90.

Footnote 23 for item 381.91:
23/ Item 379.91 is redesignated item 381.91 effective September 1, 1985.

Footnote 24 for item 381.92:
24/ Item 379.92 is redesignated item 381.92 effective September 1, 1985.
For item 381.92, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

Footnote 25 for item 381.93:
25/ Item 379.94 is redesignated item 381.93 effective September 1, 1985.
For item 381.93, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

Footnote 26 for items 381.94 and 381.95:
26/ Item 379.95 is discontinued effective September 1, 1985, and is superseded by items 381.94 and 381.95.

Footnote 27 for items 381.96, 381.97, and 381.98:
27/ Item 379.96 is discontinued effective September 1, 1985, and is superseded by items 381.96, 381.97, and 381.98.

Footnote 28 for item 381.99:
28/ Item 379.98 is redesignated item 381.99 effective September 1, 1985.

Footnote 54 for item 383.00:
54/ Item 383.00 is redesignated item 384.00 effective September 1, 1985.

Footnote 55 for item 383.02:
55/ Item 383.02 is redesignated item 384.02 effective September 1, 1985.

Footnote 56 for item 383.03:
56/ Item 383.03 is discontinued effective September 1, 1985, and is superseded by items 384.03 and 384.04.

Footnote 2 for item 383.05:
2/ Item 383.05 is redesignated item 384.05 effective September 1, 1985.

Footnote 3 for items 383.03 through 383.56:
3/ This item is not established until January 1, 1992.

Footnote 4 for item 383.06:
4/ Item 383.06 is discontinued effective September 1, 1985, and is superseded by items 384.06 and 384.07.

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Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1986	1981	1982	1983	1984	1985	1986	1987
383.08 [5]	35% ad val.	3/	3/	32%	29%	26%	23% 5/	5/	5/
383.10 [6]	42.5% ad val.	3/	3/	39.7%	36.8%	34%	31.2% 6/	6/	6/
383.12 [7]	42.5% ad val.	3/	3/	39.7%	36.9%	34.1%	31.4% 7/	7/	7/
383.13 [8]	42.5% ad val.	3/	3/	39.7%	36.8%	34%	31.2% 8/	8/	8/
383.15 [9]	42.5% ad val.	3/	3/	39.7%	36.9%	34.1%	31.4% 9/	9/	9/
383.16 [10]	42.5% ad val.	3/	3/	39.7%	36.8%	34%	31.2% 10/	10/	10/
383.18 [11]	42.5% ad val.	3/	3/	41.3%	40%	38.8%	37.5% 11/	11/	11/
383.19 [12]	42.5% ad val.	3/	3/	40.4%	38.3%	36.3%	34.2% 12/	12/	12/
383.20 [13]	42.5% ad val.	3/	3/	39.7%	36.8%	34%	31.2% 13/	13/	13/
383.22 [14]	42.5% ad val.	3/	3/	40.4%	38.3%	36.3%	34.2% 14/	14/	14/
383.23 [15]	42.5% ad val.	3/	3/	39.7%	36.8%	34%	31.2% 15/	15/	15/
383.25 [16]	21% ad val.	3/	3/	18.8%	16.7%	14.5%	12.3% 16/	16/	16/
383.28 [17]	21% ad val.	3/	3/	20.3%	19.5%	18.8%	18% 17/	17/	17/
383.29 [18]	21% ad val.	3/	3/	19.5%	18%	16.5%	15% 18/	18/	18/
383.30 [19]	21% ad val.	3/	3/	18.8%	16.7%	14.5%	12.3% 19/	19/	19/
383.32 [20]	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 20/	20/	20/
383.33 [21]	8% ad val.	3/	3/	7.5%	7%	6.5%	6% 21/	21/	21/
383.36 [22]	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 22/	22/	22/
383.39 [23]	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 23/	23/	23/
383.42 [24]	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 24/	24/	24/
383.45 [25]	16.5% ad val.	3/	3/	15%	13.5%	12%	10.5% 25/	25/	25/

Footnote 5 for item 383.08:
5/ Item 383.08 is discontinued effective September 1, 1985, and is superseded by items 384.08 and 384.09.

Footnote 6 for item 383.10:
6/ Item 383.10 is redesignated item 384.10 effective September 1, 1985.

Footnote 7 for item 383.12:
7/ Item 383.12 is redesignated item 384.10 effective September 1, 1985.

Footnote 8 for item 383.13:
8/ Item 383.13 is redesignated item 384.13 effective September 1, 1985.

Footnote 9 for item 383.15:
9/ Item 383.15 is redesignated item 384.15 effective September 1, 1985.

Footnote 10 for item 383.16:
10/ Item 383.16 is redesignated item 384.16 effective September 1, 1985.

Footnote 11 for item 383.18:
11/ Item 383.18 is redesignated item 384.18 effective September 1, 1985.

Footnote 12 for item 383.19:
12/ Item 383.19 is discontinued effective September 1, 1985, and is superseded by items 384.19 and 384.20.

Footnote 13 for item 383.20:
13/ Item 383.20 is discontinued effective September 1, 1985, and is superseded by items 384.21 and 384.22.

Footnote 14 for item 383.22:
14/ Item 383.22 is redesignated item 384.23 effective September 1, 1985.

Footnote 15 for item 383.23:
15/ Item 383.23 is discontinued effective September 1, 1985, and is superseded by items 384.24, 384.25, and 384.26.

Footnote 16 for item 383.25:
16/ Item 383.25 is redesignated item 384.27 effective September 1, 1985.

Footnote 17 for item 383.28:
17/ Item 383.28 is discontinued effective September 1, 1985, and is superseded by items 384.30 and 384.31.

Footnote 18 for item 383.29:
18/ Item 383.29 is redesignated item 384.32 effective September 1, 1985.

Footnote 19 for item 383.30:
19/ Item 383.30 is discontinued effective September 1, 1985, and is superseded by items 384.33 and 384.34.

Footnote 20 for item 383.32:
20/ Item 383.32 is redesignated item 384.35 effective September 1, 1985.

Footnote 21 for item 383.33:
21/ Item 383.33 is redesignated item 384.36 effective September 1, 1985.

Footnote 22 for item 383.36:
22/ Item 383.36 is redesignated item 384.38 effective September 1, 1985.

Footnote 23 for item 383.39:
23/ Item 383.39 is redesignated item 384.41 effective September 1, 1985.

Footnote 24 for item 383.42:
24/ Item 383.42 is redesignated item 384.43 effective September 1, 1985.

Footnote 25 for item 383.45:
25/ Item 383.45 is redesignated item 384.45 effective September 1, 1985.

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Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 of each year specified							
		1990	1991	1992	1993	1994	1995	1996	1997
383.48[25]	16.5% ad val.	3/	3/	15.8%	15%	14.3%	13.5% 26/	26/	26/
383.49[27]	16.5% ad val.	3/	3/	14.8%	13.2%	11.5%	9.8% 27/	27/	27/
383.50[28]	16.5% ad val.	3/	3/	15.1%	13.7%	12.3%	10.8% 28/	28/	28/
383.52[29]	12.5% ad val.	3/	3/	11.3%	10%	8.8%	7.5% 29/	29/	29/
383.53[30]	7.5% ad val.	3/	3/	6.8%	6%	5.3%	4.5% 30/	30/	30/
383.55[31]	37.5c per lb. + 32% ad val.	3/	3/	32c/lb. + 29.9%	27c/lb. + 27.7%	21c/lb. + 25.6%	18c/lb. + 23.4% 31/	31/	31/
383.57[32]	37.5c per lb. + 30% ad val.	3/	3/	32c/lb. + 29%	26c/lb. + 28%	21c/lb. + 27%	16c/lb. + 26% 32/	32/	32/
383.58[33]	37.5c per lb. + 30% ad val.	3/	3/	32c/lb. + 28.4%	28c/lb. + 26.8%	23c/lb. + 25.1%	18c/lb. + 23.5% 33/	33/	33/
383.60[2/]	37.5c per lb. + 15.5% ad val.	3/	3/	31c/lb. + 14.2%	25c/lb. + 12.8%	19c/lb. + 11.5%	12c/lb. + 10.2% 2/	2/	2/
383.62[4/]	37.5c per lb. + 20% ad val.	3/	3/	36c/lb. + 20%	35c/lb. + 20%	34c/lb. + 20%	33c/lb. + 20% 4/	4/	4/
383.63[5/]	37.5c per lb. + 20% ad val.	3/	3/	31c/lb. + 19.5%	25c/lb. + 19%	19c/lb. + 18.5%	12c/lb. + 18% 5/	5/	5/
383.65[6/]	25c per lb. + 21% ad val.	3/	3/	21c/lb. + 21%	18c/lb. + 21%	15c/lb. + 21%	12c/lb. + 21% 6/	6/	6/
383.66[7/]	25c per lb. + 21% ad val.	3/	3/	20c/lb. + 20.3%	16c/lb. + 19.7%	12c/lb. + 19%	6c/lb. + 18.3% 7/	7/	7/
383.68[8/]	37.5c per lb. + 21% ad val.	3/	3/	31c/lb. + 20.3%	25c/lb. + 19.7%	19c/lb. + 19%	12c/lb. + 18.3% 8/	8/	8/
383.72[9/]	37.5c per lb. + 21% ad val.	3/	3/	35c/lb. + 21%	32c/lb. + 21%	29c/lb. + 21%	26c/lb. + 21% 9/	9/	9/
383.75[10]	37.5c per lb. + 21% ad val.	3/	3/	31c/lb. + 20.3%	25c/lb. + 19.7%	19c/lb. + 19%	12c/lb. + 18.3% 10/	10/	10/

Footnote 26 for item 383.48:
26/ Item 383.48 is discontinued effective September 1, 1985, and is superseded by items 384.48 and 384.49.

Footnote 27 for item 383.49:
27/ Item 383.49 is redesignated 384.50 effective September 1, 1985.

Footnote 28 for item 383.50:
28/ Item 383.50 is discontinued effective September 1, 1985, and is superseded by items 384.51 and 384.52.

Footnote 29 for item 383.52:
29/ Item 383.52 is discontinued effective September 1, 1985, and is superseded by items 384.53 and 384.54.

Footnote 30 for item 383.53:
30/ Item 383.53 is discontinued effective September 1, 1985, and is superseded by items 384.55 and 384.56.

Footnote 31 for item 383.55:
31/ Item 383.55 is redesignated item 384.57 effective September 1, 1985.

Footnote 32 for item 383.57:
32/ Item 383.57 is redesignated item 384.58 effective September 1, 1985.

Footnote 33 for item 383.58:
33/ Item 383.58 is redesignated item 384.59 effective September 1, 1985.

Footnote 2 for item 383.60:
2/ Item 383.60 is redesignated item 384.60 effective September 1, 1985.

Footnote 3 for item 383.60 through 383.95:
3/ This item is not established until January 1, 1982.

Footnote 4 for item 383.62:
4/ Item 383.62 is redesignated item 384.62 effective September 1, 1985.

Footnote 5 for item 383.63:
5/ Item 383.63 is redesignated item 384.63 effective September 1, 1985.

Footnote 6 for item 383.65:
6/ Item 383.65 is redesignated item 384.65 effective September 1, 1985.

Footnote 7 for item 383.66:
7/ Item 383.66 is redesignated item 384.66 effective September 1, 1985.

Footnote 8 for item 383.68:
8/ Item 383.68 is redesignated item 384.68 effective September 1, 1985.

Footnote 9 for item 383.72:
9/ Item 383.72 is redesignated item 384.72 effective September 1, 1985.

Footnote 10 for item 383.75:
10/ Item 383.75 is redesignated item 384.75 effective September 1, 1985.

ANNEX II

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A. (cont.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 —							
		1985	1986	1987	1988	1989	1990	1991	1992
383.77[11]	10% ad val.	3/	3/	9.3%	8.7%	8%	7.3% 11/	11/	11/
383.78[12]	16% ad val.	3/	3/	14.6%	13.2%	11.8%	10.3% 12/	12/	12/
383.80[13]	25c per lb. + 32.5% ad val.	3/	3/	23c/lb. + 32.5%	21c/lb. + 32.5%	19c/lb. + 32.5%	17c/lb. + 32.5% 13/	13/	13/
383.81[14]	25c per lb. + 32.5% ad val.	3/	3/	20c/lb. + 32.1%	16c/lb. + 31.7%	12c/lb. + 31.3%	8c/lb. + 30.8% 14/	14/	14/
383.83[15]	25c per lb. + 32.5% ad val.	3/	3/	20c/lb. + 32.1%	16c/lb. + 31.7%	12c/lb. + 31.3%	8c/lb. + 30.8% 15/	15/	15/
383.84[16]	25c per lb. + 32.5% ad val.	3/	3/	21c/lb. + 29.9%	16c/lb. + 27.3%	12c/lb. + 24.8%	8c/lb. + 22.2% 16/	16/	16/
383.86[17]	25c per lb. + 32.5% ad val.	3/	3/	21c/lb. + 30.3%	17c/lb. + 28.1%	14c/lb. + 25.9%	10c/lb. + 23.6% 17/	17/	17/
383.88[18]	25c per lb. + 27.5% ad val.	3/	3/	21c/lb. + 25.3%	17c/lb. + 23.1%	14c/lb. + 20.9%	10c/lb. + 18.6% 18/	18/	18/
383.90[19]	25c per lb. + 27.5% ad val.	3/	3/	23c/lb. + 27.5%	22c/lb. + 27.5%	21c/lb. + 27.5%	19c/lb. + 27.5% 19/	19/	19/
383.92[20]	25c per lb. + 27.5% ad val.	3/	3/	20c/lb. + 25.8%	19c/lb. + 24%	12c/lb. + 22.3%	8c/lb. + 20.5% 20/	20/	20/
383.95[21]	10% ad val.	3/	3/	9%	8%	7%	6% 21/	21/	21/
384.00[22]	22/	22/	22/	22/	22/	22/	23% 22/	204	17¢ 22/
384.02[23]	23/	23/	23/	23/	23/	23/	25.7% 23/	23.3%	21%
384.03[24]	24/	24/	24/	24/	24/	24/	23% 24/	20%	17¢ 24/
384.04[24]	24/	24/	24/	24/	24/	24/	23% 24/	20%	17¢ 24/
384.05[25]	25/	25/	25/	25/	25/	25/	22.7% 25/	19.6%	16.5%
384.06[26]	26/	26/	26/	26/	26/	26/	25.7% 26/	23.3%	21%
384.07[26]	26/	26/	26/	26/	26/	26/	25.7% 26/	23.3%	21%

Footnote 11 for item 383.77:
11/ Item 383.77 is redesignated item 384.77 effective September 1, 1985.

Footnote 12 for item 383.78:
12/ Item 383.78 is redesignated item 384.78 effective September 1, 1985.

Footnote 13 for item 383.80:
13/ Item 383.80 is discontinued effective September 1, 1985, and is superseded by items 384.80 and 384.81.

Footnote 14 for item 383.81:
14/ Item 383.81 is redesignated item 384.82 effective September 1, 1985.

Footnote 15 for item 383.83:
15/ Item 383.83 is redesignated item 384.83 effective September 1, 1985.

Footnote 16 for item 383.84:
16/ Item 383.84 is redesignated item 384.84 effective September 1, 1985.

Footnote 17 for item 383.86:
17/ Item 383.86 is redesignated item 384.86 effective September 1, 1985.

Footnote 18 for item 383.88:
18/ Item 383.88 is redesignated item 384.88 effective September 1, 1985.

Footnote 19 for item 383.90:
19/ Item 383.90 is discontinued effective September 1, 1985, and is superseded by items 384.90 and 384.91.

Footnote 20 for item 383.92:
20/ Item 383.92 is discontinued effective September 1, 1985, and is superseded by items 384.92, 384.93, and 384.94.

Footnote 21 for item 383.95:
21/ Item 383.95 is discontinued effective September 1, 1985, and is superseded by items 384.95 and 384.96.

Footnote 22 for item 384.00:
22/ Item 383.00 is redesignated item 384.00 effective September 1, 1985.
For item 384.00, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14¢.

Footnote 23 for item 384.02:
23/ Item 383.02 is redesignated item 384.02 effective September 1, 1985.

Footnote 24 for items 384.03 and 384.04:
24/ Item 383.03 is discontinued effective September 1, 1985, and is superseded by items 384.03 and 384.04.
For items 384.03 and 384.04, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14¢.

Footnote 25 for item 384.05:
25/ Item 383.05 is redesignated item 384.05 effective September 1, 1985.

Footnote 26 for items 384.06 and 384.07.
26/ Item 383.06 is discontinued effective September 1, 1985, and is superseded by items 384.06 and 384.07.

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A.(con.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1986	1987	1988	1989	1990	1991	1992	1993
384.08 [27]	27/	27/	27/	27/	27/	27/	23¼ 27/	20¼	17¼ 27/
384.09 [27]	27/	27/	27/	27/	27/	27/	23¼ 27/	20¼	17¼ 27/
384.10 [28]	28/	28/	28/	28/	28/	28/	31.2¼ 28/	28.3¼	25.3¼ 28/
384.12 [29]	29/	29/	29/	29/	29/	29/	31.4¼ 29/	28.6¼	25.8¼ 29/
384.13 [30]	30/	30/	30/	30/	30/	30/	31.2¼ 30/	28.3¼	25.3¼ 30/
384.15 [31]	31/	31/	31/	31/	31/	31/	31.4¼ 31/	28.6¼	25.8¼ 31/
384.16 [32]	32/	32/	32/	32/	32/	32/	31.2¼ 32/	28.3¼	25.3¼ 32/
384.18 [33]	33/	33/	33/	33/	33/	33/	37.5¼ 33/	36.3¼	33¼
384.19 [34]	34/	34/	34/	34/	34/	34/	34.2¼ 34/	32.1¼	30¼
384.20 [34]	34/	34/	34/	34/	34/	34/	34.2¼ 34/	32.1¼	30¼
384.21 [35]	35/	35/	35/	35/	35/	35/	31.2¼ 35/	28.3¼	25.3¼ 35/
384.22 [35]	35/	35/	35/	35/	35/	35/	31.2¼ 35/	28.3¼	25.3¼ 35/
384.23 [36]	36/	36/	36/	36/	36/	36/	34.2¼ 36/	32.1¼	30¼
384.24 [37]	37/	37/	37/	37/	37/	37/	31.2¼ 37/	28.3¼	25.3¼ 37/
384.25 [37]	37/	37/	37/	37/	37/	37/	31.2¼ 37/	28.3¼	25.3¼ 37/
384.26 [37]	37/	37/	37/	37/	37/	37/	31.2¼ 37/	28.3¼	25.3¼ 37/
384.27 [38]	38/	38/	38/	38/	38/	38/	12.3¼ 38/	10.2¼	8¼

Footnote 27 for items 384.08 and 384.09:
27/ Item 383.08 is discontinued effective September 1, 1985, and is superseded by 384.08 and 384.09.
For items 384.08 and 384.09, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 14%.

Footnote 28 for item 384.10:
28/ Item 383.10 is redesignated item 384.10 effective September 1, 1985.
For item 384.10, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.6%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 29 for item 384.12:
29/ Item 383.12 is redesignated item 384.12 effective September 1, 1985.
For item 384.12, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

Footnote 30 for item 384.13:
30/ Item 383.13 is redesignated item 384.13 effective September 1, 1985.
For item 384.13, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.6%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 31 for item 384.15:
31/ Item 383.15 is redesignated item 384.15 effective September 1, 1985.
For item 384.15, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

Footnote 32 for item 384.16:
32/ Item 383.16 is redesignated item 384.16 effective September 1, 1985.
For item 384.16, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.6%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 33 for item 384.18:
33/ Item 383.18 is redesignated item 384.18 effective September 1, 1985.

Footnote 34 for item 384.19 and 384.20:
34/ Item 383.19 is discontinued effective September 1, 1985, and is superseded by items 384.19 and 384.20.

Footnote 35 for items 384.21 and 384.22:
35/ Item 383.20 is discontinued effective September 1, 1985, and is superseded by items 384.21 and 384.22.
For items 384.21 and 384.22, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.6%.
Effective with respect to articles entered on and after January 1, 1990--17%.

Footnote 36 for item 384.23:
36/ Item 383.22 is redesignated item 384.23 effective September 1, 1985.

Footnote 37 for items 384.24, 384.25 and 384.26:
37/ Item 383.23 is discontinued effective September 1, 1985, and is superseded by items 384.24, 384.25 and 384.26.
For items 384.24, 384.25 and 384.26, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--22.7%.
Effective with respect to articles entered on and after January 1, 1989--19.6%.
Effective with respect to artcilee entered on and after January 1, 1990--17%.

Footnote 38 for item 384.27:
38/ Item 383.25 is redesignated item 384.27 effective September 1, 1985.

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Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1985	1986	1987	1988	1989	1990	1991	1992
384.30[39]	39/	39/	39/	39/	39/	39/	18% 39/	17.3%	16.5%
384.31[39]	39/	39/	39/	39/	39/	39/	18% 39/	17.3%	16.5%
384.32[40]	40/	40/	40/	40/	40/	40/	15% 40/	13.5%	12%
384.33[41]	41/	41/	41/	41/	41/	41/	12.3% 41/	10.2%	8%
384.34[41]	41/	41/	41/	41/	41/	41/	12.3% 41/	10.2%	8%
384.35[42]	42/	42/	42/	42/	42/	42/	10.6% 42/	9.4%	8%
384.36[43]	43/	43/	43/	43/	43/	43/	6% 43/	5.5%	5%
384.38[44]	44/	44/	44/	44/	44/	44/	10.8% 44/	9.4%	8%
384.41[45]	45/	45/	45/	45/	45/	45/	10.8% 45/	9.4%	8%
384.43[46]	46/	46/	46/	46/	46/	46/	10.8% 46/	9.4%	8%
384.45[47]	47/	47/	47/	47/	47/	47/	10.5% 47/	9%	7.5%
384.48[48]	48/	48/	48/	48/	48/	48/	13.5% 48/	12.8%	12%
384.49[48]	48/	48/	48/	48/	48/	48/	13.5% 48/	12.8%	12%
384.50[49]	49/	49/	49/	49/	49/	49/	9.8% 49/	8.2%	6.5%
384.51[50]	50/	50/	50/	50/	50/	50/	10.8% 50/	9.4%	8%
384.52[50]	50/	50/	50/	50/	50/	50/	10.8% 50/	9.4%	8%
384.53[51]	51/	51/	51/	51/	51/	51/	7.5% 51/	6.3%	5%
384.54[51]	51/	51/	51/	51/	51/	51/	7.5% 51/	6.3%	5%
384.55[52]	52/	52/	52/	52/	52/	52/	4.5% 52/	3.8%	3%
384.56[52]	52/	52/	52/	52/	52/	52/	4.5% 52/	3.8%	3%
384.57[53]	53/	53/	53/	53/	53/	53/	16¢/lb. + 23.4% 53/	11¢/lb. + 21.3%	5¢/lb. + 19.8% 53/
384.58[54]	54/	54/	54/	54/	54/	54/	16¢/lb. + 28% 54/	10¢/lb. + 25%	5¢/lb. + 24% 54/
384.59[55]	55/	55/	55/	55/	55/	55/	18¢/lb. + 23.5% 55/	14¢/lb. + 21.9%	9¢/lb. + 20.3% 55/

Footnote 39 for item 384.30 and 384.31:
39/ Item 383.28 is discontinued effective September 1, 1985, and is superseded by items 384.30 and 384.31.

Footnote 40 for item 384.32:
40/ Item 383.29 is redesignated item 384.32 effective September 1, 1985.

Footnote 41 for items 384.33 and 384.34:
41/ Item 383.30 is discontinued effective September 1, 1985, and is superseded by items 384.33 and 384.34.

Footnote 42 for item 384.35:
42/ Item 383.32 is redesignated item 384.35 effective September 1, 1985.

Footnote 43 for item 384.36:
43/ Item 383.33 is redesignated item 384.36 effective September 1, 1985.

Footnote 44 for item 384.38:
44/ Item 383.36 is redesignated item 384.38 effective September 1, 1985.

Footnote 45 for item 384.41:
45/ Item 383.39 is redesignated item 384.41 effective September 1, 1985.

Footnote 46 for item 384.43:
46/ Item 383.42 is redesignated item 384.43 effective September 1, 1985.

Footnote 47 for item 384.45:
47/ Item 383.45 is redesignated item 384.45 effective September 1, 1985.

Footnote 48 for items 384.48 and 384.49:
48/ Item 383.48 is discontinued effective September 1, 1985, and is superseded by items 384.48 and 384.49.

Footnote 49 for item 384.50
49/ Item 383.49 is redesignated item 384.50 effective September 1, 1985.

Footnote 50 for items 384.51 and 384.52:
50/ Item 383.50 is discontinued effective September 1, 1985, and is superseded by items 384.51 and 384.52.

Footnote 51 for items 384.53 and 384.54:
51/ Item 383.52 is discontinued effective September 1, 1985, and is superseded by items 384.53 and 384.54.

Footnote 52 for items 384.55 and 384.56.
52/ Item 383.53 is discontinued effective September 1, 1985, and is superseded by items 384.55 and 384.56.

Footnote 53 for item 384.57:
53/ Item 383.55 is redesignated item 384.57 effective September 1, 1985.
For item 384.57, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

Footnote 54 for item 384.58:
54/ Item 383.57 is designated item 384.58 effective September 1, 1985.
For item 384.58, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 23%.

Footnote 55 for item 384.59:
55/ Item 383.58 is redesignated item 384.59 effective September 1, 1985.
For item 384.59, the rates of duty after 1987 will be as follows:
Effective with respect to articles entered on and after January 1, 1988--4¢/lb. + 18.6%
Effective with respect to articles entered on and after January 1, 1989--17%

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A.I.Cont.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		1981	1982	1983	1984	1985	1986	1987
384.60 2/	2/	2/	2/	2/	2/	2/	12c/lb. + 10.2% 2/	6c/lb. + 6.8%	7.5%
384.62 4/	4/	4/	4/	4/	4/	4/	33c/lb. + 20% 4/	32c/lb. + 20%	31c/lb. + 20%
384.63 5/	5/	5/	5/	5/	5/	5/	12c/lb. + 18% 5/	8c/lb. + 17.5%	17%
384.65 6/	6/	6/	6/	6/	6/	6/	12c/lb. + 21% 6/	9c/lb. + 21%	8c/lb. + 21%
384.66 7/	7/	7/	7/	7/	7/	7/	8c/lb. + 18.3% 7/	6c/lb. + 17.7%	17%
384.68 8/	8/	8/	8/	8/	8/	8/	12c/lb. + 18.3% 8/	8c/lb. + 17.7%	17%
384.72 9/	9/	9/	9/	9/	9/	9/	26c/lb. + 21% 9/	24c/lb. + 21%	21c/lb. + 21%
384.75 10/	10/	10/	10/	10/	10/	10/	12c/lb. + 18.3% 10/	8c/lb. + 17.7%	17%
384.77 11/	11/	11/	11/	11/	11/	11/	7.3% 11/	6.7%	6%
384.78 12/	12/	12/	12/	12/	12/	12/	10.3% 12/	8.9%	7.5%
384.80 13/	13/	13/	13/	13/	13/	13/	17c/lb. + 32.5% 13/	15c/lb. + 32.5%	13c/lb. + 32.5%
384.81 13/	13/	13/	13/	13/	13/	13/	17c/lb. + 32.5% 13/	15c/lb. + 32.5%	13c/lb. + 32.5%

Footnote 2 for item 384.60:
2/ Item 383.60 is redesignated item 384.60 effective September 1, 1985.

Footnote 4 for item 384.62:
4/ Item 383.62 is redesignated item 384.62 effective September 1, 1985.

Footnote 5 for item 384.63:
5/ Item 383.63 is redesignated item 384.63 effective September 1, 1985.

Footnote 6 for item 384.65:
6/ Item 384.65 is redesignated item 384.65 effective September 1, 1985.

Footnote 7 for item 384.66:
7/ Item 383.66 is redesignated item 384.66 effective September 1, 1985.

Footnote 8 for item 384.68:
8/ Item 383.68 is redesignated item 384.68 effective September 1, 1985.

Footnote 9 for item 384.72:
9/ Item 383.72 is redesignated item 384.72 effective September 1, 1985.

Footnote 10 for item 384.75:
10/ Item 383.75 is redesignated item 384.75 effective September 1, 1985.

Footnote 11 for item 384.77:
11/ Item 383.77 is redesignated item 384.77 effective September 1, 1985.

Footnote 12 for item 384.78:
12/ Item 383.78 is redesignated item 384.78 effective September 1, 1985.

Footnote 13 for items 384.80 and 384.81:
13/ Item 383.80 is discontinued effective September 1, 1985, and is superseded by items 384.80 and 384.81.

ANNEX II

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A. (cont.)

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1 --							
		'88	'89	1982	1983	1984	1985	1986	1987
384.82[14]	14/	14/	14/	14/	14/	14/	8¢/lb. + 30.8% 14/	4¢/lb. + 30.4%	3%
384.83[15]	15/	15/	15/	15/	15/	15/	8¢/lb. + 30.8% 15/	4¢/lb. + 30.4%	3%
384.84[16]	16/	16/	16/	16/	16/	16/	8¢/lb. + 22.2% 16/	4¢/lb. + 19.6%	17%
384.86[17]	17/	17/	17/	17/	17/	17/	10¢/lb. + 23.6% 17/	7¢/lb. + 21.4%	5¢/lb. + 19.2% 17/
384.88[18]	18/	18/	18/	18/	18/	18/	10¢/lb. + 18.6% 18/	7¢/lb. + 16.4%	5¢/lb. + 14.2% 18/
384.90[19]	19/	19/	19/	19/	19/	19/	19¢/lb. + 27.5% 19/	18¢/lb. + 27.5%	17¢/lb. + 27.5%
384.91[19]	19/	19/	19/	19/	19/	19/	19¢/lb. + 27.5% 19/	18¢/lb. + 27.5%	17¢/lb. + 27.5%
384.92[20]	20/	20/	20/	20/	20/	20/	8¢/lb. + 20.5% 20/	4¢/lb. + 18.8%	17%
384.93[20]	20/	20/	20/	20/	20/	20/	8¢/lb. + 20.5% 20/	4¢/lb. + 18.8%	17%
384.96[20]	20/	20/	20/	20/	20/	20/	8¢/lb. + 20.5% 20/	4¢/lb. + 18.8%	17%
386.95[21]	21/	21/	21/	21/	21/	21/	6% 21/	5%	4%
386.96[21]	21/	21/	21/	21/	21/	21/	6% 21/	5%	4%
386.50[3]	14% ad val.	14%	14%	12.8%	11.7%	10.5%	9.3% 3/	3/	3/
386.51[3]	3/	3/	3/	3/	3/	3/	9.3% 3/	8.2%	7%
386.52[3]	3/	3/	3/	3/	3/	3/	9.3% 3/	8.2%	7%
386.53[3]	3/	3/	3/	3/	3/	3/	9.3% 3/	8.2%	7%

Footnote 14 for item 384.82:
14/ Item 383.81 is redesignated item 384.82 effective September 1, 1985.

Footnote 15 for item 384.83:
15/ Item 383.83 is redesignated item 384.83 effective September 1, 1985.

Footnote 16 for item 384.84:
16/ Item 383.84 is redesignated item 384.84 effective September 1, 1985.

Footnote 17 for item 384.86:
17/ Item 383.86 is redesignated item 384.86 effective September 1, 1985.
For item 384.86, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 17%.

Footnote 18 for item 384.88:
18/ Item 383.88 is redesignated 384.88 effective September 1, 1985.
For item 384.88, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 12%.

Footnote 19 for items 384.90 and 384.91:
19/ Item 383.90 is discontinued effective September 1, 1985, and is superseded by items 384.90 and 384.91.

Footnote 20 for items 384.92, 384.93, and 384.94:
20/ Item 383.92 is discontinued effective September 1, 1985, and is superseded by items 384.92, 384.93, and 384.94.

Footnote 21 for item 384.95 and 384.96:
21/ Item 383.95 is discontinued effective September 1, 1985, and is superseded by items 384.95 and 384.96.

Footnote 3 for items 386.50, 386.51, 386.52, and 386.53:
3/ Item 386.50 is discontinued effective September 1, 1985, and is superseded by items 386.51, 386.52, and 386.53.

ANNEX II

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4. Annex III to Presidential Proclamation 4768 of June 28, 1980, as amended, is further amended--

a) by deleting from Section A of that Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

402.80 403.56 403.64 404.36 405.52

b) by inserting in Section A of that Annex the following TSUS item numbers, in numerical sequence, with their corresponding rates of duty and footnotes as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
402.78 2/	2/	2/	2/	2/	2/	2/	12.5% 2/	10.8%	9.1%
402.80 2/	1.7c per lb. + 22.3% ad val.	21.1%	19.4%	17.7%	16%	14.2%	12.5% 2/	2/	2/
402.81 2/	2/	2/	2/	2/	2/	2/	12.5% 2/	10.8%	9.1%
403.54 4/	4/	4/	4/	4/	4/	4/	0.9c/lb. + 19.4% 4/	0.8c/lb. + 19.4%	0.7c/lb. + 19.4%
403.56 4/	1.7c per lb. + 19.4% ad val.	1.6c/lb. + 19.4%	1.4c/lb. + 19.4%	1.3c/lb. + 19.4%	1.2c/lb. + 19.4%	1.1c/lb. + 19.4%	0.9c/lb. + 19.4% 4/	4/	4/
403.57 4/	4/	4/	4/	4/	4/	4/	0.9c/lb. + 19.4% 4/	0.8c/lb. + 19.4%	0.7c/lb. + 19.4%
403.62 5/	5/	5/	5/	5/	5/	5/	21.4% 5/	20.7%	20%
403.64 5/	1.7c per lb. + 22% ad val.	1.5c/lb. + 22%	1c/lb. + 22%	0.7c/lb. + 22%	0.5c/lb. + 22%	22%	21.4% 5/	5/	5/
403.65 5/	5/	5/	5/	5/	5/	5/	21.4% 5/	20.7%	20%
404.33 6/	6/	6/	6/	6/	6/	6/	20.8% 6/	20.4%	20%
404.36 6/	1.7c per lb. + 22.7% ad val.	22.7%	22.3%	21.9%	21.6%	21.2%	20.8% 6/	6/	6/
404.37 6/	6/	6/	6/	6/	6/	6/	20.8% 6/	20.4%	20%
405.51 2/	2/	2/	2/	2/	2/	2/	16.5% 2/	15.8%	15%
405.52 2/	1.7c per lb. + 19.1% ad val.	1c/lb. + 19.1%	0.4c/lb. + 19.1%	18.8%	18%	17.3%	16.5% 2/	2/	2/
405.53 2/	2/	2/	2/	2/	2/	2/	16.5% 2/	15.8%	15%

Footnote 2 for items 402.78, 402.80, and 402.81:
2/ Item 402.80 is discontinued effective September 1, 1985, and is superseded by items 402.78 and 402.81.

Footnote 4 for items 403.54, 403.56, and 403.57:
4/ Item 403.56 is discontinued effective September 1, 1985, and is superseded by items 403.54 and 403.57.

Footnote 5 for items 403.62, 403.64, and 403.65:
5/ Item 403.64 is discontinued effective September 1, 1985, and is superseded by items 403.62 and 403.65.

Footnote 6 for items 404.33, 404.36, and 404.37:
6/ Item 404.36 is discontinued effective September 1, 1985, and is superseded by items 404.33 and 404.37.

Footnote 2 for items 405.51, 405.52, and 405.53:
2/ Item 405.52 is discontinued effective September 1, 1985, and is superseded by items 405.51 and 405.53.

ANNEX III

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE GSP WHEN IMPORTED FROM ANY BENEFICIARY DEVELOPING COUNTRY

100.25	121.64	137.93	148.19
100.31	123.50	138.35	148.25
105.30	124.20	138.41	148.30
105.60	124.25	140.10	148.35
105.84	124.30	140.11	148.52
106.70	124.40	140.14	148.65
106.75	124.60	140.16	148.77
107.10	124.65	140.20	148.81
107.15	124.70	140.21	149.15
107.20	124.80	140.35	149.50
107.25	125.01	140.38	149.60
107.40	125.10	140.46	152.00
107.45	125.15	140.54	152.05
107.65	125.20	140.56	152.30
107.70	125.32	140.70	152.40
107.78	125.34	140.76	152.43
107.80	125.50	141.05	152.54
110.28	125.82	141.20	152.58
110.35	125.84	141.30	152.60
110.45	126.01	141.35	152.72
111.10	126.41	141.45	152.78
111.15	127.10	141.50	153.03
111.18	130.20	141.82	153.05
111.56	130.30	141.85	153.16
111.60	130.32	141.87	153.20
112.03	130.45	141.98	153.24
112.21	130.63	144.14	153.28
112.36	131.20	145.02	153.32
112.40	131.35	145.09	154.10
112.94	131.80	145.24	154.40
113.01	132.55	145.26	154.43
113.30	135.12	145.28	154.53
113.40	135.14	145.30	154.60
113.50	135.30	145.50	155.30
113.60	135.41	145.52	155.35
114.04	135.50	145.53	155.40
114.06	135.60	145.54	155.60
114.25	135.70	145.65	155.75
114.55	135.80	145.70	156.25
117.65	135.99	146.12	156.30
117.67	136.00	146.42	156.40
118.35	136.10	146.66	156.47
118.45	136.40	146.69	157.10
119.50	136.50	146.74	161.05
119.55	136.60	146.78	161.06
120.17	136.80	146.82	161.37
121.10	136.90	146.87	161.43
121.15	136.92	147.21	161.45
121.25	136.95	147.29	161.53
121.30	136.97	147.33	161.57
121.35	137.02	147.36	161.60
121.52	137.04	147.53	161.61
121.54	137.75	147.54	161.65
121.55	137.79	147.80	161.69
121.56	137.88	147.85	161.71
121.62	137.89	148.08	161.75

ANNEX III

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161.83	176.49	202.38	240.38
161.84	176.50	202.54	240.40
161.88	176.70	202.56	240.50
161.92	177.12	202.60	240.52
161.96	177.16	202.66	240.54
162.03	177.22	203.10	240.56
162.07	177.24	203.20	240.58
162.11	177.26	203.30	240.60
162.15	177.40	204.05	245.00
165.55	177.58	204.10	245.10
166.10	177.62	204.20	245.45
166.20	177.69	204.30	245.50
166.30	177.72	204.35	245.60
166.40	178.30	206.30	245.70
167.15	182.05	206.45	245.80
167.25	182.10	206.47	251.10
167.34	182.11	206.50	251.15
167.40	182.15	206.52	251.20
167.50	182.20	206.53	251.25
168.12	182.30	206.54	251.30
168.13	182.32	206.65	251.45
168.14	182.35	206.95	252.05
168.16	182.36	220.10	252.10
168.36	182.40	220.15	252.13
168.37	182.45	220.20	252.15
168.39	182.46	220.25	252.17
168.41	182.49	220.31	252.20
168.42	182.52	220.35	252.25
168.54	182.58	220.36	252.27
168.57	182.90	220.37	252.30
168.59	182.96	220.39	252.35
168.61	183.01	220.41	252.40
168.96	183.05	220.47	252.42
168.98	184.50	220.48	252.45
169.04	184.51	220.50	252.50
169.07	184.53	222.30	252.57
169.08	184.58	222.32	252.59
169.32	184.65	222.34	252.61
169.37	186.10	222.36	252.63
169.38	186.15	222.40	252.70
169.39	186.20	222.41	252.73
169.42	186.30	222.42	252.75
169.44	186.40	222.44	252.77
169.47	186.50	222.55	252.81
169.48	188.30	222.57	252.84
169.49	188.34	222.60	252.86
169.58	188.50	222.62	252.90
169.59	190.10	222.64	253.05
170.10	190.25	240.10	253.10
170.15	190.68	240.12	253.15
170.63	190.85	240.14	253.20
170.67	191.18	240.16	253.25
170.70	192.45	240.19	253.30
175.36	192.85	240.21	253.35
176.01	193.10	240.30	253.40
176.14	200.06	240.32	253.45
176.29	200.45	240.34	254.05
176.30	200.91	240.36	254.09

ANNEX III

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254.15	274.10	312.30	365.05
254.18	274.15	312.40	365.14
254.20	274.20	312.50	365.15
254.25	274.23	315.25	365.25
254.30	274.27	315.30	365.29
254.35	274.29	315.55	365.54
254.40	274.33	315.75	365.58
254.42	274.35	315.80	365.84
254.44	274.60	315.85	365.91
254.46	274.65	315.90	366.84
254.48	274.70	315.95	367.28
254.50	274.75	316.50	367.31
254.54	274.80	316.70	370.17
254.56	274.85	319.01	370.19
254.58	274.90	319.03	370.22
254.63	304.10	319.07	372.60
254.65	304.12	335.50	372.65
254.70	304.14	335.70	385.95
254.80	304.22	335.85	386.13
254.85	304.40	337.20	387.25
254.90	304.44	337.72	387.32
254.95	304.48	339.10	387.33
256.05	305.20	347.20	390.16
256.10	305.22	347.28	402.00
256.13	305.28	347.30	402.04
256.15	305.30	347.35	402.08
256.20	305.40	347.72	402.12
256.25	305.50	347.75	402.16
256.30	306.11	355.04	402.20
256.35	306.42	355.20	402.24
256.40	306.53	355.42	402.28
256.42	306.60	355.55	402.32
256.44	306.61	356.25	403.27
256.48	306.70	356.40	404.04
256.52	306.71	358.06	404.42
256.54	306.72	358.14	405.02
256.56	306.80	360.04	405.31
256.58	306.81	360.35	406.16
256.65	306.82	360.36	406.37
256.67	307.02	360.45	406.47
256.70	307.04	360.47	406.72
256.75	307.06	360.77	406.81
256.80	307.08	360.79	406.86
256.84	307.16	360.82	406.96
256.90	308.06	360.84	407.00
270.45	308.10	361.21	407.09
270.50	308.16	361.23	408.00
273.30	308.18	361.26	408.08
273.50	308.20	361.43	408.12
273.55	308.30	361.53	408.16
273.65	308.35	361.85	408.17
273.70	308.45	363.02	408.19
273.75	308.47	364.09	408.23
273.85	308.51	364.14	408.24
273.90	308.55	364.18	408.28
273.95	308.80	364.21	408.29
274.00	308.90	364.25	408.31
274.05	312.10	364.35	408.32

ANNEX III

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408.36	412.31	418.18	420.30
408.38	412.67	418.22	420.34
408.41	412.72	418.24	420.36
408.44	412.76	418.26	420.40
408.48	412.80	418.28	420.54
408.54	412.84	418.35	420.60
408.61	412.88	418.40	420.68
408.64	412.92	418.42	420.70
408.68	412.96	418.44	420.78
408.72	413.00	418.50	420.82
408.76	413.04	418.52	420.84
408.81	413.08	418.60	420.86
408.84	413.12	418.62	420.88
408.88	413.16	418.68	420.94
408.92	413.20	418.72	420.98
408.96	413.28	418.74	421.04
409.02	413.30	418.76	421.06
409.06	413.32	418.78	421.08
409.10	413.36	418.80	421.10
409.14	413.40	418.94	421.14
409.18	413.50	419.00	421.16
409.22	413.51	419.02	421.18
409.26	415.20	419.04	421.22
409.28	415.27	419.10	421.34
409.30	415.50	419.20	421.36
409.34	416.05	419.22	421.44
409.38	416.10	419.24	421.46
409.42	416.30	419.28	421.52
410.36	416.45	419.32	421.54
410.40	417.10	419.34	421.60
410.44	417.14	419.38	421.62
410.48	417.16	419.40	421.72
410.52	417.18	419.42	421.74
410.56	417.20	419.44	421.76
410.60	417.22	419.50	421.84
410.64	417.24	419.52	421.86
410.66	417.26	419.54	421.90
410.68	417.28	419.60	422.00
410.72	417.32	419.70	422.10
410.76	417.34	419.74	422.12
410.80	417.36	419.76	422.14
410.84	417.38	419.80	422.20
410.88	417.42	419.82	422.24
410.92	417.45	419.84	422.26
410.96	417.50	419.90	422.30
411.00	417.52	420.00	422.58
411.04	417.54	420.02	422.60
411.08	417.64	420.04	422.62
411.10	417.70	420.06	422.70
411.20	417.72	420.08	422.72
411.24	417.74	420.14	422.74
411.26	417.76	420.16	422.76
411.53	417.78	420.18	422.78
411.64	417.80	420.20	422.80
411.80	417.90	420.22	422.82
411.82	417.92	420.24	422.90
411.91	418.00	420.26	422.92
412.22	418.14	420.28	422.94

ANNEX III

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423.00	426.54	428.24	437.12
423.80	426.56	428.26	437.13
423.84	426.58	428.30	437.14
423.86	426.62	428.32	437.16
423.88	426.64	428.34	437.18
423.94	426.72	428.36	437.20
423.96	426.76	428.38	437.22
425.00	426.77	428.40	437.30
425.02	426.78	428.41	437.32
425.04	426.82	428.42	437.36
425.06	426.84	428.44	437.38
425.08	426.86	428.47	437.40
425.09	426.88	428.50	437.44
425.10	426.92	428.52	437.47
425.12	426.94	428.54	437.49
425.14	426.96	428.58	437.50
425.18	426.98	428.62	437.51
425.20	427.02	428.64	437.52
425.22	427.04	428.66	437.54
425.24	427.06	428.68	437.55
425.26	427.08	428.72	437.56
425.28	427.12	428.80	437.57
425.32	427.14	428.82	437.58
425.34	427.16	428.84	437.60
425.36	427.18	428.86	437.64
425.38	427.20	428.88	437.65
425.41	427.22	428.90	437.68
425.42	427.24	428.92	437.69
425.52	427.25	428.94	437.70
425.70	427.28	429.00	437.72
425.72	427.30	429.10	437.74
425.74	427.40	429.12	437.82
425.76	427.42	429.19	437.84
425.78	427.44	429.22	437.86
425.82	427.45	429.24	438.01
425.84	427.46	429.26	438.02
425.86	427.48	429.29	439.30
425.87	427.53	429.30	439.50
425.88	427.54	429.32	440.00
425.94	427.56	429.34	445.05
426.00	427.58	429.38	445.10
426.04	427.60	429.42	445.15
426.08	427.62	429.44	445.20
426.10	427.64	429.46	445.25
426.12	427.70	429.47	445.30
426.14	427.72	429.51	445.35
426.18	427.74	429.60	445.44
426.22	427.82	429.70	445.46
426.24	427.84	429.85	445.48
426.26	427.92	429.95	445.52
426.28	427.94	432.15	445.54
426.32	427.97	432.25	445.56
426.34	427.98	435.10	445.75
426.36	428.04	436.00	446.10
426.42	428.06	437.02	446.12
426.44	428.12	437.04	446.15
426.46	428.20	437.06	446.30
426.52	428.22	437.10	450.10

ANNEX III

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450.20	465.75	473.88	495.15
452.24	465.80	473.90	495.20
452.28	465.85	474.02	511.11
452.48	465.87	474.04	511.25
452.54	465.90	474.06	511.31
452.58	465.92	474.08	511.41
452.80	465.95	474.20	511.51
455.02	466.05	474.22	511.65
455.06	466.10	474.26	511.71
455.16	466.15	474.30	512.24
455.18	466.20	474.35	512.31
455.20	466.25	474.40	512.35
455.22	466.30	474.42	512.41
455.24	470.18	474.44	512.44
455.30	472.06	474.46	513.21
455.32	472.10	474.50	513.36
455.34	472.12	474.62	513.41
455.36	472.14	475.55	513.51
455.38	472.24	475.60	513.74
455.44	472.30	485.10	513.81
455.46	472.40	485.20	513.84
460.10	472.42	485.30	513.94
460.15	472.44	490.05	514.21
460.25	472.48	490.10	514.24
460.30	472.50	490.12	514.34
460.35	473.02	490.24	514.41
460.45	473.06	490.30	514.44
460.50	473.10	490.32	514.51
460.55	473.12	490.40	514.54
460.60	473.14	490.42	514.57
460.65	473.16	490.44	514.61
460.70	473.18	490.46	514.65
460.75	473.19	490.48	514.81
460.80	473.20	490.50	515.11
460.85	473.24	490.90	515.14
460.90	473.28	490.92	515.24
461.05	473.30	490.94	515.31
461.10	473.32	493.10	515.34
461.15	473.36	493.14	515.51
461.20	473.38	493.17	515.54
461.30	473.44	493.18	515.61
461.35	473.46	493.20	515.64
461.40	473.48	493.22	516.21
461.45	473.50	493.25	516.24
465.05	473.54	493.26	516.71
465.10	473.58	493.30	516.73
465.15	473.60	493.46	516.74
465.20	473.62	493.47	516.76
465.25	473.66	493.50	516.91
465.30	473.70	493.67	516.94
465.35	473.72	493.68	517.11
465.40	473.74	493.82	517.21
465.45	473.76	494.04	517.24
465.50	473.78	494.40	517.51
465.55	473.80	494.52	517.61
465.60	473.82	494.60	517.71
465.65	473.84	495.05	517.74
465.70	473.86	495.10	517.81

ANNEX III

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517.91	534.97	545.37	606.60
518.21	535.11	545.55	606.62
518.41	535.12	545.57	606.64
518.51	535.13	545.61	606.71
519.11	535.14	545.63	606.73
519.14	535.21	545.65	606.75
519.31	535.24	545.67	606.77
519.37	535.27	545.81	609.14
519.51	535.41	545.85	609.15
519.83	536.11	546.21	609.88
519.84	536.15	546.23	609.90
519.86	540.11	546.25	610.56
519.91	540.13	546.39	610.58
519.93	540.14	546.47	610.62
519.95	540.15	547.11	610.63
519.97	540.21	547.13	610.66
520.31	540.37	547.15	610.71
520.37	540.41	547.21	610.84
520.39	540.43	547.31	610.86
520.51	540.47	547.37	610.89
520.54	540.51	547.41	610.90
520.61	540.55	547.43	610.92
520.71	540.61	547.51	612.02
521.87	540.63	547.53	612.05
522.41	540.65	547.55	612.08
522.45	540.67	548.01	612.10
522.61	540.71	548.03	612.15
522.71	541.11	548.05	612.17
522.81	541.21	601.33	612.20
523.31	541.31	601.54	612.30
523.33	542.57	602.20	612.31
523.37	542.67	602.28	612.32
523.51	542.71	603.10	612.34
523.61	542.73	603.15	612.35
523.91	542.75	603.25	612.36
523.94	542.77	603.30	612.38
531.01	542.92	603.45	612.39
531.04	542.94	603.49	612.40
531.11	542.96	603.50	612.41
531.21	542.98	603.54	612.43
531.24	543.11	603.55	612.44
531.33	544.11	603.70	612.45
531.35	544.14	605.03	612.50
531.37	544.16	605.05	612.52
531.39	544.18	605.06	612.55
532.14	544.31	605.08	612.56
532.41	544.41	605.27	612.60
532.61	544.51	605.48	612.61
533.11	544.54	605.60	612.62
533.15	544.61	605.65	612.63
533.54	544.64	605.66	612.64
534.11	545.11	606.15	612.70
534.21	545.17	606.26	612.71
534.31	545.21	606.28	612.72
534.74	545.31	606.33	612.73
534.76	545.34	606.48	612.80
534.81	545.35	606.57	612.81
534.87		606.59	612.82

ANNEX III

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613.02	626.15	642.20	644.88
613.03	626.17	642.25	644.92
613.04	626.18	642.27	644.95
613.06	626.20	642.31	644.98
613.08	626.22	642.34	646.02
613.10	626.24	642.45	646.04
613.11	626.30	642.47	646.06
613.12	626.31	642.50	646.17
613.15	626.35	642.52	646.20
618.02	626.40	642.54	646.22
618.06	626.42	642.56	646.27
618.10	626.45	642.58	646.28
618.17	628.05	642.60	646.30
618.20	628.10	642.62	646.34
618.22	628.15	642.64	646.36
618.25	628.20	642.66	646.40
618.27	628.25	642.68	646.41
618.29	628.30	642.70	646.42
618.40	628.35	642.72	646.45
618.42	628.40	642.74	646.47
618.47	628.45	642.76	646.51
620.08	628.50	642.78	646.53
620.10	628.55	642.80	646.57
620.12	628.59	642.82	646.65
620.16	628.70	642.85	646.72
620.20	628.74	642.87	646.74
620.22	628.90	642.93	646.75
620.26	628.95	644.02	646.76
620.30	629.05	644.06	646.77
620.40	629.10	644.08	646.78
620.42	629.20	644.09	646.82
620.46	629.25	644.11	646.85
620.50	629.26	644.12	646.86
622.15	629.50	644.15	646.87
622.17	629.60	644.17	646.88
622.20	629.65	644.18	646.89
622.22	632.02	644.20	646.95
622.25	632.04	644.22	646.97
622.35	632.12	644.24	646.98
622.40	632.18	644.26	647.01
624.02	632.34	644.28	647.03
624.04	632.42	644.30	647.05
624.10	632.60	644.32	647.10
624.12	632.62	644.36	648.51
624.14	632.66	644.38	648.53
624.16	633.00	644.40	648.55
624.18	640.05	644.42	648.57
624.20	640.10	644.46	648.61
624.22	640.20	644.48	648.63
624.24	640.25	644.52	648.67
624.30	640.30	644.56	648.69
624.32	640.35	644.60	648.71
624.34	640.40	644.64	648.73
624.40	642.06	644.68	648.75
624.42	642.08	644.72	648.80
624.50	642.09	644.76	648.85
624.52	642.15	644.80	648.89
624.54	642.18	644.84	648.91

ANNEX III

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648.93	650.53	652.88	660.22
648.95	650.56	652.90	660.25
649.01	650.57	652.92	660.30
649.03	650.61	652.93	660.35
649.05	650.63	653.01	660.56
649.07	650.65	653.03	660.59
649.11	650.71	653.05	660.62
649.14	650.73	653.07	660.67
649.17	650.75	653.10	660.71
649.19	650.77	653.15	660.74
649.21	650.79	653.20	660.76
649.23	650.81	653.25	660.77
649.24	650.83	653.30	660.80
649.25	650.85	653.35	660.85
649.26	650.87	653.37	660.92
649.27	650.90	653.45	660.96
649.29	651.01	653.47	660.97
649.31	651.03	653.52	661.05
649.32	651.04	653.60	661.10
649.33	651.07	653.62	661.15
649.35	651.09	653.65	661.20
649.41	651.11	653.70	661.25
649.43	651.13	653.75	661.30
649.44	651.15	653.80	661.35
649.46	651.23	653.90	661.40
649.47	651.25	653.96	661.45
649.48	651.27	653.99	661.50
649.49	651.29	654.00	661.54
649.53	651.31	654.16	661.56
649.57	651.45	654.25	661.67
649.67	651.48	654.35	661.68
649.71	651.51	654.45	661.85
649.73	651.53	654.50	661.90
649.75	651.55	654.55	661.92
649.77	651.60	654.65	661.95
649.79	651.62	654.70	662.10
649.81	652.06	654.75	662.15
649.83	652.09	656.05	662.18
649.85	652.13	656.10	662.20
649.87	652.14	656.15	662.26
649.89	652.15	656.20	662.30
649.91	652.18	656.25	662.50
650.01	652.21	656.30	664.06
650.05	652.24	656.35	664.07
650.07	652.27	657.10	664.08
650.13	652.35	657.15	666.10
650.15	652.36	657.30	666.25
650.17	652.38	657.40	668.00
650.19	652.41	657.50	668.02
650.21	652.42	657.60	668.04
650.31	652.45	657.70	668.06
650.35	652.50	657.75	668.07
650.37	652.55	657.80	668.10
650.43	652.65	657.90	668.15
650.45	652.72	658.00	668.21
650.47	652.75	660.10	668.23
650.48	652.80	660.15	668.32
650.51	652.86	660.20	668.34

ANNEX III

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668.36	674.90	683.90	694.61
668.38	676.07	683.95	694.63
668.50	676.10	684.20	694.64
670.00	676.12	684.28	694.65
670.02	676.22	684.40	694.66
670.04	676.23	684.57	694.67
670.06	676.25	684.65	694.70
670.12	676.50	684.66	696.05
670.14	678.20	684.67	696.15
670.16	678.30	684.90	696.30
670.17	678.32	685.06	696.50
670.18	678.35	685.10	696.60
670.19	678.40	685.20	700.54
670.21	678.45	685.22	702.08
670.22	680.05	685.24	702.14
670.23	680.07	685.28	702.15
670.25	680.12	685.30	702.20
670.27	680.13	685.37	702.25
670.29	680.17	685.38	702.28
670.33	680.19	685.39	702.30
670.35	680.25	685.42	702.32
670.40	680.27	685.60	702.35
670.41	680.42	686.18	702.37
670.42	680.46	686.24	702.40
670.43	680.49	686.40	702.45
670.50	680.59	686.50	702.47
670.52	680.62	686.60	702.85
670.54	680.92	686.70	702.90
670.56	681.10	686.80	702.95
670.58	681.13	686.90	703.20
670.64	681.15	687.10	703.25
670.66	681.21	687.20	703.30
670.68	681.27	687.30	703.35
670.70	681.33	687.42	703.40
670.72	681.36	688.04	703.45
670.74	681.39	688.06	703.50
670.90	682.05	688.20	703.55
672.10	682.07	688.25	703.60
672.14	682.20	688.30	703.65
672.20	682.25	688.32	703.70
672.22	682.30	688.34	703.72
672.25	682.41	690.05	703.75
674.10	682.45	690.10	703.80
674.20	682.50	690.15	703.85
674.30	682.52	690.20	704.34
674.33	682.55	690.35	704.75
674.34	682.70	690.40	704.80
674.40	682.80	692.04	704.95
674.42	682.90	692.14	705.30
674.50	682.95	692.16	705.82
674.52	683.12	692.29	705.83
674.53	683.20	692.35	705.90
674.55	683.30	692.40	706.04
674.56	683.32	692.45	706.19
674.60	683.40	692.53	706.33
674.70	683.50	692.55	706.37
674.75	683.60	694.31	706.42
674.80	683.65	694.50	706.44

ANNEX III

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706.45	710.04	712.27	724.10
706.47	710.06	712.47	724.12
706.50	710.08	712.49	724.20
707.90	710.12	713.05	724.25
708.01	710.14	713.07	724.35
708.03	710.16	713.09	724.40
708.05	710.20	713.11	724.45
708.07	710.21	713.17	725.04
708.10	710.26	713.19	725.05
708.21	710.27	715.20	725.07
708.23	710.30	715.55	725.08
708.25	710.34	720.34	725.12
708.27	710.36	720.80	725.14
708.30	710.40	720.92	725.16
708.41	710.42	721.10	725.18
708.43	710.46	722.02	725.20
708.56	710.50	722.04	725.22
708.58	710.60	722.06	725.24
708.61	710.61	722.09	725.26
708.63	710.63	722.13	725.30
708.65	710.65	722.14	725.34
708.71	710.67	722.16	725.36
708.72	710.68	722.18	725.40
708.73	710.70	722.30	725.46
708.75	710.72	722.32	725.47
708.76	710.76	722.34	725.52
708.78	710.78	722.40	726.05
708.80	710.80	722.42	726.10
708.82	710.86	722.44	726.15
708.85	710.88	722.46	726.20
708.87	710.90	722.50	726.40
708.89	711.04	722.52	726.45
708.91	711.08	722.55	726.50
708.93	711.25	722.56	726.52
709.01	711.30	722.60	726.55
709.03	711.31	722.64	726.63
709.05	711.32	722.70	726.65
709.06	711.40	722.72	726.70
709.07	711.42	722.75	726.75
709.10	711.45	722.78	726.90
709.11	711.47	722.80	727.02
709.13	711.49	722.82	727.04
709.15	711.55	722.83	727.11
709.17	711.60	722.85	727.13
709.19	711.67	722.86	727.14
709.21	711.70	722.88	727.15
709.23	711.72	722.90	727.25
709.25	711.78	722.92	727.27
709.27	711.86	722.94	727.40
709.45	711.88	722.96	727.45
709.50	711.90	723.05	727.47
709.54	711.98	723.10	727.59
709.55	712.05	723.15	727.65
709.56	712.10	723.20	727.86
709.57	712.12	723.25	728.05
709.61	712.15	723.30	728.10
709.63	712.20	723.32	728.15
709.66	712.25	723.35	728.20
			728.24

ANNEX III

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728.27	734.42	745.42	756.30
730.05	734.45	745.45	756.35
730.23	734.51	745.50	756.40
730.25	734.54	745.52	756.45
730.27	734.56	745.54	756.50
730.29	734.60	745.56	756.55
730.31	734.71	745.58	756.60
730.37	734.72	745.60	760.10
730.39	734.75	745.62	760.12
730.41	734.77	745.65	760.15
730.43	734.80	745.66	760.20
730.45	734.85	745.67	760.30
730.51	734.88	745.68	760.32
730.53	734.91	748.05	760.34
730.55	734.93	748.10	760.36
730.57	734.95	748.12	760.38
730.59	735.01	748.15	760.40
730.63	735.02	748.25	760.42
730.65	735.04	748.32	760.45
730.67	735.06	748.34	760.50
730.71	735.10	748.36	760.52
730.73	735.11	748.50	760.54
730.74	735.15	748.55	760.56
730.75	735.17	750.05	760.58
730.77	735.18	750.10	766.20
730.80	737.09	750.15	770.05
730.81	737.26	750.22	770.07
730.85	737.35	750.25	770.10
730.86	737.43	750.32	770.30
730.88	737.55	750.35	770.40
730.95	737.65	750.47	770.45
730.96	737.70	750.50	770.70
730.97	740.05	750.55	770.80
730.98	740.30	750.60	771.05
730.99	740.34	750.65	771.20
731.05	740.50	750.70	771.25
731.06	740.55	750.75	771.30
731.10	740.60	750.80	771.31
731.24	740.70	751.10	771.35
731.26	740.75	751.11	771.40
731.30	740.80	751.15	771.50
731.42	741.06	751.20	771.55
731.44	741.10	751.25	772.03
731.50	741.15	755.05	772.06
731.70	741.20	755.10	772.09
732.35	741.30	755.20	772.15
732.38	741.35	755.30	772.20
732.43	741.40	755.40	772.25
732.50	741.50	755.45	772.29
732.52	745.04	755.50	772.40
732.62	745.08	756.02	772.42
734.05	745.10	756.04	772.45
734.10	745.20	756.06	772.54
734.20	745.25	756.10	772.65
734.30	745.28	756.15	772.70
734.32	745.30	756.21	772.80
734.34	745.32	756.23	772.85
734.40	745.34	756.25	772.95

ANNEX III

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772.97
773.10
773.15
773.20
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792.75
799.00

ANNEX IV

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE GSP WHEN IMPORTED FROM BENEFICIARY DEVELOPING COUNTRIES OTHER THAN THOSE SPECIFIED IN GENERAL HEADNOTE 3(e)(v)(D) OF THE TSUS

107.48	418.13	652.84	685.25	735.12
121.61	428.96	653.00	685.32	735.20
121.65	429.49	653.38	685.40	737.07
130.37	445.42	653.39	685.70	737.15
130.40	452.44	653.48	685.90	737.21
135.51	470.85	653.85	686.30	737.23
135.90	473.52	653.93	687.70	737.28
135.95	473.56	653.94	688.10	737.30
136.20	511.64	654.08	688.12	737.40
136.22	522.21	654.30	688.17	737.42
136.30	532.22	654.40	688.18	737.47
136.61	532.31	654.60	688.41	737.49
137.10	534.84	657.24	688.42	737.51
137.40	534.91	657.25	692.32	737.60
137.50	534.94	657.35	692.60	737.80
137.63	535.31	660.42	696.10	737.95
137.71	545.25	660.48	696.35	740.11
138.05	545.53	661.06	696.40	740.12
141.77	545.87	661.09	700.90	740.13
146.22	602.10	661.65	703.14	740.14
146.44	603.40	661.94	706.61	740.15
146.76	606.36	662.35	708.45	740.38
148.03	606.37	664.10	708.47	741.25
148.12	606.44	672.16	709.09	745.70
148.17	610.65	674.31	709.40	748.20
148.72	610.70	674.35	711.38	748.21
155.20	610.74	676.15	713.15	750.20
167.05	610.82	676.20	722.08	750.40
176.15	610.88	676.30	722.11	750.45
192.17	612.03	676.52	725.01	751.05
192.21	612.06	678.50	725.03	755.25
202.62	613.18	680.14	725.32	771.41
204.40	618.15	682.35	725.50	771.43
206.60	642.14	682.60	726.25	771.45
206.98	642.16	683.01	727.06	772.35
207.00	642.17	683.15	727.23	772.51
222.10	646.32	683.70	727.29	772.60
222.50	646.90	683.80	727.35	773.05
245.20	646.92	684.10	727.70	774.45
245.30	648.97	684.15	728.22	774.55
256.60	649.37	684.25	730.94	790.03
256.87	650.89	684.48	732.60	790.10
319.05	651.21	684.53	734.15	790.39
337.40	651.33	684.55	734.25	790.70
355.81	651.37	684.58	734.70	791.15
389.61	651.46	684.59	734.86	791.28
406.20	651.49	684.70	734.87	792.50
407.16	652.03	685.14	734.90	792.60
413.24	652.60	685.16	735.07	
417.23	652.70	685.18	735.09	

ANNEX V

PRODUCTS OF LEAST DEVELOPED DEVELOPING COUNTRIES

Imported articles, the products of least developed developing countries specified in general headnote 3(e)(vi)(A), which are provided for in the following TSUS item numbers, are eligible for the rates of duty set opposite thereto on and after the effective dates specified below (except when such articles are subject to temporary modifications as specified in general headnote 3(e)(iii) of the TSUS):

(A) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after September 1, 1985:

TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
106.22	1.5¢ per lb.	121.62	3.7% ad val.
106.25	Free	121.64	4.2% ad val.
107.40	1¢ per lb.	121.65	2.4% ad val.
107.70	0.6¢ per lb.	123.50	8% ad val.
107.80	Free	124.20	5.3% ad val.
110.28	Free	124.25	2.1% ad val.
110.55	1.875¢ per lb.	124.30	3.7% ad val.
110.65	Free	124.60	5.8% ad val.
111.37	4% ad val.	124.65	3.1% ad val.
111.48	3% ad val.	124.70	4.9% ad val.
111.60	10% ad val.	124.80	2.4% ad val.
111.76	Free	125.50	Free
111.84	2.5% ad val.	125.82	3% ad val.
112.03	Free	126.23	Free
112.12	Free	126.27	Free
112.18	3% ad val.	126.29	Free
112.20	2.5% ad val.	126.33	Free
112.42	4.9% ad val.	126.35	Free
112.46	8% ad val.	130.08	5¢ per bu. of 48 lbs.
112.54	12% ad val.		
112.79	4% ad val.	130.30	Free
112.86	20% ad val.	130.32	5¢ per bu. of 56 lbs.
112.94	6.5% ad val.		
113.01	Free	130.45	Free
113.05	6.6% ad val.	130.60	Free
113.40	Free	131.20	30¢ per 100 lbs.
113.50	5% ad val.	136.92	0.7¢ per lb.
114.04	14% ad val.	137.20	35¢ per 100 lbs.
114.06	7% ad val.	137.21	35¢ per 100 lbs.
114.25	5% ad val.	137.25	35¢ per 100 lbs.
114.34	Free	137.28	35¢ per 100 lbs.
114.55	Free	140.40	25% ad val.
117.44	19% ad val.	141.82	10% ad val.
117.60	6.4% ad val.	141.83	12.5% ad val.
117.86	7.5% ad val.	141.85	3.4% ad val.
120.17	Free	141.86	10% ad val..
121.10	4.9% ad val.	144.14	1.3¢ per lb. + 4% ad val.
121.15	3.7% ad val.		
121.25	4.2% ad val.	144.16	1.3¢ per lb. + 4% ad val.
121.30	5.5% ad val.		
121.35	3.1% ad val.	146.30	6¢ per lb.
121.40	3.7% ad val.	147.33	3.4% ad val.
121.45	5.5% ad val.	147.61	4¢ per cu. ft. of such bulk or the capacity of the package
121.50	4.2% ad val.		
121.52	Free		
121.55	3.7% ad val.		

ANNEX V

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TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
147.77	7% ad val.	200.06	3.7% ad val.
147.85	Free	200.20	2.4% ad val.
148.22	14% ad val.	200.25	5.1% ad val.
148.72	Free	200.45	Free
148.81	Free	200.95	7.6% ad val.
148.83	Free	202.38	Free
148.98	0.25¢ per lb.	202.54	Free
149.18	Free	202.56	Free
149.50	3.4% ad val.	202.60	3.2% ad val.
152.14	Free	202.66	4.5% ad val.
152.42	12.5% ad val.	203.10	5.8% ad val.
152.54	2.8% ad val.	203.20	4.5¢ per lb. + 3.5% ad val.
154.40	5.4% ad val.		
154.45	3.4% ad val.	203.30	4.5¢ per lb. + 3.5% ad val.
155.75	6% ad val.		
156.25	Free	204.05	7.7% ad val.
161.58	Free	204.10	2.8% ad val.
161.61	Free	204.20	5.1% ad val.
161.71	2¢ per lb.	204.40	6.7% ad val.
161.75	6% ad val.	204.50	1¢ per lb. + 2.9% ad val.
168.36	25¢ per proof gal.		
168.37	50¢ per proof gal.	206.45	4.5% ad val.
168.39	20¢ per proof gal.	206.50	Free
168.41	40¢ per proof gal.	206.52	Free
168.57	50¢ per proof gal.	206.53	4.4% ad val.
168.61	40¢ per proof gal.	206.85	4.2% ad val.
168.78	50¢ per proof gal.	206.96	5.1% ad val.
168.82	40¢ per proof gal.	207.00	5.1% ad val.
169.13	$1.40 per proof gal.	220.10	1¢ per lb.
169.14	$1.40 per proof gal.	220.15	0.4¢ per lb.
169.21	25¢ per proof gal.	220.20	2.5¢ per lb.
169.22	25¢ per proof gal.	220.25	3.7% ad val.
169.38	50¢ per proof gal.	220.31	2¢ per lb.
170.35	20¢ per lb.	220.35	20¢ per lb.
175.39	0.4¢ per lb.	220.36	8.5¢ per lb.
176.24	0.5¢ per lb. + 2% ad val.	220.37	10¢ per lb.
		220.39	7¢ per lb.
176.45	0.7¢ per lb.	220.41	7¢ per lb.
176.46	Free	220.48	7¢ per lb.
176.47	7.5% ad val.	222.10	3.1% ad val.
178.15	9% ad val.	222.30	7% ad val.
182.20	Free	222.32	6.6% ad val.
182.35	Free	222.36	3.5% ad val.
182.36	Free	222.41	5.8% ad val.
182.92	16% ad val.	222.42	10% ad val.
182.96	8% ad val.	222.55	Free
184.51	0.12¢ per lb.	222.60	6.6% ad val.
184.58	4% ad val.	240.10	8% ad val.
186.50	3.1% ad val.	240.12	5% ad val.
188.34	2¢ per lb.	240.14	3% ad val.
190.10	Free	240.16	5.3% ad val.
190.25	7.7% ad val.	240.19	8% ad val.
190.68	3% ad val.	240.25	8% ad val.
190.85	Free	240.30	8% ad val.
190.93	3% ad val.	240.32	6.6% ad val.

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TSUS Item No.	Rate of duty
240.34	3% ad val.
240.36	5.3% ad val.
240.50	8.2% ad val.
240.52	6.6% ad val.
240.54	3% ad val.
240.56	5.3% ad val.
240.58	4% ad val.
240.60	4% ad val.
245.00	3% ad val.
245.10	3% ad val.
245.20	3% ad val.
245.30	6% ad val.
245.45	4% ad val.
245.50	4% ad val.
245.60	4% ad val.
245.70	2.4% ad val.
245.80	1.3¢ per lb. + 2.3% ad val.
251.10	3.7% ad val.
251.15	4.9% ad val.
251.20	5.8% ad val.
251.25	2.8% ad val.
251.30	Free
251.45	Free
252.05	Free
252.10	Free
252.13	3.8% ad val.
252.15	3.2% ad val.
252.17	Free
252.20	1.6% ad val.
252.25	2.6% ad val.
252.27	2% ad val.
252.30	3.5% ad val.
252.35	4.9% ad val.
252.40	4.3% ad val.
252.42	2% ad val.
252.45	1.6% ad val.
252.50	4.2% ad val.
252.57	2.4% ad val.
252.59	3.8% ad val.
252.61	4.8% ad val.
252.63	1.8% ad val.
252.70	2.7% ad val.
252.73	3.1% ad val.
252.75	2.4% ad val.
252.77	1.5% ad val.
252.81	Free
252.84	2.4% ad val.
252.86	Free
252.90	4% ad val.
253.05	2.4% ad val.
253.10	3.9% ad val.
253.15	3.4% ad val.
253.20	Free
253.25	Free
253.30	Free
253.35	2.4% ad val.
253.40	3.7% ad val.
253.45	3.3% ad val.
254.09	2.6% ad val.
254.15	2.8% ad val.
254.18	Free
254.20	1.6% ad val.
254.25	4.9% ad val.
254.30	2.8% ad val.
254.35	3.4% ad val.
254.40	3.8% ad val.
254.42	3.3% ad val.
254.44	Free
254.46	2.5% ad val.
254.48	2.2% ad val.
254.50	1.3% ad val.
254.54	3.4% ad val.
254.56	4.4% ad val.
254.58	2.4% ad val.
254.63	2.9% ad val.
254.65	Free
254.70	2% ad val.
254.80	Free
254.85	1.9% ad val.
254.90	2% ad val.
254.95	Free
256.05	Free
256.10	4.9% ad val.
256.15	3.7% ad val.
256.20	3.2% ad val.
256.25	3.2% ad val.
256.30	3% ad val.
256.35	4.2% ad val.
256.40	5.1% ad val.
256.42	3% ad val.
256.44	4% ad val.
256.48	2.5% ad val.
256.52	3% ad val.
256.54	2.8% ad val.
256.56	4% ad val.
256.58	Free
256.65	3.2% ad val.
256.67	5.8% ad val.
256.70	Free
256.75	3.1% ad val.
256.80	3.6% ad val.
256.84	4% ad val.
256.90	5.3% ad val.
270.45	Free
270.50	Free
273.30	5.3% ad val.
273.55	Free
273.65	18¢ per lb. + 2.4% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
273.70	6¢ per lb. + 3.5% ad val.
273.75	7¢ per lb.
273.85	4% ad val.
273.90	4.2% ad val.
273.95	3.1% ad val.
274.05	4.9% ad val.
274.10	Free
274.15	2¢ per lb.
274.20	3% ad val.
274.23	12¢ per lb.
274.27	28¢ per lb.
274.29	4¢ per lb.
274.33	11¢ per lb.
274.35	4.2% ad val.
274.65	Free
274.70	3.1% ad val.
274.75	Free
274.85	1.8% ad val.
274.90	4.9% ad val.
304.22	0.3¢ per lb.
304.26	3.1% ad val.
304.34	0.6¢ per lb.
304.40	Free
304.44	Free
304.52	3.1% ad val.
305.04	3.1% ad val.
305.06	6.6% ad val.
305.08	4.2% ad val.
305.09	6% ad val.
305.10	6% ad val.
305.12	3.1% ad val.
305.14	7.8% ad val.
305.16	4.2% ad val.
305.18	5.1% ad val.
305.50	5.8% ad val.
306.14	4¢ per lb.
306.20	3¢ per clean lb.
306.24	5¢ per lb.
306.40	4.5¢ per clean lb.
306.41	5¢ per clean lb.
306.42	5¢ per clean lb.
306.43	5¢ per clean lb.
306.44	7¢ per lb.
306.53	1.5¢ per clean lb.
306.54	2¢ per lb.
306.60	3¢ per clean lb.
306.61	3.5¢ per clean lb.
306.62	3.5¢ per clean lb.
306.63	4¢ per clean lb.
306.64	5.5¢ per lb.
306.70	4¢ per clean lb.
306.71	4.5¢ per clean lb.
306.72	4.5¢ per clean lb.
306.73	5¢ per clean lb.
306.74	6.5¢ per lb.
306.80	6.5¢ per clean lb.
306.81	7¢ per clean lb.
306.82	7¢ per clean lb.
306.83	7¢ per clean lb.
306.84	9¢ per lb.
307.02	2¢ per lb.
307.04	3¢ per lb.
307.06	2.5¢ per lb.
307.08	3¢ per lb.
307.10	5.5¢ per lb.
307.12	2.5¢ per lb.
307.16	2¢ per lb.
307.18	2¢ per lb.
308.10	4.7% ad val.
308.16	5.3% ad val.
308.18	5.8% ad val.
308.20	2.8% ad val.
308.35	5% ad val.
308.45	5% ad val.
308.47	5% ad val.
308.55	5% ad val.
308.80	5% ad val.
308.90	5% ad val.
309.02	8¢ per lb.
309.03	10% ad val.
309.05	6¢ per lb.
309.06	7.8% ad val.
309.10	7.5% ad val.
309.20	5¢ per lb.
309.21	6.6% ad val.
309.25	7.5% ad val.
309.28	6% ad val.
309.29	7.2% ad val.
309.30	6¢ per lb.
309.31	10% ad val.
309.35	5¢ per lb. + 6% ad val.
309.43	4.9% ad val.
309.50	5.5¢ per lb. + 7% ad val.
309.60	4.2% ad val.
309.65	2.5¢ per lb.
309.66	2.1% ad val.
309.70	6% ad val.
309.75	4.9% ad val.
309.80	8% ad val.
309.90	6.5% ad val.
312.10	3.7% ad val.
312.30	2.5% ad val.
312.40	5.3% ad val.
312.50	5.8% ad val.
315.25	7.2% ad val.
315.30	4.9% ad val.
315.35	6.8% ad val.
315.40	7% ad val.

ANNEX V

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TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
315.50	Free	356.80	3.7% ad val.
315.55	0.8¢ per lb.	357.30	7.2% ad val.
315.75	7% ad val.	357.40	6% ad val.
315.80	4% ad val.	357.90	4.5% ad val.
315.85	5% ad val.	357.95	6.5% ad val.
316.05	6% ad val.	358.02	5.1% ad val.
316.10	6% ad val.	358.06	5.1% ad val.
316.20	6% ad val.	358.08	6% ad val.
316.25	6% ad val.	358.09	7.5% ad val.
316.30	2.5% ad val.	358.11	5.4% ad val.
316.50	7% ad val.	358.14	8% ad val.
316.70	5.3% ad val.	358.16	2.4% ad val.
319.01	6% ad val.	358.24	5.8% ad val.
319.03	6% ad val.	358.26	7% ad val.
319.05	6% ad val.	358.40	6.9% ad val.
319.07	6% ad val.	358.50	7.5% ad val.
335.70	3% ad val.	358.60	5.8% ad val.
335.75	3% ad val.	359.20	4.4% ad val.
335.85	3% ad val.	359.60	3.4% ad val.
335.95	3% ad val.	360.36	3.5% ad val.
337.10	6% ad val.	360.77	5% ad val.
337.30	6% ad val.	360.79	5% ad val.
339.10	5.3% ad val.	360.82	7.6% ad val.
345.60	5.3% ad val.	360.84	7.6% ad val.
346.65	5.3% ad val.	361.21	5.1% ad val.
346.80	4.2% ad val.	361.53	4.7% ad val.
346.86	5.3% ad val.	361.85	3.4% ad val.
346.95	5.3% ad val.	363.02	7.2% ad val.
347.20	4.7% ad val.	363.35	3.1% ad val.
347.28	5.8% ad val.	363.80	5.4% ad val.
347.35	4.7% ad val.	363.90	5.3% ad val.
347.45	5.3% ad val.	364.09	7.2% ad val.
347.50	3% ad val.	364.14	7.2% ad val.
347.72	4.2% ad val.	364.25	6.9% ad val.
347.75	5.3% ad val.	364.35	5.3% ad val.
351.44	18% ad val.	365.05	14% ad val.
355.04	8% ad val.	365.14	14% ad val.
355.20	6.9% ad val.	365.15	5.7% ad val.
355.42	6.2% ad val.	365.25	16% ad val.
355.55	3.9% ad val.	365.29	16% ad val.
355.65	5.3% ad val.	365.80	12.8% ad val.
355.70	14% ad val.	365.81	12.8% ad val.
355.75	6.9% ad val.	365.83	12.8% ad val.
355.81	4.2% ad val.	365.84	12.8% ad val.
355.85	5.3% ad val.	365.91	12.8% ad val.
356.05	5.4% ad val.	366.12	2.4% ad val.
356.10	3.7% ad val.	366.30	8% ad val.
356.15	6.6% ad val.	366.33	8% ad val.
356.20	4.7% ad val.	366.36	3.1% ad val.
356.25	4.7% ad val.	366.39	4.4% ad val.
356.30	16% ad val.	366.48	3.7% ad val.
356.35	6.9% ad val.	366.51	4.4% ad val.
356.40	8% ad val.	366.54	3.7% ad val.
356.45	5.3% ad val.	366.72	4.2% ad val.
356.70	8.2% ad val.	366.81	3.7% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
367.35	5.8% ad val.
367.40	5.3% ad val.
367.65	3.4% ad val.
385.15	5.1% ad val.
385.50	0.1¢ per lb. + 2.5% ad val.
385.63	6.9% ad val.
385.90	4% ad val.
386.11	10% ad val.
386.13	10% ad val.
386.15	7.8% ad val.
386.20	14% ad val.
386.30	11.2% ad val.
386.40	7.8% ad val.
387.10	6.6% ad val.
387.25	4.4% ad val.
387.32	4.4% ad val.
387.33	4.4% ad val.
387.37	4.4% ad val.
389.10	5.8% ad val.
389.20	5.3% ad val.
389.30	6.9% ad val.
389.40	12.5% ad val.
389.50	11% ad val.
389.61	9% ad val.
389.70	5.8% ad val.
390.14	2.1% ad val.
390.16	2.1% ad val.
390.30	Free
390.40	2.8¢ per lb.
390.50	Free
402.00	0.8¢ per lb. + 5.5% ad val.
402.04	0.8¢ per lb. + 6.1% ad val.
402.08	0.5¢ per lb. + 2.7% ad val.
402.16	7.4% ad val.
402.24	0.5¢ per lb. + 3.3% ad val.
402.28	0.5¢ per lb. + 3.7% ad val.
402.32	1¢ per lb. + 4.9% ad val.
402.36	0.5¢ per lb. + 17.3% ad val.
402.40	7.6% ad val.
402.44	9.5% ad val.
402.48	7.8% ad val.
402.52	10.4% ad val.
402.56	7.9% ad val.
402.60	7.4% ad val.
402.64	20% ad val.
402.68	15.2% ad val.
402.72	6.8% ad val.
402.76	7.6% ad val.
402.78	9.1% ad val.
402.81	9.1% ad val.
402.84	10% ad val.
402.88	15% ad val.
402.96	7.2% ad val.
402.98	1.3¢ per lb. + 12.5% ad val.
403.00	10.8% ad val.
403.05	7% ad val.
403.09	5.8% ad val.
403.16	7.1% ad val.
403.20	11% ad val.
403.24	6.3% ad val.
403.27	20% ad val.
403.29	20% ad val.
403.32	7.2% ad val.
403.36	8.1% ad val.
403.41	7.1% ad val.
403.45	6.6% ad val.
403.51	7.2% ad val.
403.52	6% ad val.
403.54	0.7¢ per lb. + 19.4% ad val.
403.57	0.7¢ per lb. + 19.4% ad val.
403.61	6.9% ad val.
403.62	20% ad val.
403.65	20% ad val.
403.68	6.9% ad val.
403.72	6.9% ad val.
403.74	6.9% ad val.
403.76	10.6% ad val.
403.81	20% ad val.
403.88	5.8% ad val.
403.92	6.1% ad val.
403.96	11% ad val.
404.00	7.5% ad val.
404.04	8% ad val.
404.08	7.9% ad val.
404.12	8.1% ad val.
404.16	20% ad val.
404.20	1.3¢ per lb. + 13.1% ad val.
404.24	6.7% ad val.
404.32	6.9% ad val.
404.33	20% ad val.
404.37	20% ad val.
404.40	5.8% ad val.
404.42	7% ad val.
404.43	7% ad val.
404.48	7.2% ad val.
404.52	6.9% ad val.
404.56	5.9% ad val.
404.64	10.5% ad val.
404.68	12.4% ad val.
404.72	6.1% ad val.
404.76	7.1% ad val.

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TSUS Item No.	Rate of duty
404.80	7% ad val.
404.84	5.8% ad val.
404.88	1.1¢ per lb. + 18.8% ad val.
404.92	5.8% ad val.
404.96	7.8% ad val.
405.00	6.8% ad val.
405.01	6.1% ad val.
405.12	6.9% ad val.
405.16	7.2% ad val.
405.21	6.7% ad val.
405.24	5.3% ad val.
405.28	5.8% ad val.
405.36	7.3% ad val.
405.41	6.6% ad val.
405.44	7.2% ad val.
405.48	6.2% ad val.
405.51	15% ad val.
405.53	15% ad val.
405.56	6.8% ad val.
405.60	20% ad val.
405.64	5.8% ad val.
405.68	19.9% ad val.
405.72	7.2% ad val.
405.76	5.8% ad val.
405.80	1.3¢ per lb. + 16.2% ad val.
405.84	6.7% ad val.
405.88	7.3% ad val.
405.92	5.8% ad val.
405.96	6.1% ad val.
406.00	6.7% ad val.
406.05	6.6% ad val.
406.08	17.7% ad val.
406.12	6.9% ad val.
406.16	15% ad val.
406.24	7.8% ad val.
406.28	0.4¢ per lb. + 12.5% ad val.
406.32	5.8% ad val.
406.36	5.8% ad val.
406.44	17.5% ad val.
406.47	6.8% ad val.
406.49	6.8% ad val.
406.52	7.4% ad val.
406.64	0.1¢ per lb. + 18.7% ad val.
406.68	0.1¢ per lb. + 19.8% ad val.
406.73	5.8% ad val.
406.76	0.9¢ per lb. + 12.5% ad val.
406.81	1.1¢ per lb. + 12.5% ad val.
406.84	20% ad val.
406.86	7.1% ad val.
406.92	20% ad val.
406.96	1¢ per lb. + 15.6% ad val.
407.00	5.9% ad val.
407.09	7.4% ad val., but not less than the highest rate applicable to any component material
408.00	8.9% ad val.
408.08	6.5% ad val.
408.12	6.2% ad val.
408.16	11.1% ad val.
408.17	6.8% ad val.
408.18	13.5% ad val.
408.19	13.5% ad val.
408.24	6.9% ad val.
408.28	12.5% ad val.
408.31	6.9% ad val.
408.32	10.7% ad val.
408.36	0.8¢ per lb. + 9.7% ad val.
408.41	8.5% ad val.
408.44	5.9% ad val.
408.48	5.9% ad val.
408.54	6.1% ad val.
408.61	6.3% ad val.
408.64	5.8% ad val.
408.72	0.3¢ per lb. + 9.4% ad val.
408.76	7.6% ad val.
408.81	0.5¢ per lb. + 9.1% ad val.
408.84	0.4¢ per lb. + 9.2% ad val.
408.88	6.1% ad val.
408.96	5.8% ad val.
409.02	6.1% ad val.
409.06	6.5% ad val.
409.10	0.4¢ per lb. + 9% ad val.
409.14	6.3% ad val.
409.18	5.8% ad val.
409.22	6.6% ad val.
409.26	6.1% ad val.
409.30	7.7% ad val.
409.34	0.1¢ per lb. + 17.7% ad val.
409.38	8.2% ad val.
409.42	14.3% ad val.
409.54	20% ad val.
409.58	14.2% ad val.
409.62	9.2% ad val.

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TSUS Item No.	Rate of duty
409.66	20% ad val.
409.70	9% ad val.
409.74	20% ad val.
409.78	9.5% ad val.
409.82	20% ad val.
409.86	9% ad val.
409.90	20% ad val.
409.94	8.1% ad val.
409.96	8.2% ad val.
410.00	20% ad val.
410.04	8.3% ad val.
410.08	20% ad val.
410.12	8.4% ad val.
410.16	20% ad val.
410.20	20% ad val.
410.24	20% ad val.
410.28	8.3% ad val.
410.32	20% ad val.
410.36	12.5% ad val.
410.40	12.5% ad val.
410.44	14% ad val.
410.48	10.8% ad val.
410.52	7.2% ad val.
410.56	8.6% ad val.
410.60	7% ad val.
410.64	5.9% ad val.
410.66	8.7% ad val.
410.68	6.7% ad val.
410.72	10.2% ad val.
410.76	7.2% ad val.
410.80	7.6% ad val.
410.84	10% ad val.
410.88	5.3% ad val.
410.92	6.7% ad val.
410.96	6.7% ad val.
411.00	6.4% ad val.
411.04	5.9% ad val.
411.08	6% ad val.
411.12	7.4% ad val.
411.16	6.8% ad val.
411.20	6.8% ad val.
411.24	8% ad val.
411.26	11.6% ad val.
411.27	11.6% ad val.
411.30	7.6% ad val.
411.31	3.7% ad val.
411.40	11.6% ad val.
411.44	7% ad val.
411.48	9.8% ad val.
411.52	6.6% ad val.
411.53	9.2% ad val.
411.55	9.2% ad val.
411.60	6.9% ad val.
411.64	6.9% ad val.
411.68	5.8% ad val.
411.72	7.4% ad val.
411.76	6.6% ad val.
411.80	15% ad val.
411.82	10.8% ad val.
411.87	10.8% ad val.
411.90	6.7% ad val.
411.91	8.1% ad val.
411.93	8.1% ad val.
411.98	6.7% ad val.
412.02	8.2% ad val.
412.06	5.8% ad val.
412.10	8% ad val.
412.14	7.2% ad val.
412.18	13.4% ad val.
412.22	6.8% ad val.
412.26	6.9% ad val.
412.30	6.6% ad val.
412.31	16.6% ad val.
412.35	16.6% ad val.
412.38	7.6% ad val.
412.42	6.9% ad val.
412.48	8.7% ad val.
412.52	7.8% ad val.
412.56	16.2% ad val.
412.60	7.9% ad val.
412.64	6.9% ad val.
412.67	6.9% ad val.
412.69	6.9% ad val.
412.72	9.1% ad val.
412.76	8% ad val.
412.80	23.5% ad val.
412.84	18.9% ad val.
412.88	11.8% ad val.
412.92	16.3% ad val.
412.96	7% ad val.
413.00	6.6% ad val.
413.04	12.2% ad val.
413.08	6.5% ad val.
413.12	9.4% ad val.
413.16	8.4% ad val.
413.20	16.3% ad val.
413.24	6.9% ad val.
413.28	11.9% ad val.
413.32	20% ad val.
413.36	15.7% ad val.
413.40	8.5% ad val.
413.50	10% ad val.
413.51	10% ad val., but not less than the highest rate applicable to any component material
415.05	2¢ per lb.

ANNEX V

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TSUS Item No.	Rate of duty
415.10	5.3% ad val.
415.20	Free
415.27	6¢ per lb.
415.30	6.6% ad val.
415.35	Free
415.40	3.7% ad val.
415.50	3.7% ad val.
416.30	Free
416.40	10.5% ad val.
416.45	4.2% ad val.
417.10	1.6% ad val.
417.16	Free
417.18	Free
417.20	3.1% ad val.
417.22	2.8% ad val.
417.23	3.1% ad val.
417.24	1.7% ad val.
417.26	2.9% ad val.
417.28	4.3% ad val.
417.34	1.5% ad val.
417.36	3.7% ad val.
417.38	3.1% ad val.
417.40	10% ad val.
417.42	11.2% ad val.
417.45	3.1% ad val.
417.50	Free
417.52	4.2% ad val.
417.54	5.8% ad val.
417.64	3.7% ad val.
417.70	4.2% ad val.
417.72	2.5% ad val.
417.74	2% ad val.
417.76	2% ad val.
417.78	2% ad val.
417.80	3.7% ad val.
417.92	3.7% ad val.
418.00	7% ad val.
418.13	Free
418.14	1.8% Ad val.
418.18	3.7% ad val.
418.22	2.4% ad val.
418.26	4.7% ad val.
418.28	Free
418.30	10% ad val.
418.35	Free
418.40	7.2% ad val.
418.42	7.2% ad val.
418.44	7.2% ad val.
418.50	4% ad val.
418.52	4% ad val.
418.68	4.2% ad val.
418.72	4.1% ad val.
418.74	4.3% ad val.
418.78	3.9% ad val.
418.94	3.7% ad val.
419.00	3.7% ad val.
419.02	1.9% ad val.
419.04	4.8% ad val.
419.10	3.7% ad val.
419.20	3.1% ad val.
419.24	Free
419.28	1.5% ad val.
419.32	Free
419.34	3.7% ad val.
419.38	3.1% ad val.
419.40	3.7% ad val.
419.42	3.7% ad val.
419.44	4.7% ad val.
419.50	6¢ per lb. + 4% ad val.
419.52	6¢ per lb. + 4% ad val.
419.54	6¢ per lb. + 4% ad val.
419.60	3.2% ad val.
419.70	3.7% ad val.
419.74	3.2% ad val.
419.76	3.7% ad val.
419.80	3.3% ad val.
419.82	6.6% ad val.
419.84	Free
419.90	3.7% ad val.
420.02	1.5¢ per lb.
420.04	1.9% ad val.
420.06	3.3% ad val.
420.08	1.5% ad val.
420.14	1.5¢ per lb.
420.18	Free
420.20	2.8% ad val.
420.22	3% ad val.
420.24	2.4% ad val.
420.26	Free
420.28	5% ad val.
420.30	3.1% ad val.
420.32	10% ad val.
420.34	11.2% ad val.
420.36	3.1% ad val.
420.40	3.7% ad val.
420.54	3.7% ad val.
420.60	3.7% ad val.
420.68	3.1% ad val.
420.78	0.03¢ per lb.
420.82	3¢ per lb.
420.88	Free
420.92	3.7% ad val.
420.94	Free
420.98	2.4% ad val.
421.04	1.7% ad val.
421.08	Free
421.10	3.7% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
421.14	8.6% ad val.
421.16	1.4% ad val.
421.18	2.5% ad val.
421.22	3.7% ad val.
421.36	4.1% ad val.
421.44	33¢ per ton
421.46	2.5% ad val.
421.52	2.9% ad val.
421.54	1.5% ad val.
421.56	10% ad val.
421.60	11.2% ad val.
421.62	3.7% ad val.
421.72	4.2% ad val.
421.74	4.2% ad val.
421.76	4.2% ad val.
421.84	3.7% ad val.
421.86	3.7% ad val.
421.90	3.7% ad val.
422.00	3.7% ad val.
422.10	7.8% ad val.
422.12	7.8% ad val.
422.14	7.8% ad val.
422.20	4.2% ad val.
422.24	4.2% ad val.
422.26	4.2% ad val.
422.30	4.9% ad val.
422.40	10.5% ad val.
422.42	10% ad val.
422.58	4.2% ad val.
422.70	4.2% ad val.
422.72	1.6% ad val.
422.78	3.7% ad val.
422.80	3.7% ad val.
422.82	3.7% ad val.
422.90	3.7% ad val.
422.92	4.2% ad val.
422.94	4.2% ad val.
423.00	3.7% ad val.
423.80	7% ad val.
423.86	6¢ per lb. + 4% ad val.
423.88	2.8% ad val.
423.92	10% ad val.
423.94	7.4% ad val.
423.96	Free
425.02	5.4% ad val.
425.04	4.2% ad val.
425.06	3.7% ad val.
425.08	3.7% ad val.
425.09	3.1% ad val.
425.10	3.5% ad val.
425.14	5.8% ad val.
425.18	6.3% ad val.
425.20	3.7% ad val.
425.22	3.7% ad val.
425.24	3.7% ad val.
425.26	3.7% ad val.
425.28	4.2% ad val.
425.30	12% ad val.
425.32	3.7% ad val.
425.34	4.2% ad val.
425.36	3.7% ad val.
425.38	5.5% ad val.
425.41	3.7% ad val.
425.42	Free
425.70	1.8% ad val.
425.72	1.8% ad val.
425.74	6% ad val.
425.82	5.1% ad val.
425.84	3.7% ad val.
425.86	3.1% ad val.
425.87	4.2% ad val.
425.94	4.3% ad val.
425.99	4.2% ad val.
426.00	3.5% ad val.
426.04	4.2% ad val.
426.08	3.1% ad val.
426.12	1.5% ad val.
426.14	3.1% ad val.
426.18	3.7% ad val.
426.22	7.2% ad val.
426.24	4.2% ad val.
426.26	4.2% ad val.
426.28	1¢ per lb. on copper content
426.32	4.4% ad val.
426.34	4.1% ad val.
426.36	1.1% ad val.
426.42	2.5% ad val.
426.44	4.9% ad val.
426.52	3.7% ad val.
426.54	4.7% ad val.
426.56	4.8% ad val.
426.58	3.7% ad val.
426.62	3.7% ad val.
426.64	3.7% ad val.
426.72	1.8% ad val.
426.76	4.6% ad val.
426.77	5.1% ad val.
426.78	5.1% ad val.
426.82	4.1% ad val.
426.84	3.1% ad val.
426.86	3.7% ad val.
426.88	4.2% ad val.
426.92	3.7% ad val.
426.94	8.4% ad val.
426.98	5.5% ad val.
427.04	3.7% ad val.
427.06	3.7% ad val.
427.08	3.7% ad val.
427.12	3.7% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
427.14	7.8% ad val.
427.16	4.2% ad val.
427.18	4.9% ad val.
427.20	4.9% ad val.
427.22	7.5% ad val.
427.25	3.7% ad val.
427.28	3.7% ad val.
427.30	3.7% ad val.
427.42	5.1% ad val.
427.44	20% ad val.
427.45	3.7% ad val.
427.46	7.2% ad val.
427.53	3.7% ad val.
427.54	5.8% ad val.
427.56	5.1% ad val.
427.58	5.6% ad val.
427.60	Free
427.62	3.1% ad val.
427.70	7.5% ad val.
427.72	7.2% ad val.
427.82	6% ad val.
427.84	3.7% ad val.
427.92	1.3¢ per lb.
427.94	3.7% ad val.
427.97	18% ad val.
427.98	3.7% ad val.
428.04	5.5% ad val.
428.12	3.7% ad val.
428.20	5.4% ad val.
428.22	5.7% ad val.
428.24	4.9% ad val.
428.26	5.3% ad val.
428.32	3.7% ad val.
428.34	12% ad val.
428.40	3.7% ad val.
428.41	6.7% ad val.
428.42	3.7% ad val.
428.44	3.7% ad val.
428.54	3.7% ad val.
428.58	3.7% ad val.
428.62	3.7% ad val.
428.64	3.7% ad val.
428.66	3.7% ad val.
428.68	3.8% ad val.
428.72	3.7% ad val.
428.80	4.6% ad val.
428.82	3.7% ad val.
428.84	9% ad val.
428.86	12% ad val.
428.88	4.8% ad val.
428.92	3.7% ad val.
428.94	7.8% ad val.
428.96	5.6% ad val.
429.00	5.5% ad val.
429.10	4% ad val.
429.12	4% ad val.
429.19	0.9¢ per lb. + 4.6% ad val.
429.26	20% ad val.
429.28	0.7¢ per lb. + 3.5% ad val.
429.29	0.6¢ per lb. + 3% ad val.
429.30	3.7% ad val.
429.32	3.7% ad val.
429.34	3.4% ad val.
429.38	4.9% ad val.
429.42	4.2% ad val.
429.44	12% ad val.
429.46	4.6% ad val.
429.49	3.7% ad val.
429.51	3.7% ad val.
429.56	3.7% ad val.
429.60	3.7% ad val.
429.70	7.2% ad val.
429.85	6% ad val.
429.95	3.7% ad val.
430.20	3.7% ad val., but not less than the highest rate applicable to any component compound
432.15	3.7% ad val., but not less than the highest rate applicable to any component material
432.25	3.7% ad val., but not less than the highest rate applicable to any component material
436.00	The rate provided for such product in this subpart, but not less than 3.7% ad val.
437.02	6% ad val.
437.04	20¢ per lb.
437.06	6.6% ad val.
437.10	83¢ per oz.
437.12	3.7% ad val.
437.13	3.7% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
437.14	$1 per oz.
437.16	2¢ per oz.
437.18	9¢ per lb.
437.20	3.7% ad val.
437.22	1.8% ad val.
437.30	1.8% ad val.
437.32	3.7% ad val.
437.36	5% ad val.
437.38	50¢ per lb.
437.40	3.7% ad val.
437.44	4.7% ad val.
437.52	3.7% ad val.
437.54	5.3% ad val.
437.55	4.2% ad val.
437.56	6% ad val.
437.57	3.2% ad val.
437.58	1.8% ad val.
437.60	3.7% ad val.
437.65	3.7% ad val.
437.68	1.5% ad val.
437.69	1.5% ad val.
437.70	7% ad val.
437.72	4.2% ad val.
437.74	12% ad val.
437.82	3.1% ad val.
437.84	Free
437.86	2.7% ad val.
438.01	3.1% ad val.
438.02	The rate provided for such product in this subpart, but not less than 3.7% ad val.
440.00	The rate provided for such product in this subpart, but not less than 3.7% ad val.
445.05	6.3% ad val.
445.10	6.3% ad val.
445.15	6.3% ad val.
445.20	5.6% ad val.
445.25	5.2% ad val.
445.30	12.5% ad val.
445.35	6.9% ad val.
445.42	3.2% ad val.
445.48	5.3% ad val.
445.52	12.5% ad val.
445.54	0.7¢ per lb. + 5.7% ad val.
445.56	1¢ per lb. + 7.7% ad val.
446.10	Free
446.12	Free
446.15	Free
446.30	Free
450.10	4.2% ad val.
452.24	2.8% ad val.
452.48	2.5% ad val.
452.54	6.6% ad val.
452.58	Free
452.80	Free
455.02	3% ad val.
455.06	5.3% ad val.
455.30	0.2¢ per lb. + 2.4% ad val.
455.32	1.2¢ per lb. + 3.6% ad val.
455.36	Free
455.38	0.8¢ per lb. + 2.4% ad val.
460.15	6.4% ad val.
460.25	6.4% ad val.
460.35	3% ad val.
460.40	4.8% ad val.
460.45	4.8% ad val.
460.50	6.4% ad val.
460.65	6.4% ad val.
460.70	7.2% ad val.
460.75	6.4% ad val.
460.80	4.8% ad val.
460.85	5¢ per lb. + 4.1% ad val.
460.90	5¢ per lb. + 4.7% ad val.
461.10	5.8% ad val.
461.15	4¢ per lb. + 6.1% ad val.
461.20	Free
461.30	5% ad val.
461.35	5% ad val.
461.40	4.9% ad val.
461.45	5¢ per lb. + 4.5% ad val.
465.05	0.9¢ per lb. + 4.3% ad val.
465.10	1¢ per lb. + 4.5% ad val.
465.15	1¢ per lb. + 4.5% ad val.
465.20	1¢ per lb. + 4.5% ad val.
465.25	3.7% ad val.
465.30	0.5¢ per lb. + 3.4% ad val.
465.35	3.7% ad val.
465.40	0.5¢ per lb. + 3.4% ad val.
465.45	3.7% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
465.50	0.5¢ per lb. + 3.5% ad val.
465.55	3.7% ad val.
465.60	0.2¢ per lb. + 3.6% ad val.
465.65	2.8% ad val.
465.70	3.2% ad val.
465.75	0.4¢ per lb. + 2.8% ad val.
465.80	0.4¢ per lb. + 4.3% ad val.
465.85	4.7% ad val.
465.87	6.4% ad val.
465.90	3.7% ad val.
465.92	Free
465.95	3.7% ad val.
466.05	3.1% ad val.
466.15	0.5¢ per lb. + 3.6% ad val.
466.20	4.7% ad val.
466.25	0.4¢ per lb. + 2.9% ad val.
466.30	Free
470.18	3.1% ad val.
470.85	3.1% ad val.
472.04	4.2% ad val.
472.22	1.4% ad val.
472.24	Free
472.30	5.3% ad val.
472.44	2% ad val.
472.50	5.8% ad val.
473.02	3.7% ad val.
473.06	3.7% ad val.
473.10	3.7% ad val.
473.12	3.7% ad val.
473.14	3.7% ad val.
473.16	3.7% ad val.
473.18	3.7% ad val.
473.19	3.7% ad val.
473.20	3.7% ad val.
473.24	5% ad val.
473.30	3.7% ad val.
473.44	5.8% ad val.
473.50	5.8% ad val.
473.54	2.3% ad val.
473.70	6% ad val.
473.72	2.2% ad val.
473.74	3.8% ad val.
473.76	Free
473.80	2.8% ad val.
473.82	3.4% ad val.
473.84	1.5% ad val.
473.86	5.3% ad val.
473.88	3.1% ad val.
473.90	5.8% ad val.
474.02	0.15¢ per piece
474.04	0.5¢ per piece + 2.8% ad val.
474.06	0.4¢ per piece + 3.6% ad val.
474.08	6.5% ad val. on the entire set
474.20	Free
474.22	3.1% ad val.
474.26	1.8% ad val.
474.30	3.1% ad val.
474.35	4.9% ad val.
474.40	3.1% ad val.
474.42	Free
474.44	4¢ per lb.
474.46	Free
474.50	3.1% ad val.
474.62	3.7% ad val.
475.55	5.8% ad val.
475.60	0.6¢ per lb. + 5.7% ad val.
485.10	Free
485.20	3¢ per lb.
485.30	7.2% ad val.
490.05	7.4% ad val.
490.14	0.5¢ per lb. + 3.2% ad val.
490.30	3.7% ad val.
490.32	4.2% ad val.
490.42	5.8% ad val.
490.44	6.2% ad val.
490.46	4% ad val.
490.48	3.7% ad val.
490.50	3.7% ad val.
490.90	3.8% ad val.
490.92	3.7% ad val.
490.94	3.7% ad val.
493.10	2.5% ad val.
493.22	2.6% ad val.
493.25	5.8% ad val.
493.26	4.8% ad val.
493.30	0.5¢ per lb.
493.46	5.1% ad val.
493.66	15% ad val.
493.67	3.4% ad val.
493.68	5.8% ad val.
493.82	Free
494.52	Free
494.60	2.1% ad val.
495.05	2.4% ad val.
495.10	3.5% ad val.
495.15	3.1% ad val.
495.20	5.8% ad val.
511.25	4.9% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
511.41	5.2% ad val.
511.64	4.9% ad val.
511.65	4.9% ad val.
511.71	6.9% ad val.
512.24	42¢ per ton
512.31	$2.55 per ton
512.35	$2.80 per ton
513.11	Free
513.21	Free
513.31	Free
513.36	Free
513.41	Free
513.51	3.1% ad val.
513.74	4.2% ad val.
513.81	4.9% ad val.
513.84	6.9% ad val.
513.94	5.3% ad val.
514.21	Free
514.24	6% ad val.
514.34	3.7% ad val.
514.41	4.9% ad val.
514.44	6.9% ad val.
514.51	12¢ per cu. ft.
514.57	20¢ per cu. ft.
514.61	2.1% ad val.
514.65	2.8% ad val.
514.81	6% ad val.
515.11	6.6% ad val.
515.14	3.7% ad val.
515.21	4¢ per cu. ft.
515.24	6% ad val.
515.31	4.9% ad val.
515.34	6.9% ad val.
515.51	Free
515.54	6% ad val.
516.21	4.2% ad val.
516.81	2.4% ad val.
516.91	5.3% ad val.
517.11	Free
517.21	3% ad val.
517.51	3% ad val.
517.61	2.4% ad val.
517.71	2.8% ad val.
517.74	2.4% ad val.
517.81	3.7% ad val.
517.91	4.9% ad val.
518.21	Free
518.51	Free
519.31	0.13¢ per lb.
519.51	2.5% ad val.
519.83	4.9% ad val.
519.84	4.5¢ per lb. + 3.9% ad val.
519.86	3.7% ad val.
519.91	3.7% ad val.
519.93	4.7% ad val.
519.95	Free
519.97	4.9% ad val.
520.21	3% ad val.
520.31	4.9% ad val.
520.37	Free
520.39	2.1% ad val.
520.54	6% ad val.
520.71	3.1% ad val.
520.75	6% ad val.
521.71	38¢ per ton
521.74	77¢ per ton
521.87	2.5% ad val.
522.41	2.8% ad val.
522.45	4.9% ad val.
522.61	Free
522.71	1.8% ad val.
522.81	4.9% ad val.
523.33	2.4% ad val.
523.61	2.8% ad val.
523.91	4.9% ad val.
523.94	6.9% ad val.
531.01	0.16¢ per lb.
531.11	3% ad val.
531.21	6.6% ad val.
531.24	Free
531.33	4.9% ad val.
531.35	3.7% ad val.
531.37	9% ad val.
531.39	4.9% ad val.
532.14	Free
532.20	20% ad val.
532.22	20% ad val.
532.24	19% ad val.
532.27	20% ad val.
532.41	4.2% ad val.
532.61	4.9% ad val.
533.11	Free
533.15	2.5% ad val.
533.20	35% ad val.
533.22	11.5% ad val.
533.24	4.5% ad val.
533.29	5.5% ad val.
533.32	5.5% ad val.
533.34	4.5% ad val.
533.39	11.5% ad val.
533.52	35% ad val.
533.54	8% ad val.
533.62	26% ad val.
533.64	8% ad val.
533.72	9% ad val.
533.74	17.5% ad val.
533.76	9% ad val.
533.78	8% ad val.

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TSUS Item No.	Rate of duty
534.11	3.1% ad val.
534.21	4.2% ad val.
534.31	2.1% ad val.
534.74	2.5% ad val.
534.76	2.5% ad val.
534.81	2¢ per doz. pcs. + 7% ad val.
534.84	7% ad val.
534.87	7% ad val.
534.91	6.6% ad val.
534.94	9% ad val.
534.97	6.9% ad val.
535.11	6% ad val.
535.12	4.9% ad val.
535.14	6% ad val.
535.21	12% ad val.
535.24	8.2% ad val.
535.27	4% ad val.
535.31	7.2% ad val.
535.41	4.7% ad val.
536.11	9% ad val.
536.15	8% ad val.
540.11	4.9% ad val.
540.13	6% ad val.
540.14	Free
540.15	4.9% ad val.
540.27	13.6% ad val.
540.32	7.8% ad val.
540.37	5% ad val.
540.41	4.7% ad val.
540.43	7.5% ad val.
540.51	5.3% ad val.
540.55	7.2% ad val.
540.61	Free
540.63	4% ad val.
540.65	8.2% ad val.
540.67	10% ad val.
540.71	6.2% ad val.
541.31	0.2¢ per lb. + 0.9% ad val.
542.33	0.4¢ per lb.
542.35	0.4¢ per lb.
542.37	0.7¢ per lb.
542.44	0.5¢ per lb.
542.46	0.6¢ per lb.
542.48	0.6¢ per lb.
542.67	3.5¢ per lb.
542.71	0.6¢ per lb. + 2% ad val.
542.73	0.6¢ per lb. + 2% ad val.
542.75	0.6¢ per lb. + 2% ad val.
542.77	0.6¢ per lb. + 2% ad val.
542.92	0.6¢ per lb. + 2% ad val.
542.94	0.6¢ per lb. + 2% ad val.
542.96	0.6¢ per lb. + 2% ad val.
542.98	0.6¢ per lb. + 2% ad val.
543.11	3¢ per sq. ft.
543.23	2¢ per sq. ft.
543.27	1.5¢ per sq. ft.
543.31	6% ad val.
543.61	Free
543.63	1¢ per sq. ft. + 0.4% ad val.
543.67	1.5¢ per sq. ft. + 0.4% ad val.
543.69	6.3% ad val.
544.14	6.3% ad val.
544.16	7.2% ad val.
544.18	4.9% ad val.
544.31	6.2% ad val.
544.41	5.5% ad val.
544.51	7.8% ad val.
544.61	4.4% ad val.
544.64	7.2% ad val.
545.11	3.7% ad val.
545.17	7.5% ad val.
545.21	Free
545.25	Free
545.31	1.6¢ each + 8% ad val.
545.34	2.8¢ each + 8% ad val.
545.35	4¢ each + 8% ad val.
545.37	6¢ each + 8% ad val.
545.55	6.5% ad val.
545.57	6.5% ad val.
545.61	6.7% ad val.
545.63	6.5% ad val.
545.67	6.5% ad val.
545.81	2.4% ad val.
545.87	6.6% ad val.
546.20	6% ad val.
546.21	6.5% ad val.
546.23	8% ad val.
546.25	6.6% ad val.
546.39	9% ad val.
546.47	7.8% ad val.
546.52	38% ad val.
546.64	7.2% ad val.
546.68	7.2% ad val.
547.11	4.9% ad val.

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TSUS Item No.	Rate of duty
547.13	9.6% ad val.
547.15	5% ad val.
547.21	5.8% ad val.
547.31	3.7% ad val.
547.37	6.6% ad val.
547.41	4.9% ad val.
547.43	5.8% ad val.
547.53	5.8% ad val.
547.55	8.4% ad val.
548.01	4.7% ad val.
548.03	7.5% ad val.
548.05	6.6% ad val.
601.33	9¢ per lb. on molybdenum content
602.20	0.3¢ per lb. on zinc content
603.15	30¢ per ton
603.25	0.9¢ per lb. on lead content
603.30	0.6¢ per lb.
603.40	6¢ per lb. on molybdenum content + 1.9% ad val.
603.49	0.7¢ per lb. on copper content + 0.5¢ per lb. on lead content + 0.5¢ per lb. on zinc content
603.50	0.32¢ per lb. on copper content + 0.3¢ per lb. on lead content + 0.3¢ per lb. on zinc content
603.54	0.6¢ per lb. on copper content + 0.4¢ per lb. on lead content + 0.4¢ per lb. on zinc content
603.55	Free
603.70	5% ad val.
605.03	8.2% ad val.
605.05	10% ad val.
605.06	6.5% ad val.
605.08	8.2% ad val.
605.27	7.5% ad val.
605.28	8.2% ad val.
605.46	7.5% ad val.
605.47	10% ad val.
605.48	6% ad val.
605.60	6.5% ad val.
605.65	6% ad val.
606.22	3.1% ad val.
606.26	2.3% ad val.
606.31	4.5% ad val.
606.33	2.4% ad val.
606.37	1.5% ad val.
606.40	5.8% ad val.
606.44	3.9% ad val.
606.46	3.7% ad val.
606.48	5.6% ad val.
606.50	4.2% ad val.
606.51	4.2% ad val.
606.57	Free
606.59	Free
606.62	4% ad val.
606.67	4.2% ad val.
606.69	5.1% ad val. + additional duties
606.71	4.2% ad val.
606.73	4% ad val. + additional duties
606.75	2% ad val.
606.77	2.3% ad val. + additional duties
606.79	4.9% ad val.
606.81	5.7% ad val. + additional duties
606.83	4.7% ad val.
606.86	3.2% ad val.
606.91	6% ad val. + additional duties
606.97	6% ad val. + additional duties
606.99	7.5% ad val. + additional duties
607.05	5.3% ad val.
607.07	4.9% ad val.
607.09	5.7% ad val. + additional duties
607.22	5.8% ad val.
607.32	2% ad val. + additional duties
607.41	4.5% ad val. + additional duties

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TSUS Item No.	Rate of duty
607.48	4.1% ad val. + additional duties
607.59	4.5% ad val. + additional duties
607.62	5.5% ad val.
607.64	3.2% ad val.
607.66	6% ad val.
607.67	4.9% ad val.
607.69	3.8% ad val. + additional duties
607.78	3.8% ad val. + additional duties
607.83	5.1% ad val.
607.86	4% ad val. + additional duties
607.91	5.8% ad val. + additional duties
607.92	5.8% ad val. + additional duties
607.93	4% ad val. + additional duties
607.94	6.5% ad val.
607.97	5.1% ad val.
607.99	3.5% ad val.
608.01	4% ad val.
608.07	5.5% ad val.
608.11	5.4% ad val.
608.13	6.5% ad val.
608.14	6.2% ad val. + additional duties
608.19	2.4% ad val.
608.21	3.4% ad val.
608.23	5.7% ad val.
608.26	5.1% ad val. + additional duties
608.31	5.1% ad val. + additional duties
608.38	5.1% ad val. + additional duties
608.39	7% ad val. + additional duties
608.47	6% ad val. + additional duties
608.55	6% ad val. + additional duties
608.59	6.3% ad val. + additional duties
608.67	6.3% ad val. + additional duties
609.14	5.1% ad val.
609.15	5.8% ad val. + additional duties
609.17	5.7% ad val.
609.20	4.2% ad val.
609.21	3.2% ad val.
609.22	5.1% ad val.
609.25	4.2% ad val.
609.28	5.2% ad val.
609.30	3.2% ad val. + additional duties
609.33	5.8% ad val. + additional duties
609.35	5.2% ad val. + additional duties
609.36	5.9% ad val. + additional duties
609.37	6% ad val. + additional duties
609.40	5.3% ad val.
609.43	5.3% ad val.
609.45	9% ad val. + additional duties
609.70	5.5% ad val.
609.72	5.6% ad val.
609.75	6.2% ad val. + additional duties
609.76	6.2% ad val. + additional duties
609.82	2% ad val. + additional duties
609.84	4.4% ad val.

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TSUS Item No.	Rate of duty
609.86	5.3% ad val. + additional duties
609.88	4.9% ad val.
609.90	5.7% ad val. + additional duties
609.98	1.8% ad val. + additional duties
610.21	3.5% ad val. + additional duties
610.26	3.1% ad val. + additional duties
610.30	4.5% ad val.
610.31	2.6% ad val.
610.35	3.7% ad val. + additional duties
610.36	3.5% ad val. + additional duties
610.40	3.3% ad val. + additional duties
610.42	6% ad val.
610.43	6.2% ad val. + additional duties
610.45	6.2% ad val.
610.46	6.7% ad val. + additional duties
610.48	6.2% ad val.
610.49	8% ad val.
610.51	7.5% ad val. + additional duties
610.52	7.5% ad val. + additional duties
610.56	4% ad val.
610.58	6.5% ad val. + additional duties
610.62	5.8% ad val.
610.63	6.5% ad val. + additional duties
610.65	2.5% ad val.
610.66	3.7% ad val. + additional duties
610.70	5.1% ad val.
610.71	5.8% ad val. + additional duties
610.74	6.2% ad val.
610.82	6.2% ad val.
610.84	6.2% ad val.
610.86	6.2% ad val.
610.88	6.2% ad val.
610.89	6.2% ad val.
610.90	6.2% ad val.
610.92	6.2% ad val.

TSUS Item No.	Rate of duty	
	Column 1-a	Column 1-b
612.03	1% ad val. on the value of the copper content	0.7¢ per lb. on 99.6% of the copper content
612.05	4.6% ad val.	0.7¢ per lb. on copper content + 3.5% ad val.
612.08	2.4% ad val.	0.4¢ per lb. on 99.6% of the copper content + 2% ad val.
612.10	Free	0.4¢ per lb. on 99.6% of the copper content
612.17	5.3% ad val.	0.5¢ per lb. + 3.5% ad val.
612.20	6% ad val.	0.4¢ per lb. + 5.5% ad val.

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TSUS Item No.	Rate of duty Column 1-a	Column 1-b
612.30	6.7% ad val.	0.4¢ per lb. + 6.5% ad val.
612.31	1% ad val.	1¢ per lb.
612.32	4.7% ad val.	0.3¢ per lb. + 4.5% ad val.
612.34	6.5% ad val.	0.4¢ per lb. + 6.5% ad val.
612.35	6.2% ad val.	0.4¢ per lb. on copper content + 6% ad val.
612.36	6.2% ad val.	0.4¢ per lb. + 6% ad val.
612.38	6.7% ad val.	0.4¢ per lb. + 6.5% ad val.
612.40	6.7% ad val.	0.4¢ per lb. + 6% ad val.
612.41	6.3% ad val.	0.4¢ per lb. + 6% ad val.
612.43	6.7% ad val.	0.4¢ per lb. + 6.5% ad val.
612.45	5.1% ad val.	0.5¢ per lb. + 5% ad val.
612.50	6.3% ad val.	0.4¢ per lb. + 6% ad val.
612.52	5.2% ad val.	0.5¢ per lb. + 4.5% ad val.
612.55	3% ad val.	4.5¢ per lb.
612.56	5.4% ad val.	0.5¢ per lb. + 5% ad val.
612.60	1% ad val.	1¢ per lb.
612.61	7.3% ad val.	0.5¢ per lb. on copper content + 7% ad val.
612.62	2.2% ad val.	
612.63	6.2% ad val.	0.4¢ per lb. + 6% ad val.
612.64	1.6% ad val.	
612.70	7.3% ad val.	0.5¢ per lb. on copper content + 7.2% ad val.
612.71	7.4% ad val.	0.5¢ per lb. on copper content + 0.02¢ per lb. + 7% ad val.
612.72	4% ad val.	0.6¢ per lb. on copper content + 3.5% ad val.
612.73	4.4% ad val.	0.7¢ per lb. on copper content + 0.03¢ per lb. + 4% ad val.
612.80	6.3% ad val.	0.4¢ per lb. + 6% ad val.

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TSUS Item No.	Rate of duty Column 1-a	Column 1-b
612.81	3.2% ad val.	0.8¢ per lb. on copper content + 2¢ per lb.
612.82	5.2% ad val.	0.5¢ per lb. + 4.5% ad val.
613.02	1.5% ad val.	1.4¢ per lb.
613.03	2.1% ad val.	
613.04	5% ad val.	0.3¢ per lb. + 5% ad val.
613.06	6.2% ad val.	0.4¢ per lb. + 6% ad val.
613.08	5.1% ad val.	0.5¢ per lb. + 4.5% ad val.
613.11	0.6¢ per lb. on copper content + 2.3¢ per lb.	0.8¢ per lb. on copper content + 2.3¢ per lb.
613.12	4.5% ad val.	0.4¢ per lb. + 4.5% ad val.
613.18	3.2% ad val.	0.3¢ per lb. + 3% ad val.

TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
618.01	2.6% ad val.	624.04	2.3% ad val. on the value of the lead content
618.02	Free		
618.04	2.1% ad val.		
618.06	Free		
618.15	2.6% ad val.	624.10	2.7% ad val.
618.17	5% ad val.	624.14	3.9% ad val.
618.20	4.2% ad val.	624.16	6.5% ad val.
618.22	4.2% ad val.	624.18	4.2% ad val.
618.29	6.5% ad val.	624.20	3.9% ad val.
618.42	5.7% ad val.	624.22	2.5% ad val.
618.47	5.7% ad val.	624.24	3.9% ad val.
620.08	6% ad val.	624.32	6.3% ad val.
620.10	3.5% ad val.	624.34	6.2% ad val.
620.12	4.7% ad val.	624.50	2% ad val.
620.16	5.5% ad val.	624.52	4.2% ad val.
620.20	3.7% ad val.	624.54	3.9% ad val.
620.22	4.7% ad val.	626.02	1.5% ad val.
620.26	5.5% ad val.	626.10	2.1% ad val.
620.30	Free	626.15	5.7% ad val.
620.40	2.5% ad val.	626.18	4.2% ad val.
620.42	3% ad val.	626.20	5.7% ad val.
620.46	3.6% ad val.	626.22	5.7% ad val.
620.50	3.7% ad val.	626.24	6.5% ad val.
622.15	2.4% ad val.	626.30	4.2% ad val.
622.17	4.8% ad val.	626.31	4.2% ad val.
622.22	4.2% ad val.	626.35	5.7% ad val.
622.25	4.2% ad val.	626.45	3.8% ad val.
622.35	4.2% ad val.	628.15	3.7% ad val.
622.40	2.4% ad val.	628.17	4.9% ad val.

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TSUS Item No.	Rate of duty
628.20	5.5% ad val.
628.25	3.7% ad val.
628.30	5.5% ad val.
628.35	Free
628.45	Free
628.50	3.6% ad val.
628.55	8% ad val.
628.57	6.5% ad val.
628.59	4.5¢ per lb. on magnesium content + 2.5% ad val.
628.70	6% ad val.
628.72	6.3¢ per lb. on molybdenum content + 1.9% ad val.
628.74	6.6% ad val.
628.90	3.7% ad val.
628.95	5.5% ad val.
629.05	3.7% ad val.
629.07	4.9% ad val.
629.10	5.5% ad val.
629.12	7.2% ad val.
629.14	15% ad val.
629.20	15% ad val.
629.25	4.9% ad val.
629.28	10.5% ad val.
629.29	6% ad val.
629.30	6.6% ad val.
629.32	4.7% ad val.
629.33	6.6% ad val.
629.35	6.5% ad val.
629.50	5% ad val.
629.60	4.2% ad val.
629.62	4.9% ad val.
629.65	5.5% ad val.
632.02	Free
632.04	Free
632.06	Free
632.12	3.7% ad val.
632.16	3% ad val.
632.18	3.7% ad val.
632.24	3.7% ad val.
632.28	5.6% ad val.
632.34	7.5¢ per lb.
632.38	3.7% ad val.
632.43	3.7% ad val.
632.46	3.7% ad val.
632.48	Free
632.50	Free
632.52	4.2% ad val.
632.58	3.7% ad val.
632.60	Free
632.62	5.5% ad val.
632.66	5.5% ad val.
632.68	3% ad val.
632.78	32¢ per lb.
632.79	20¢ per lb. + 2.4% ad val.
632.88	5.5% ad val.
633.00	5.5% ad val.
640.20	3% ad val.
640.25	5.7% ad val.
640.30	Free
640.35	2.6% ad val.
640.40	2.4% ad val.
642.06	4.7% ad val.
642.08	5.8% ad val.
642.09	4.9% ad val.
642.11	4.9% ad val.
642.12	3.5% ad val.
642.14	4.4% ad val.
642.18	4.9% ad val.
642.20	5.7% ad val.
642.25	10% ad val.
642.27	7.8% ad val.
642.31	10% ad val.
642.34	10% ad val.
642.45	6% ad val.
642.47	6.6% ad val.
642.50	5.4% ad val.
642.52	4.9% ad val.
642.56	4% ad val.
642.58	4.5% ad val.
642.60	3.7% ad val.
642.62	4.9% ad val.
642.64	4.9% ad val.
642.66	3.9% ad val.
642.68	4% ad val.
642.70	4.6% ad val.
642.72	3.7% ad val.
642.74	7.2% ad val.
642.76	6.7% ad val.
642.78	6.6% ad val.
642.80	5.7% ad val.
642.82	3.2% ad val.
642.85	4.6% ad val.
642.87	4.7% ad val.
642.91	5.7% ad val.
642.97	5.3% ad val.
644.02	1% ad val.
644.06	5.3% ad val.
644.08	9.8% ad val.
644.09	5.8% ad val.
644.11	5.8% ad val.
644.12	5.3% ad val.
644.15	7% ad val.
644.17	4.7% ad val.
644.18	3.9% ad val.

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TSUS Item No.	Rate of duty
644.20	3.8% ad val.
644.22	3.6% ad val.
644.24	6% ad val.
644.26	5.7% ad val.
644.28	2.2% ad val.
644.30	5.7% ad val.
644.32	5.5% ad val.
644.36	3.3% ad val.
644.38	3.7% ad val.
644.40	Free
644.42	Free
644.48	38.5¢ for each 1,140 sq. in.
644.52	5.2% ad val.
644.60	8.2% ad val.
644.64	2.7% ad val.
644.68	3.8% ad val.
644.80	3.7% ad val.
644.84	4.8% ad val.
644.98	1.8% ad val.
646.17	4.9% ad val.
646.22	5.7% ad val.
646.27	3.1% ad val.
646.30	3.2% ad val.
646.34	5.1% ad val.
646.36	5.7% ad val.
646.41	4.7% ad val.
646.42	5.7% ad val.
646.45	2.6% ad val.
646.47	3.8% ad val.
646.51	6.3% ad val.
646.53	5.5% ad val.
646.57	4.7% ad val.
646.58	0.45¢ per lb.
646.60	6.2% ad val.
646.65	5.8% ad val.
646.72	5.7% ad val.
646.74	1.4% ad val.
646.75	6.3% ad val.
646.76	5.5% ad val.
646.77	5.1% ad val.
646.78	5.7% ad val.
646.80	2.3% ad val.
646.81	3.8% ad val.
646.82	4.6% ad val.
646.83	6.1% ad val.
646.84	4.8% ad val.
646.85	4.2% ad val.
646.86	5.3% ad val.
646.87	5.6% ad val.
646.88	12.3% ad val.
646.89	5.3% ad val.
646.90	6.2% ad val.
646.92	5.7% ad val.
646.95	3.9% ad val.
646.97	4.2% ad val.
647.01	3.1% ad val.
647.03	5.7% ad val.
647.05	5.1% ad val.
647.10	8% ad val.
648.51	3% ad val.
648.53	2.8% ad val.
648.55	3% ad val.
648.57	3% ad val.
648.61	2.8% ad val.
648.67	6.2% ad val.
648.69	Free
648.71	0.6¢ each + 3.8% ad val.
648.73	2¢ each + 5.1% ad val.
648.75	1¢ each + 2.8% ad val.
648.80	12% ad val.
648.82	12% ad val.
648.85	1¢ each + 5.5% ad val.
648.89	5.7% ad val.
648.91	2¢ each + 4.4% ad val.
648.93	6% ad val.
648.95	4.2% ad val.
648.97	9% ad val.
649.01	5¢ per doz.
649.03	9¢ per doz.
649.05	12¢ per doz.
649.07	7¢ per doz.
649.11	Free
649.14	3.1% ad val.
649.17	3.1% ad val.
649.19	3.7% ad val.
649.21	8¢ per gross
649.23	7.2% ad val.
649.24	3.4% ad val.
649.25	Free
649.26	4.9% ad val.
649.27	5.7% ad val.
649.29	3.7% ad val.
649.31	3.7% ad val.
649.32	5.7% ad val.
649.35	5.5% ad val.
649.41	2.5% ad val.
649.43	7.2% ad val.
649.44	8.4% ad val.
649.46	6% ad val.
649.47	6.2% ad val.
649.48	4.9% ad val.
649.49	3.7% ad val.
649.53	7% ad val.
649.57	5.3% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
649.67	3.7% ad val.
649.73	10% ad val.
649.75	10% ad val.
649.77	2¢ each + 5% ad val.
649.79	2.5¢ each + 5% ad val.
649.81	2¢ each + 5% ad val.
649.83	3¢ each + 5.4% ad val.
649.85	1¢ each + 5.4% ad val.
649.87	3¢ each + 5.4% ad val.
649.89	1¢ each + 5.4% ad val.
649.91	8% ad val.
650.01	0.2¢ each + 2.8% ad val.
650.03	1¢ each + 4.9% ad val.
650.05	5.5% ad val.
650.07	0.6¢ each + 4.7% ad val.
650.13	1¢ each + 4% ad val.
650.15	1¢ each + 5.7% ad val.
650.17	1¢ each + 4.6% ad val.
650.19	4.4% ad val.
650.21	0.4¢ each + 6.1% ad val.
650.31	0.3¢ each + 3.2% ad val.
650.35	5.4% ad val.
650.37	0.3¢ each + 4% ad val.
650.43	1¢ each + 4% ad val.
650.45	0.5¢ each + 3.2% ad val.
650.48	0.3¢ each + 4.5% ad val.
650.50	0.3¢ each + 4.5% ad val.
650.51	6.6% ad val.
650.53	6% ad val.
650.56	7.5% ad val.
650.57	4.4% ad val.
650.61	0.7¢ each + 4.1% ad val.
650.63	1¢ each + 5.1% ad val.
650.65	1¢ each + 4% ad val.
650.71	0.4¢ each + 1% ad val.
650.73	3.1% ad val.
650.75	0.06¢ each + 1.8% ad val.
650.77	3.4% ad val.
650.79	3¢ each + 3% ad val.
650.81	4.5¢ each + 3.2% ad val.
650.83	8% ad val.
650.85	2¢ each + 4.6% ad val.
650.87	0.35¢ each + 4.4% ad val.
650.89	2¢ each + 5.1% ad val.
650.90	10¢ each + 10% ad val.
650.92	10¢ each + 10% ad val.
651.01	7.6% ad val.
651.03	6.6% ad val.
651.04	5.7% ad val.
651.07	7.2% ad val.
651.09	5.8% ad val.
651.11	4% ad val.
651.13	8.1% ad val.
651.15	5% ad val.
651.21	6.2% ad val.
651.23	2.1% ad val.
651.25	0.2¢ per lb.
651.27	6.2% ad val.
651.29	7.2% ad val.
651.31	6.2% ad val.
651.33	5.3% ad val.
651.37	6.2% ad val.
651.45	Free
651.46	5.3% ad val.
651.48	5.3% ad val.
651.49	3.7% ad val.
651.51	4.9% ad val.
651.53	1¢ per lb. + 5% ad val.
651.55	5.3% ad val.
651.60	6.6% ad val.
651.62	8.2% ad val.
651.64	3.8% ad val.
652.03	4.2% ad val.
652.06	2.1% ad val.
652.09	5.8% ad val.
652.13	6.6% ad val.
652.14	5% ad val.

ANNEX V

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TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
652.15	4.2% ad val.	654.35	4.9% ad val.
652.18	4.2% ad val.	654.40	3.9% ad val.
652.21	Free	654.45	4% ad val.
652.24	1.5% ad val.	654.50	3.8% ad val.
652.27	Free	654.55	3.9% ad val.
652.35	5.7% ad val.	654.60	5.7% ad val.
652.36	5.1% ad val.	654.65	3.8% ad val.
652.38	5.7% ad val.	654.70	3.1% ad val.
652.41	Free	654.75	3.4% ad val.
652.42	5.7% ad val.	656.05	8% ad val.
652.45	1¢ per lb. + 6% ad val.	656.10	8.2% ad val.
		656.15	6% ad val.
652.55	8% ad val.	656.20	7.5% ad val.
652.65	4.2% ad val.	656.25	10% ad val.
652.70	5.3% ad val.	656.35	6.5% ad val.
652.72	8.2% ad val.	657.10	3.1% ad val.
652.75	3.8% ad val.	657.15	2.4% ad val.
652.80	3.8% ad val.	657.24	3.8% ad val.
652.86	3.7% ad val.	657.25	5.7% ad val.
652.88	5.7% ad val.	657.30	6.3% ad val.
652.90	3.4% ad val.	657.35	5% ad val.
652.92	2.4% ad val.	657.40	5.7% ad val.
652.94	2.8% ad val.	657.50	5.5% ad val.
652.95	4.2% ad val.	657.60	4.2% ad val.
652.96	3.9% ad val.	657.75	3.9% ad val.
652.97	5.7% ad val.	657.80	5.7% ad val.
653.00	5.7% ad val.	658.00	5.5% ad val.
653.01	5.7% ad val.	660.20	3.1% ad val.
653.05	2¢ per lb.	660.22	2.8% ad val.
653.15	Free	660.42	3.7% ad val.
653.20	5.7% ad val.	660.48	3.1% ad val.
653.25	5.7% ad val.	660.56	Free
653.30	3.7% ad val.	660.67	3.1% ad val.
653.35	3.7% ad val.	660.71	3.7% ad val.
653.37	5.7% ad val.	660.80	4% ad val.
653.38	7.6% ad val.	660.85	3.4% ad val.
653.39	7.6% ad val.	660.92	2.5% ad val.
653.45	5.7% ad val.	660.96	Free
653.60	6.6% ad val.	660.97	3% ad val.
653.62	6% ad val.	661.05	Free
653.65	8.2% ad val.	661.06	4.7% ad val.
653.70	7.5% ad val.	661.09	3.4% ad val.
653.75	8.2% ad val.	661.10	3.4% ad val.
653.80	4% ad val.	661.15	3.7% ad val.
653.85	Free	661.20	2.2% ad val.
653.90	3.1% ad val.	661.25	3.4% ad val.
653.93	5.3% ad val.	661.30	5.7% ad val.
653.94	3.4% ad val.	661.35	2.9% ad val.
653.96	3.4% ad val.	661.40	5.6% ad val.
653.99	5.3% ad val.	661.45	Free
654.00	3.4% ad val.	661.50	5.1% ad val.
654.08	2.7% ad val.	661.54	Free
654.16	2.7% ad val.	661.56	3.7% ad val.
654.25	3.7% ad val.	661.65	4% ad val.
654.30	4.9% ad val.	661.67	2.4% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
661.68	4.2% ad val.
661.85	3.7% ad val.
661.90	3.9% ad val.
661.92	Free
661.94	3.9% ad val.
661.95	3.9% ad val.
662.10	3.4% ad val.
662.15	4.5% ad val.
662.18	1.3% ad val.
662.20	3.6% ad val.
662.26	3.7% ad val.
662.30	5.5% ad val.
662.35	5.7% ad val.
662.50	3.7% ad val.
664.06	Free
664.07	2% ad val.
664.08	2.5% ad val.
664.10	2% ad val.
666.10	4% ad val.
666.25	3.5% ad val.
668.00	Free
668.02	2% ad val.
668.04	4.7% ad val.
668.06	Free
668.07	3% ad val.
668.10	3.7% ad val.
668.15	5.1% ad val.
668.21	2.4% ad val.
668.23	3.3% ad val.
668.32	80¢ each + 8% ad val.
668.34	8% ad val.
668.36	3.7% ad val.
668.38	Free
670.00	4.7% ad val.
670.02	3.1% ad val.
670.04	4.7% ad val.
670.06	4.2% ad val.
670.12	4.7% ad val.
670.14	4.7% ad val.
670.16	4.4% ad val.
670.17	4.2% ad val.
670.18	5.1% ad val.
670.19	5.1% ad val.
670.21	4.7% ad val.
670.22	4.2% ad val.
670.23	3.7% ad val.
670.25	4.7% ad val.
670.27	4.2% ad val.
670.29	4.4% ad val.
670.33	5.1% ad val.
670.35	4.4% ad val.
670.40	2.8% ad val.
670.41	3.9% ad val.
670.42	3.9% ad val.
670.43	5.1% ad val.
670.50	4.4% ad val.
670.52	3.7% ad val.
670.54	6.6% ad val.
670.56	7% ad val.
670.58	10% ad val.
670.60	19¢ per 1,000 + 6.4% ad val.
670.62	23¢ per 1,000 + 8.2% ad val.
670.64	21¢ per 1,000 + 5.6% ad val.
670.66	4.8% ad val.
670.68	7.8% ad val.
670.70	5.8% ad val.
670.72	4¢ per 1,000 + 5% ad val.
670.90	4.2% ad val.
672.10	Free
672.14	2.5% ad val.
672.16	3.7% ad val.
672.20	6% ad val.
672.22	6.5% ad val.
672.25	2.5% ad val.
674.10	Free
674.20	4.9% ad val.
674.30	5.8% ad val.
674.31	4.2% ad val.
674.33	4.2% ad val.
674.34	4.2% ad val.
674.35	4.4% ad val.
674.40	3.9% ad val.
674.42	3% ad val.
674.50	4.9% ad val.
674.52	5.8% ad val.
674.53	4.7% ad val.
674.55	3.7% ad val.
674.60	4.5% ad val.
674.70	2.5% ad val.
674.75	Free
674.80	5.7% ad val.
674.90	Free
676.07	2.2% ad val.
676.10	4.2% ad val.
676.12	Free
676.15	3.9% ad val.
676.20	3.7% ad val.
676.22	Free
676.23	4.2% ad val.
676.25	3.9% ad val.
676.30	3.7% ad val.
676.50	4% ad val.
676.52	3.9% ad val.
678.20	2.9% ad val.
678.30	3.9% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
678.32	3.7% ad val.
678.35	3.9% ad val.
678.40	3.9% ad val.
678.45	4.2% ad val.
678.50	3.7% ad val.
680.05	5.7% ad val.
680.07	4.2% ad val.
680.12	3.9% ad val.
680.13	3.9% ad val.
680.14	5.6% ad val.
680.17	8% ad val.
680.19	4.4% ad val.
680.25	3.9% ad val.
680.27	3.7% ad val.
680.30	4.9% ad val.
680.33	4.2% ad val.
680.39	6.5% ad val.
680.42	4.2% ad val.
680.46	Free
680.49	2.5% ad val.
680.59	50¢ each + 7.7% ad val.
680.62	9% ad val.
680.92	5.7% ad val.
680.95	5.7% ad val.
681.04	5.7% ad val.
681.07	5.7% ad val.
681.10	5.7% ad val.
681.13	5.7% ad val.
681.15	3.4% ad val.
681.21	5.7% ad val.
681.27	5.7% ad val.
681.36	3.7% ad val.
681.39	5.7% ad val.
682.05	6.6% ad val.
682.07	2.4% ad val.
682.20	10% ad val.
682.25	6.6% ad val.
682.30	4.2% ad val.
682.41	3.7% ad val.
682.45	Free
682.50	4.2% ad val.
682.52	3.7% ad val.
682.55	10% ad val.
682.60	3% ad val.
682.70	3.2% ad val.
682.80	4.9% ad val.
682.90	3.9% ad val.
682.95	5.3% ad val.
683.01	5.3% ad val.
683.12	5.3% ad val.
683.15	5.1% ad val.
683.20	2.2% ad val.
683.30	3.4% ad val.
683.32	4.2% ad val.
683.40	4% ad val.
683.50	4.4% ad val.
683.60	3.1% ad val.
683.65	Free
683.70	25% ad val.
683.80	6.9% ad val.
683.90	2% ad val.
683.95	2.5% ad val.
684.10	2.2% ad val.
684.15	6.8% ad val.
684.20	5.3% ad val.
684.28	Free
684.40	3.7% ad val.
684.48	3.9% ad val.
684.53	3.9% ad val.
684.55	3.9% ad val.
684.65	4.7% ad val.
684.66	4.7% ad val.
684.67	4.7% ad val.
684.70	4.9% ad val.
684.90	4.2% ad val.
684.94	3.7% ad val.
685.00	3.7% ad val.
685.04	3.7% ad val.
685.06	3.7% ad val.
685.08	3.7% ad val.
685.12	8% ad val.
685.14	6% ad val.
685.16	6% ad val.
685.22	2.4% ad val.
685.36	4.4% ad val.
685.37	3.9% ad val.
685.38	3.9% ad val.
685.39	3.9% ad val.
685.40	3.9% ad val.
685.42	4.9% ad val.
685.48	4.9% ad val.
685.49	4.9% ad val.
685.60	4.9% ad val.
685.70	2.7% ad val.
685.90	5.3% ad val.
686.18	3.1% ad val.
686.24	4.9% ad val.
686.40	3.1% ad val.
686.50	3.1% ad val.
686.60	3.1% ad val.
686.70	7.9% ad val.
686.80	Free
687.10	3.7% ad val.
687.20	3.9% ad val.
687.30	2% ad val.
687.42	7.2% ad val.
687.43	7.2% ad val.
687.66	4.2% ad val.
687.79	4.2% ad val.

ANNEX V

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TSUS Item No.	Rate of duty
687.83	4.2% ad val.
688.06	4.9% ad val.
688.17	5.3% ad val.
688.18	5.3% ad val.
688.25	4.2% ad val.
688.30	5.8% ad val.
688.32	5.8% ad val.
688.34	3.9% ad val.
688.36	3.9% ad val.
688.41	3.9% ad val.
688.42	3.9% ad val.
690.05	3.9% ad val.
690.10	6.3% ad val.
690.20	3.7% ad val.
690.35	5.5% ad val.
690.40	3.9% ad val.
692.04	3.1% ad val.
692.10	2.5% ad val.
692.14	5.3% ad val.
692.16	3.7% ad val.
692.22	2.5% ad val.
692.32	3.1% ad val.
692.35	2.2% ad val.
692.40	Free
692.45	Free
692.52	3.7% ad val.
692.53	3.7% ad val.
692.55	4.2% ad val.
692.60	3.2% ad val.
694.31	5% ad val.
694.50	3.7% ad val.
694.61	Free
694.65	5% ad val.
694.67	Free
694.70	6% ad val.
696.05	1.5% ad val.
696.10	1.5% ad val.
696.15	4.2% ad val.
696.30	Free
696.40	4% ad val.
696.50	3.7% ad val.
696.60	3.8% ad val.
700.51	6.6% ad val.
700.54	2.4% ad val.
700.90	7.5% ad val.
702.08	8.4% ad val.
702.14	8% ad val.
702.28	37¢ per doz. + 3.2% ad val.
702.30	50¢ per doz. + 3.8% ad val.
702.32	30¢ per doz. + 5.2% ad val.
702.37	4% ad val.
702.85	16¢ each + 3% ad val.
702.90	5.8% ad val.
702.95	7.5% ad val.
703.20	11% ad val.
703.25	9.4% ad val.
703.30	8.2% ad val.
703.35	$1.10 per doz. + 1.6% ad val.
703.40	22% ad val.
703.45	26% ad val.
703.50	8.2% ad val.
703.55	$1.92 per doz. + 2.8% ad val.
703.60	6.6% ad val.
703.70	4¢ per lb. + 3.4% ad val.
703.80	Free
703.85	Free
704.34	20% ad val.
704.75	6.5% ad val.
704.80	7.5% ad val.
704.95	4% ad val.
705.30	4% ad val.
705.40	$2.45 per doz. pairs
705.42	14% ad val.
705.43	$2 per doz. pairs
705.45	14% ad val.
705.46	14% ad val.
705.48	$2.42 per doz. pairs
705.50	14% ad val.
705.51	$2.35 per doz. pairs
705.53	14% ad val.
705.54	14% ad val.
705.55	$2.35 per doz. pairs
705.57	14% ad val.
705.58	14% ad val.
705.60	$2.40 per doz. pairs
705.63	14% ad val.
705.66	$2.40 per doz. pairs
705.67	$2.40 per doz. pairs
705.68	15% ad val.
705.70	14% ad val.
705.72	$3.75 per doz. pairs
705.73	14% ad val.

ANNEX V

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TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
705.74	14% ad val.	708.91	6% ad val.
705.76	$3.50 per doz. pairs	708.93	9% ad val.
		709.01	9% ad val.
705.78	14% ad val.	709.03	6.6% ad val.
705.82	3.7% ad val.	709.05	10% ad val.
705.83	3.7% ad val.	709.06	5.7% ad val.
705.85	14% ad val.	709.07	6.2% ad val.
705.86	14% ad val.	709.09	4.2% ad val.
705.90	3.7% ad val.	709.10	5.7% ad val.
706.04	4.7% ad val.	709.11	3.4% ad val.
706.06	5.3% ad val.	709.13	8.4% ad val.
706.09	9% ad val.	709.15	7.9% ad val.
706.13	8% ad val.	709.17	4.2% ad val.
706.16	5.8% ad val.	709.19	6.2% ad val.
706.19	18% ad val.	709.21	5.3% ad val.
706.21	18% ad val.	709.23	6.4% ad val.
706.29	5.3% ad val.	709.25	4.7% ad val.
706.42	5.5¢ per lb. + 4.6% ad val.	709.27	7.9% ad val.
		709.40	4.2% ad val.
706.43	5.5¢ per lb. + 4.6% ad val.	709.45	3.7% ad val.
		709.50	4.2% ad val.
706.44	8.2% ad val.	709.55	9% ad val.
706.45	7.8% ad val.	709.56	7.2% ad val.
706.47	7.8% ad val.	709.57	5.8% ad val.
706.50	8.8% ad val.	709.61	2.5% ad val.
706.55	7.8% ad val.	709.63	2.1% ad val.
707.90	8.4% ad val.	709.66	4% ad val.
708.01	5.6% ad val.	710.04	6% ad val.
708.03	5.6% ad val.	710.06	9% ad val.
708.05	8% ad val.	710.08	5.6% ad val.
708.07	8% ad val.	710.12	5.6% ad val.
708.10	8.4% ad val.	710.14	3.9% ad val.
708.21	7% ad val.	710.16	5.7% ad val.
708.23	6.6% ad val.	710.20	18¢ each + 2.8% ad val.
708.25	8% ad val.		
708.27	8% ad val.	710.21	10% ad val.
708.30	8.4% ad val.	710.26	47¢ each + 7.4% ad val.
708.41	9% ad val.		
708.43	7.2% ad val.	710.27	9% ad val.
708.45	7.2% ad val.	710.30	3.9% ad val.
708.47	7.2% ad val.	710.34	2.2% ad val.
708.58	8% ad val.	710.36	4.4% ad val.
708.61	2.2% ad val.	710.40	5.1% ad val.
708.63	9% ad val.	710.42	5.6% ad val.
708.71	8% ad val.	710.46	Free
708.72	8% ad val.	710.50	4.4% ad val.
708.73	9% ad val.	710.60	4.4% ad val.
708.75	9% ad val.	710.61	6.2% ad val.
708.76	4.9% ad val.	710.63	6.2% ad val.
708.78	4.4% ad val.	710.65	5.8% ad val.
708.80	7.2% ad val.	710.67	6.7% ad val.
708.82	6.2% ad val.	710.68	6.5% ad val.
708.85	6.6% ad val.	710.70	5.8% ad val.
708.87	5.8% ad val.	710.72	5.3% ad val.
708.89	9% ad val.	710.76	5.8% ad val.

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TSUS Item No.	Rate of duty
710.78	3.9% ad val.
710.80	4.9% ad val.
710.86	7% ad val.
710.88	9% ad val.
710.90	10% ad val.
711.04	5.7% ad val.
711.08	6.6% ad val.
711.25	4.7% ad val.
711.30	8.4% ad val.
711.31	17% ad val.
711.32	8.4% ad val.
711.38	4.7% ad val.
711.40	10% ad val.
711.42	4.2% ad val.
711.45	5.6% ad val.
711.47	2.8% ad val.
711.49	4.6% ad val.
711.55	3.9% ad val.
711.60	3% ad val.
711.67	4.7% ad val.
711.70	49¢ each + 7.6% ad val.
711.72	9% ad val.
711.78	4.7% ad val.
711.86	10% ad val.
711.88	6.2% ad val.
711.90	15% ad val.
711.93	17% ad val.
711.98	Free
712.05	10% ad val.
712.10	4.8% ad val.
712.12	10% ad val.
712.15	4.7% ad val.
712.20	4.9% ad val.
712.25	49¢ each + 7.6% ad val.
712.27	9% ad val.
712.49	4.9% ad val.
713.05	30¢ each + 6.4% ad val.
713.09	45¢ each + 4.4% ad val.
713.11	45¢ each + 7% ad val.
713.15	9% ad val.
713.17	45¢ each + 7% ad val.
715.20	34¢ each + 5% ad val. + 2¢ for each jewel, if any
715.25	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.27	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.29	15¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.31	30¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.33	45¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.40	36¢ each + 5.2% ad val. + 2¢ for each jewel, if any
715.45	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.47	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.49	15¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.51	30¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.55	45¢ each + 7% ad val. + 2.5¢ for each jewel, if any
715.57	45¢ each + 7% ad val. + 2.5¢ for each jewel, if any
715.60	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.62	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
715.64	15¢ each + 4% ad val. + 2.5¢ for each jewel, if any

ANNEX V

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TSUS Item No.	Rate of duty
715.66	30¢ each + 4% ad val. + 2.5¢ for each jewel, if any
715.68	45¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.02	30¢ each
720.04	53¢ each + 5.5¢ for each jewel over 7
720.06	60¢ each
720.08	85¢ each + 5.5¢ for each jewel over 7
720.10	5.5¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.12	10¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.14	15¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.16	30¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.18	45¢ each + 6.4% ad val. + 2.5¢ for each jewel, if any
720.20	15¢ each + 6% ad val.
720.21	8% ad val.
720.22	8% ad val.
720.24	8¢ each + 6% ad val.
720.25	4¢ each + 6% ad val.
720.26	6% ad val.
720.28	4¢ each + 8.5% ad val.
720.29	2¢ each + 8.5% ad val.
720.30	8.1% ad val.
720.32	7.4% ad val.
720.33	4% ad val.
720.34	6.9% ad val.
720.36	6% ad val.
720.40	0.5¢ each + 9% ad val.
720.42	6.6% ad val.
720.44	10% ad val.
720.60	Free
720.70	7¢ each assembly
720.75	9% ad val.
720.80	The column 1 rate specified in item 720.67 for the plate or plates + 5¢ for each jewel (if any) + 1¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement
720.82	The column 1 rate specified in item 720.67 for the plate or plates + 2.5¢ for each jewel (if any) + 0.5¢ for each other part or piece (if any), but the total duty on the assembly or subassembly shall not exceed the column 1 duty for the complete movement
720.84	13% ad val. + 5¢ for each jewel (if any) + 0.6¢ for each other piece or part
720.86	6.4% ad val. + 2.5¢ for each jewel (if any) + 0.3¢ for each other piece or part

ANNEX V

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TSUS Item No.	Rate of duty
720.90	11% ad val.
720.92	10% ad val.
720.94	6.4% ad val.
721.05	9% ad val.
721.10	2.4% ad val.
721.12	4.4% ad val.
722.02	4.5% ad val.
722.04	4.5% ad val.
722.06	5% ad val.
722.08	4% ad val.
722.09	4% ad val.
722.11	4% ad val.
722.13	4% ad val.
722.14	6.8% ad val.
722.16	3% ad val.
722.18	4.9% ad val.
722.30	5% ad val.
722.32	4.9% ad val.
722.34	5.8% ad val.
722.40	7% ad val.
722.42	2.2% ad val.
722.44	7% ad val.
722.46	7% ad val.
722.50	7% ad val.
722.52	7.8% ad val.
722.55	9% ad val.
722.56	4.7% ad val.
722.60	5.7% ad val.
722.64	5.8% ad val.
722.70	4% ad val.
722.72	3.9% ad val.
722.75	3.4% ad val.
722.78	5% ad val.
722.80	5.7% ad val.
722.82	3.8% ad val.
722.83	3.1% ad val.
722.85	6.9% ad val.
722.86	2.2% ad val.
722.88	5¢ per lb. + 4.5% ad val.
722.90	3.8% ad val.
722.92	3.8% ad val.
722.94	3.7% ad val.
722.96	3.7% ad val.
723.05	3.7% ad val.
723.10	Free
723.15	3.7% ad val.
723.20	3% ad val.
723.25	4.9% ad val.
723.30	3.7% ad val.
723.32	3.1% ad val.
723.35	2.8% ad val.
724.10	Free
724.12	0.2¢ per lin. ft.
724.20	0.2¢ per lin. ft.
724.25	3.7% ad val.
724.35	0.2¢ per lin. ft.
724.45	4.2% ad val.
725.01	5.3% ad val.
725.03	5.3% ad val.
725.04	4.9% ad val.
725.05	6.8% ad val.
725.07	13% ad val.
725.08	7% ad val.
725.12	5.3% ad val.
725.14	4.7% ad val.
725.16	5.1% ad val.
725.18	4.7% ad val.
725.22	5.8% ad val.
725.24	4.9% ad val.
725.26	3.4% ad val.
725.30	Free
725.32	5.3% ad val.
725.34	3.7% ad val.
725.36	2.8% ad val.
725.40	5.3% ad val.
725.46	6.8% ad val.
725.47	6.8% ad val.
725.50	3.2% ad val.
725.52	5.3% ad val.
726.05	5.3% ad val.
726.10	4.7% ad val.
726.15	4.2% ad val.
726.20	8.2% ad val.
726.25	5.7% ad val.
726.40	4.7% ad val.
726.45	10¢ per 1,000 pins + 3.5% ad val.
726.50	4% ad val.
726.52	4.4% ad val.
726.55	6.6% ad val.
726.63	4% ad val.
726.65	5% ad val.
726.70	4.9% ad val.
726.75	3.2% ad val.
726.85	5.3% ad val.
726.90	5.3% ad val.
727.02	3.9% ad val.
727.04	5.3% ad val.
727.06	3.1% ad val.
727.11	7.5% ad val.
727.13	7.5% ad val.
727.14	7.5% ad val.
727.15	6.6% ad val.
727.23	5.3% ad val.
727.25	5.3% ad val.
727.27	3.4% ad val.
727.29	5.3% ad val.

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TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
727.35	2.5% ad val.	730.98	3.2% ad val.
727.40	5.3% ad val.	730.99	3.6% ad val.
727.45	7% ad val.	731.06	6% ad val.
727.47	6% ad val.	731.15	7.6% ad val.
727.65	4.2% ad val.	731.20	9.2% ad val.
727.70	4% ad val.	731.22	30¢ each
727.86	6% ad val.	731.24	4.9% ad val.
728.05	4.2% ad val.	731.26	5.4% ad val.
728.10	4.2% ad val.	731.30	7% ad val.
728.15	3.7% ad val.	731.40	5.8% ad val.
728.20	Free	731.42	4.4% ad val.
728.22	5.3% ad val.	731.44	5.4% ad val.
728.24	5.3% ad val.	731.50	5% ad val.
728.27	5.3% ad val.	731.65	9% ad val.
730.05	5.3% ad val.	731.70	9% ad val.
730.15	40¢ each + 11% ad val.	732.04	45¢ each
		732.10	60¢ each
730.17	27¢ each + 6% ad val.	732.16	65¢ each
		732.21	7.2% ad val.
730.19	27¢ each + 6% ad val.	732.30	7.2% ad val.
		732.32	36¢ each
730.23	8.1% ad val.	732.34	4.9% ad val.
730.25	9.1% ad val.	732.35	6% ad val.
730.27	6.3% ad val.	732.38	6% ad val.
730.29	7.5% ad val.	732.41	6% ad val.
730.31	4.7% ad val.	732.42	10% ad val.
730.37	10% ad val.	732.43	7.8% ad val.
730.39	8.4% ad val.	732.50	Free
730.41	5.3% ad val.	732.52	3.6% ad val.
730.43	3.3% ad val.	732.60	4.9% ad val.
730.45	5.1% ad val.	732.62	2.4% ad val.
730.51	6.9% ad val.	734.05	8.2% ad val.
730.53	6.9% ad val.	734.20	3.9% ad val.
730.55	6.9% ad val.	734.25	0.8¢ per pack + 0.8% ad val.
730.57	5.4% ad val.		
730.59	5.4% ad val.	734.30	5.1% ad val.
730.61	8.4% ad val.	734.32	5.8% ad val.
730.63	7% ad val.	734.34	5.1% ad val.
730.65	32¢ each + 4% ad val.	734.40	5.1% ad val.
		734.42	3.8% ad val.
730.67	3.6% ad val.	734.45	3.4% ad val.
730.71	2.8% ad val.	734.48	5.6% ad val.
730.73	2.1% ad val.	734.54	6% ad val.
730.74	2.3% ad val.	734.56	3% ad val.
730.75	2.4% ad val.	734.60	3.2% ad val.
730.77	5.4% ad val.	734.70	Free
730.80	8.4% ad val.	734.71	3.1% ad val.
730.81	3.4% ad val.	734.72	4.9% ad val.
730.85	7.8% ad val.	734.75	2.4% ad val.
730.86	3.4% ad val.	734.77	4.9% ad val.
730.88	5.7% ad val.	734.80	Free
730.94	5% ad val.	734.85	4.2% ad val.
730.95	5% ad val.	734.86	3.9% ad val.
730.96	5% ad val.	734.88	3.1% ad val.
730.97	4.2% ad val.	734.90	Free

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TSUS Item No.	Rate of duty
734.91	5.8% ad val.
734.93	2% ad val.
734.95	Free
735.01	3.5% ad val.
735.02	5.1% ad val.
735.04	3.5% ad val.
735.06	5.5% ad val.
735.07	4.9% ad val.
735.10	7.8% ad val.
735.12	4.9% ad val.
735.15	Free
735.17	Free
735.18	Free
737.07	5.1% ad val.
737.09	5.7% ad val.
737.15	7.8% ad val.
737.21	8% ad val.
737.23	12% ad val.
737.24	12% ad val.
737.26	12% ad val.
737.27	12% ad val.
737.28	11.2% ad val.
737.30	5.5% ad val.
737.35	4.2% ad val.
737.40	7% ad val.
737.42	5.8% ad val.
737.43	8.8% ad val.
737.47	7% ad val.
737.49	7% ad val.
737.51	7% ad val.
737.55	6% ad val.
737.60	6.4% ad val.
737.65	5.8% ad val.
737.80	8.8% ad val.
737.85	7.8% ad val.
737.95	7% ad val.
740.11	6.5% ad val.
740.12	6.5% ad val.
740.13	6.5% ad val.
740.14	6.5% ad val.
740.15	6.5% ad val.
740.30	7.2% ad val.
740.34	14% ad val.
740.35	14% ad val.
740.38	11% ad val.
740.50	4.9% ad val.
740.55	7.8% ad val.
740.60	5.8% ad val.
740.70	7% ad val.
740.75	8% ad val.
740.80	11% ad val.
741.06	2.1% ad val.
741.10	8% ad val.
741.15	2.1% ad val.
741.20	4% ad val.
741.25	6.7% ad val.
741.35	2.8% ad val.
741.40	8% ad val.
741.50	6.6% ad val.
745.04	3.6% ad val.
745.08	3.7% ad val.
745.10	11% ad val.
745.25	4.9% ad val.
745.28	5.5% ad val.
745.30	5.3% ad val.
745.32	0.4¢ per line per gross + 6.4% ad val.
745.34	5.7% ad val.
745.42	11.4% ad val.
745.45	5.7% ad val.
745.50	10% ad val.
745.52	8.2% ad val.
745.54	5.1% ad val.
745.56	9% ad val.
745.58	3.4% ad val.
745.60	1¢ per lb. (including weight of cards, cartons, and immediate wrappings and labels) + 5.8% ad val.
745.61	11% ad val.
745.62	11% ad val.
745.65	6.9% ad val.
745.66	6.5% ad val.
745.67	11% ad val.
745.68	5.3% ad val.
745.70	15% ad val.
745.72	15% ad val.
745.74	23% ad val.
748.05	2¢ per lb. + 3.6% ad val.
748.10	5.1% ad val.
748.12	2.4% ad val.
748.15	7% ad val.
748.20	8.4% ad val.
748.21	17% ad val.
750.05	0.1¢ each + 2% ad val.
750.10	7.8% ad val.
750.15	0.2¢ each + 4.6% ad val.
750.20	5.3% ad val.
750.25	8.1% ad val.
750.29	8% ad val.
750.40	0.2¢ each + 3.4% ad val.

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TSUS Item No.	Rate of duty
750.45	0.2¢ each + 7% ad val.
750.47	0.3¢ each + 3.6% ad val.
750.55	0.3¢ each
750.60	3.1% ad val.
750.70	5.6% ad val.
750.75	5.6% ad val.
750.80	7.5% ad val.
751.11	5.8% ad val.
751.15	4.8% ad val.
751.25	7.5% ad val.
755.05	Free
755.10	Free
755.15	5¢ per lb., including the weight of all coverings, packing material, and wrappings
755.20	7.5% ad val.
755.25	5.8% ad val.
755.30	6.9% ad val.
755.35	22¢ per lb. + 2.6% ad val.
755.45	0.1¢ each + 0.025¢ each for each 0.5 gram of explosive over 1.5 grams per cap
755.50	36¢ per 1,000 feet
756.02	7.2% ad val.
756.04	10% ad val.
756.06	9% ad val.
756.10	4.8% ad val.
756.15	10% ad val.
756.21	1¢ each + 16% ad val.
756.23	0.5¢ each + 8% ad val.
756.25	0.5¢ each + 4% ad val.
756.35	0.5¢ each + 6.4% ad val.
756.40	7% ad val.
756.45	0.5¢ each + 3% ad val.
756.50	7.8% ad val.
756.55	0.2¢ each + 3% ad val.
756.60	3.7% ad val.
760.05	0.8¢ each + 5.4% ad val.
760.10	6.6% ad val.
760.12	3.4% ad val.
760.15	8% ad val.
760.20	4.9% ad val.
760.30	5.8% ad val.
760.32	Free
760.34	40¢ per 1,000 + 7% ad val.
760.36	0.8¢ each + 5.4% ad val.
760.38	3.8% ad val.
760.40	0.9¢ each + 6.1% ad val.
760.42	3.8% ad val.
760.45	Free
760.48	14¢ per gross + 4.3% ad val.
760.50	0.8¢ per gross
760.52	Free
760.56	5.1% ad val.
760.58	5.5¢ per gross + 3.4% ad val.
766.30	A duty of 6.6% ad val. in addition to any other duty imposed on such article under these schedules
770.07	4.4% ad val.
770.10	6.3% ad val.
770.30	5.3% ad val.
770.40	4.2% ad val.
770.45	8.1% ad val.
770.70	4.2% ad val.
770.80	6.6% ad val.
771.05	1.5¢ per lb.
771.20	2.9% ad val.
771.25	3.1% ad val.
771.30	6.2% ad val.
771.31	3.7% ad val.
771.40	3.1% ad val.
771.43	4.2% ad val.
771.50	2.7% ad val.
771.55	5.8% ad val.
772.03	3.4% ad val.
772.06	7% ad val.
772.09	5.3% ad val.
772.15	3.4% ad val.
772.20	3% ad val.
772.25	3.4% ad val.
772.29	5% ad val.
772.31	5% ad val.
772.40	3.1% ad val.
772.42	4.2% ad val.
772.45	Free

ANNEX V

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TSUS Item No.	Rate of duty	TSUS Item No.	Rate of duty
772.54	Free	790.55	5.8% ad val.
772.60	3.7% ad val.	790.59	9% ad val.
772.65	3.1% ad val.	790.61	8.7% ad val.
772.70	4.2% ad val.	790.62	8.7% ad val.
772.80	6.5% ad val.	790.63	9% ad val.
772.85	5.3% ad val.	791.05	7.4% ad val.
772.95	5% ad val.	791.10	5.3% ad val.
772.97	5.3% ad val.	791.15	5.8% ad val.
773.10	5.3% ad val.	791.17	7.4% ad val.
773.20	10.5% ad val.	791.20	2.8% ad val.
773.25	3.5% ad val.	791.27	3.7% ad val.
773.30	3.7% ad val.	791.30	3.7% ad val.
773.35	4.2% ad val.	791.35	3.7% ad val.
774.20	6% ad val.	791.45	2.5% ad val.
774.25	4.2% ad val.	791.48	4.2% ad val.
774.40	Free	791.50	Free
774.45	3.4% ad val.	791.54	2.8% ad val.
774.50	5.3% ad val.	791.57	2.8% ad val.
774.55	5.3% ad val.	791.60	5.3% ad val.
790.00	6.4% ad val.	791.65	5.8% ad val.
790.03	5.7% ad val.	791.70	4.7% ad val.
790.07	5.3% ad val.	791.90	Free
790.10	2.4% ad val.	792.10	4.2% ad val.
790.15	2.8% ad val.	792.24	3.5% ad val.
790.23	Free	792.26	7.7% ad val.
790.30	4.2% ad val.	792.30	4% ad val.
790.37	2.4% ad val.	792.32	2.5% ad val.
790.40	Free	792.40	Free
790.45	6.6% ad val.	792.60	4.2% ad val.
790.47	4.2% ad val.	792.75	4.7% ad val.
790.50	6.6% ad val.	799.00	3.7% ad val.

(B) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after the date (published in the Federal Register) not more than 30 days after the date on which the United States Trade Representative has determined that satisfactory progress has been made toward the development of a common North American standard for softwood plywood:

TSUS Item No.	Rate of duty
240.21	8% ad val.

(C) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after the date (published in the Federal Register) not more than 30 days after the date on which the United States Trade Representative has determined that other major countries provide adequate entity coverage under the Agreement on Government Procurement, entered into on April 12, 1979:

TSUS Item No.	Rate of duty
660.10	4.4% ad val.
660.15	4.7% ad val.
660.25	3.1% ad val.
660.30	4.9% ad val.
660.35	3.4% ad val.
660.59	Free
660.62	3.7% ad val.
660.74	8% ad val.
660.76	4.9% ad val.
684.57	5.3% ad val.
684.58	5.3% ad val.
684.59	5.3% ad val.

ANNEX VI

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE CBERA WITHOUT EXCEPTION WHEN IMPORTED FROM ANY BENEFICIARY COUNTRY

100.07	112.01	115.20	121.40
100.09	112.03	115.25	121.45
100.20	112.05	115.30	121.50
100.25	112.08	115.35	121.52
100.30	112.12	115.40	121.54
100.31	112.14	115.45	121.55
100.35	112.18	115.50	121.56
100.40	112.20	115.55	121.61
100.43	112.21	115.60	121.62
100.45	112.23	116.00	121.63
100.53	112.24	116.05	121.64
100.55	112.36	116.10	121.65
100.60	112.40	116.15	123.50
100.63	112.42	116.20	124.20
100.65	112.46	116.25	124.25
100.77	112.48	116.30	124.30
100.79	112.50	117.00	124.40
105.10	112.52	117.05	124.60
105.20	112.54	117.10	124.65
105.30	112.58	117.15	124.70
105.40	112.62	117.20	124.80
105.50	112.66	117.25	125.01
105.55	112.71	117.30	125.05
105.60	112.73	117.35	125.10
105.70	112.74	117.42	125.15
105.82	112.79	117.44	125.20
105.84	112.80	117.45	125.25
106.22	112.82	117.50	125.32
106.25	112.86	117.55	125.34
106.30	112.94	117.60	125.50
106.55	113.01	117.65	125.60
106.70	113.05	117.67	125.67
106.75	113.11	117.70	125.82
107.10	113.15	117.75	125.84
107.15	113.20	117.81	126.01
107.30	113.25	117.86	126.07
107.35	113.30	117.88	126.09
107.65	113.35	118.00	126.11
110.28	113.40	118.05	126.19
110.35	113.50	118.10	126.23
110.45	113.56	118.15	126.27
110.50	113.60	118.25	126.29
110.55	114.01	118.30	126.31
110.65	114.04	118.35	126.33
111.10	114.06	118.45	126.35
111.15	114.15	119.50	126.41
111.18	114.20	119.55	126.53
111.37	114.25	119.65	126.55
111.44	114.34	119.70	126.57
111.48	114.36	120.17	126.59
111.52	114.50	121.10	126.63
111.56	114.55	121.15	126.65
111.60	115.00	121.20	126.67
111.76	115.05	121.25	126.77
111.84	115.10	121.30	126.79
111.88	115.15	121.35	126.81

ANNEX VI

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126.83
126.89
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ANNEX VI

-3-

147.46	149.24	155.65	167.25
147.48	149.26	155.70	167.30
147.50	149.28	155.75	167.32
147.51	149.50	156.25	167.34
147.53	149.60	156.30	167.35
147.54	150.02	156.40	167.37
147.60	150.05	156.47	167.40
147.61	150.50	157.10	167.42
147.64	152.00	160.35	167.50
147.66	152.05	160.40	167.90
147.68	152.14	161.05	168.04
147.70	152.18	161.06	168.06
147.72	152.22	161.08	168.09
147.75	152.26	161.23	168.11
147.77	152.30	161.37	168.12
147.80	152.34	161.41	168.13
147.85	152.38	161.43	168.14
148.03	152.40	161.45	168.16
148.06	152.42	161.53	168.36
148.08	152.43	161.57	168.37
148.10	152.50	161.58	168.39
148.12	152.54	161.60	168.41
148.17	152.58	161.61	168.42
148.19	152.60	161.65	168.54
148.22	152.62	161.69	168.57
148.25	152.65	161.71	168.59
148.28	152.72	161.75	168.61
148.30	152.78	161.80	168.74
148.32	152.88	161.83	168.76
148.35	153.03	161.84	168.78
148.40	153.05	161.88	168.80
148.42	153.07	161.92	168.82
148.44	153.16	161.96	168.96
148.46	153.20	162.03	168.98
148.48	153.24	162.07	169.04
148.50	153.28	162.11	169.07
148.52	153.32	162.15	169.08
148.54	154.05	165.25	169.13
148.56	154.10	165.27	169.14
148.60	154.15	165.29	169.21
148.65	154.20	165.32	169.22
148.70	154.25	165.36	169.37
148.72	154.30	165.40	169.38
148.74	154.35	165.44	169.39
148.77	154.40	165.46	169.44
148.78	154.43	165.50	169.47
148.81	154.45	165.55	169.48
148.82	154.50	165.65	169.49
148.83	154.53	165.70	169.58
148.86	154.60	166.10	169.59
148.90	154.90	166.20	170.01
148.93	155.10	166.30	170.05
148.96	155.12	166.40	170.10
148.98	155.15	167.05	170.15
149.15	155.35	167.10	170.20
149.18	155.40	167.15	170.25
149.21	155.60	167.20	

ANNEX VI

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170.28
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ANNEX VI

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245.45	254.48	274.60	306.73
245.50	254.50	274.65	306.74
245.60	254.54	274.70	306.80
245.70	254.56	274.75	306.81
245.80	254.58	274.80	306.82
251.10	254.63	274.85	306.83
251.15	254.65	274.90	306.84
251.20	254.70	300.15	307.02
251.25	254.80	300.20	307.04
251.30	254.85	300.45	307.06
251.45	254.90	300.50	307.08
252.05	254.95	304.08	307.10
252.10	256.05	304.10	307.12
252.13	256.10	304.12	307.16
252.15	256.13	304.14	307.18
252.17	256.15	304.16	307.40
252.20	256.20	304.18	308.06
252.25	256.25	304.22	308.10
252.27	256.30	304.24	308.16
252.30	256.35	304.26	308.18
252.35	256.40	304.34	308.20
252.40	256.42	304.40	308.30
252.42	256.44	304.44	308.35
252.45	256.48	304.48	308.45
252.50	256.52	304.52	308.47
252.57	256.54	306.01	308.51
252.59	256.56	306.02	308.55
252.61	256.58	306.04	312.10
252.63	256.60	306.10	312.30
252.70	256.65	306.11	312.40
252.73	256.67	306.12	312.50
252.75	256.70	306.13	319.01
252.77	256.75	306.14	319.03
252.81	256.80	306.20	319.05
252.84	256.84	306.21	319.07
252.86	256.87	306.22	335.50
252.90	256.90	306.23	337.10
253.05	270.45	306.24	337.20
253.10	270.50	306.30	337.30
253.15	273.30	306.31	337.40
253.20	273.50	306.32	337.72
253.25	273.55	306.33	365.54
253.30	273.65	306.34	365.58
253.35	273.70	306.40	385.95
253.40	273.75	306.41	390.14
253.45	273.85	306.42	390.16
254.05	273.90	306.43	390.30
254.09	273.95	306.44	390.40
254.15	274.00	306.53	390.50
254.18	274.05	306.54	402.00
254.20	274.10	306.60	402.04
254.25	274.15	306.61	402.08
254.30	274.20	306.62	402.12
254.35	274.23	306.63	402.16
254.40	274.27	306.64	402.20
254.42	274.29	306.70	402.24
254.44	274.33	306.71	402.28
254.46	274.35	306.72	402.32

ANNEX VI

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402.36
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ANNEX VI

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410.40	412.18	417.20	419.34
410.44	412.22	417.22	419.38
410.48	412.26	417.23	419.40
410.52	412.30	417.24	419.42
410.56	412.31	417.26	419.44
410.60	412.35	417.28	419.50
410.64	412.36	417.32	419.52
410.66	412.38	417.34	419.54
410.68	412.40	417.36	419.60
410.72	412.42	417.38	419.70
410.76	412.48	417.40	419.74
410.80	412.50	417.42	419.76
410.84	412.52	417.45	419.80
410.88	412.56	417.50	419.82
410.92	412.60	417.52	419.84
410.96	412.64	417.54	419.90
411.00	412.66	417.64	420.00
411.04	412.67	417.70	420.02
411.08	412.69	417.72	420.04
411.10	412.70	417.74	420.06
411.12	412.72	417.76	420.08
411.16	412.76	417.78	420.14
411.20	412.80	417.80	420.16
411.24	412.84	417.90	420.18
411.26	412.88	417.92	420.20
411.27	412.92	418.00	420.22
411.30	412.96	418.13	420.24
411.31	413.00	418.14	420.26
411.40	413.04	418.18	420.28
411.42	413.08	418.22	420.30
411.44	413.12	418.24	420.32
411.48	413.16	418.26	420.34
411.50	413.20	418.28	420.36
411.52	413.24	418.30	420.40
411.53	413.28	418.35	420.54
411.55	413.30	418.40	420.60
411.58	413.32	418.42	420.68
411.60	413.36	418.44	420.70
411.64	413.40	418.50	420.78
411.68	413.50	418.52	420.82
411.72	413.51	418.60	420.84
411.74	415.05	418.62	420.86
411.76	415.10	418.68	420.88
411.80	415.20	418.72	420.92
411.82	415.27	418.74	420.94
411.87	415.30	418.76	420.98
411.88	415.35	418.78	421.04
411.90	415.40	418.80	421.06
411.91	415.50	418.94	421.08
411.93	416.05	419.00	421.10
411.96	416.10	419.02	421.14
411.98	416.30	419.04	421.16
412.02	416.40	419.10	421.18
412.04	416.45	419.20	421.22
412.06	417.10	419.22	421.34
412.10	417.14	419.24	421.36
412.12	417.16	419.28	421.44
412.14	417.18	419.32	421.46

ANNEX VI

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421.52	425.32	427.12	428.72
421.54	425.34	427.14	428.80
421.56	425.36	427.16	428.82
421.60	425.38	427.18	428.84
421.62	425.41	427.20	428.86
421.72	425.42	427.22	428.88
421.74	425.52	427.24	428.90
421.76	425.70	427.25	428.92
421.84	425.72	427.28	428.94
421.86	425.74	427.30	428.96
421.90	425.76	427.40	429.00
422.00	425.78	427.42	429.10
422.10	425.82	427.44	429.12
422.12	425.84	427.45	429.19
422.14	425.86	427.46	429.22
422.20	425.87	427.48	429.24
422.24	425.88	427.53	429.26
422.26	425.94	427.54	429.28
422.30	425.99	427.56	429.29
422.40	426.00	427.58	429.30
422.42	426.04	427.60	429.32
422.58	426.08	427.62	429.34
422.60	426.10	427.64	429.38
422.62	426.12	427.70	429.42
422.70	426.14	427.72	429.44
422.72	426.18	427.74	429.46
422.74	426.22	427.82	429.47
422.76	426.24	427.84	429.49
422.78	426.26	427.88	429.51
422.80	426.28	427.92	429.54
422.82	426.32	427.94	429.56
422.90	426.34	427.97	429.60
422.92	426.36	427.98	429.70
422.94	426.42	428.04	429.85
423.00	426.44	428.06	429.95
423.80	426.46	428.12	430.10
423.84	426.52	428.20	430.20
423.86	426.54	428.22	432.10
423.88	426.56	428.24	432.15
423.92	426.58	428.26	432.25
423.94	426.62	428.30	435.10
423.96	426.64	428.32	435.45
425.00	426.72	428.34	436.00
425.02	426.76	428.36	437.02
425.04	426.77	428.38	437.04
425.06	426.78	428.40	437.06
425.08	426.82	428.41	437.10
425.09	426.84	428.42	437.12
425.10	426.86	428.44	437.13
425.12	426.88	428.47	437.14
425.14	426.92	428.50	437.16
425.18	426.94	428.52	437.18
425.20	426.96	428.54	437.20
425.22	426.98	428.58	437.22
425.24	427.02	428.62	437.30
425.26	427.04	428.64	437.32
425.28	427.06	428.66	437.36
425.30	427.08	428.68	437.38

ANNEX VI

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437.40	452.58	465.75	473.76
437.44	452.80	465.80	473.78
437.47	455.02	465.85	473.80
437.49	455.04	465.87	473.82
437.50	455.06	465.90	473.84
437.51	455.16	465.92	473.86
437.52	455.18	465.95	473.88
437.54	455.20	466.05	473.90
437.55	455.22	466.10	474.02
437.56	455.24	466.15	474.04
437.57	455.30	466.20	474.06
437.58	455.32	466.25	474.08
437.60	455.34	466.30	474.20
437.64	455.36	470.18	474.22
437.65	455.38	470.85	474.26
437.68	455.40	472.04	474.30
437.69	455.42	472.06	474.35
437.70	455.44	472.10	474.40
437.72	455.46	472.12	474.42
437.74	460.10	472.14	474.44
437.82	460.15	472.22	474.46
437.84	460.20	472.24	474.50
437.86	460.25	472.30	474.62
438.01	460.30	472.40	485.10
438.02	460.35	472.42	485.20
439.30	460.40	472.44	485.30
439.50	460.45	472.48	490.05
440.00	460.50	472.50	490.10
445.05	460.55	473.02	490.12
445.10	460.60	473.06	490.14
445.15	460.65	473.10	490.20
445.20	460.70	473.12	490.22
445.25	460.75	473.14	490.24
445.30	460.80	473.16	490.26
445.35	460.85	473.18	490.30
445.42	460.90	473.19	490.32
445.44	461.05	473.20	490.40
445.46	461.10	473.24	490.42
445.48	461.15	473.28	490.44
445.52	461.20	473.30	490.46
445.54	461.30	473.32	490.48
445.56	461.35	473.36	490.50
445.75	461.40	473.38	490.65
446.10	461.45	473.40	490.73
446.12	465.05	473.44	490.75
446.15	465.10	473.46	490.90
446.30	465.15	473.48	490.92
450.10	465.20	473.50	490.94
450.20	465.25	473.52	491.00
450.30	465.30	473.54	493.10
450.40	465.35	473.56	493.14
450.50	465.40	473.58	493.17
452.24	465.45	473.60	493.18
452.28	465.50	473.62	493.20
452.34	465.55	473.66	493.22
452.44	465.60	473.70	493.25
452.48	465.65	473.72	493.26
452.54	465.70	473.74	493.30

ANNEX VI

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493.42	515.34	522.45	534.97
493.46	515.51	522.61	535.11
493.47	515.54	522.64	535.12
493.50	515.61	522.71	535.13
493.65	515.64	522.81	535.14
493.66	516.21	523.31	535.21
493.67	516.24	523.33	535.24
493.68	516.71	523.37	535.27
493.82	516.73	523.51	535.31
494.04	516.74	523.61	535.41
494.06	516.76	523.91	536.11
494.30	516.81	523.94	536.15
494.40	516.91	531.01	540.11
494.52	516.94	531.04	540.13
494.60	517.11	531.11	540.14
495.05	517.21	531.21	540.15
495.10	517.24	531.24	540.21
495.15	517.51	531.33	540.27
495.20	517.61	531.35	540.30
511.11	517.71	531.37	540.32
511.25	517.74	531.39	540.37
511.31	517.81	532.14	540.41
511.41	517.91	532.20	540.43
511.51	518.21	532.22	540.47
511.64	518.41	532.24	540.51
511.65	518.51	532.27	540.55
511.71	519.11	532.31	540.61
512.24	519.14	532.41	540.63
512.31	519.31	532.61	540.65
512.35	519.37	533.11	540.67
512.41	519.51	533.15	540.71
512.44	519.83	533.20	541.11
513.11	519.84	533.22	541.21
513.21	519.86	533.24	541.31
513.31	519.91	533.29	542.11
513.36	519.93	533.30	542.13
513.41	519.95	533.32	542.21
513.51	519.97	533.34	542.23
513.74	520.21	533.39	542.25
513.81	520.31	533.52	542.31
513.84	520.37	533.54	542.33
513.94	520.39	533.62	542.35
514.21	520.51	533.64	542.37
514.24	520.54	533.72	542.42
514.34	520.61	533.74	542.44
514.41	520.71	533.76	542.46
514.44	520.75	533.78	542.48
514.51	521.41	533.79	542.57
514.54	521.51	534.11	542.67
514.57	521.54	534.21	542.71
514.61	521.61	534.31	542.73
514.65	521.71	534.74	542.75
514.81	521.74	534.76	542.77
515.11	521.84	534.81	542.92
515.14	521.87	534.84	542.94
515.21	522.21	534.87	542.96
515.24	522.24	534.91	542.98
515.31	522.41	534.94	543.11

ANNEX VI

-11-

543.21	547.37	606.48	607.92
543.23	547.41	606.50	607.93
543.27	547.43	606.51	607.94
543.31	547.51	606.53	607.97
543.61	547.53	606.57	607.99
543.63	547.55	606.59	608.01
543.67	548.01	606.60	608.07
543.69	548.03	606.62	608.11
544.11	548.05	606.64	608.13
544.14	601.33	606.67	608.14
544.16	601.54	606.69	608.19
544.18	602.10	606.71	608.21
544.31	602.20	606.73	608.23
544.41	602.28	606.75	608.26
544.51	603.10	606.77	608.29
544.54	603.15	606.79	608.31
544.61	603.25	606.81	608.34
544.64	603.30	606.83	608.38
545.11	603.40	606.86	608.39
545.17	603.45	606.88	608.43
545.21	603.49	606.90	608.47
545.25	603.50	606.91	608.49
545.31	603.54	606.93	608.55
545.34	603.55	606.94	608.57
545.35	603.70	606.95	608.59
545.37	605.03	606.97	608.64
545.53	605.05	606.99	608.67
545.55	605.06	607.05	609.14
545.57	605.08	607.07	609.15
545.61	605.27	607.09	609.17
545.63	605.28	607.14	609.20
545.65	605.46	607.17	609.21
545.67	605.47	607.22	609.22
545.81	605.48	607.23	609.25
545.85	605.60	607.26	609.28
545.87	605.65	607.28	609.30
546.11	605.66	607.32	609.33
546.13	606.00	607.34	609.35
546.18	606.02	607.41	609.36
546.20	606.04	607.43	609.37
546.21	606.06	607.46	609.40
546.23	606.15	607.48	609.41
546.25	606.17	607.54	609.43
546.35	606.19	607.59	609.45
546.38	606.22	607.62	609.70
546.39	606.24	607.64	609.72
546.47	606.26	607.66	609.75
546.52	606.28	607.67	609.76
546.60	606.30	607.69	609.80
546.62	606.31	607.72	609.82
546.64	606.33	607.76	609.84
546.66	606.36	607.78	609.86
546.68	606.37	607.81	609.88
547.11	606.39	607.83	609.90
547.13	606.40	607.86	609.96
547.15	606.42	607.88	609.98
547.21	606.44	607.90	610.20
547.31	606.46	607.91	610.21

ANNEX VI

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610.25	612.55	622.40	629.14
610.26	612.56	624.02	629.20
610.30	612.60	624.03	629.25
610.31	612.61	624.04	629.26
610.32	612.62	624.10	629.28
610.35	612.63	624.12	629.29
610.36	612.64	624.14	629.30
610.37	612.70	624.16	629.32
610.39	612.71	624.18	629.33
610.40	612.72	624.20	629.35
610.42	612.73	624.22	629.50
610.43	612.80	624.24	629.60
610.45	612.81	624.30	629.62
610.46	612.82	624.32	629.65
610.48	613.02	624.34	632.02
610.49	613.03	624.40	632.04
610.51	613.04	624.42	632.06
610.52	613.06	624.50	632.12
610.56	613.08	624.52	632.16
610.58	613.10	624.54	632.18
610.62	613.11	626.02	632.24
610.63	613.12	626.04	632.28
610.65	613.15	626.10	632.30
610.66	613.18	626.15	632.34
610.70	618.01	626.17	632.38
610.71	618.02	626.18	632.42
610.74	618.04	626.20	632.43
610.82	618.06	626.22	632.46
610.84	618.10	626.24	632.48
610.86	618.15	626.30	632.50
610.88	618.17	626.31	632.52
610.89	618.20	626.35	632.58
610.90	618.22	626.40	632.60
610.92	618.25	626.42	632.62
612.02	618.27	626.45	632.66
612.03	618.29	628.05	632.68
612.05	618.40	628.10	632.78
612.06	618.42	628.15	632.79
612.08	618.45	628.17	632.86
612.10	618.47	628.20	632.88
612.15	620.08	628.25	633.00
612.17	620.10	628.30	640.05
612.20	620.12	628.35	640.10
612.30	620.16	628.40	640.20
612.31	620.20	629.45	640.25
612.32	620.22	628.50	640.30
612.34	620.26	628.55	640.35
612.35	620.30	628.57	640.40
612.36	620.40	628.59	642.06
612.38	620.42	628.70	642.08
612.39	620.46	628.72	642.09
612.40	620.50	628.74	642.11
612.41	622.15	628.90	642.12
612.43	622.17	628.95	642.14
612.44	622.20	629.05	642.15
612.45	622.22	629.07	642.16
612.50	622.25	629.10	642.17
612.52	622.35	629.12	642.18

ANNEX VI

-13-

642.20	644.72	647.01	649.81
642.25	644.76	647.03	649.83
642.27	644.80	647.05	649.85
642.31	644.84	647.10	649.87
642.34	644.88	648.51	649.89
642.35	644.92	648.53	649.91
642.45	644.95	648.55	650.01
642.47	644.98	648.57	650.03
642.50	646.02	648.61	650.05
642.52	646.04	648.63	650.07
642.54	646.06	648.67	650.08
642.56	646.17	648.69	650.09
642.58	646.20	648.71	650.10
642.60	646.22	648.73	650.12
642.62	646.25	648.75	650.13
642.64	646.26	648.80	650.15
642.66	646.27	648.82	650.17
642.68	646.28	648.85	650.19
642.70	646.30	648.89	650.21
642.72	646.32	648.91	650.31
642.74	646.34	648.93	650.35
642.76	646.36	648.95	650.37
642.78	646.40	648.97	650.38
642.80	646.41	649.01	650.39
642.82	646.42	649.03	650.40
642.85	646.45	649.05	650.42
642.87	646.47	649.07	650.43
642.91	646.49	649.11	650.45
642.93	646.51	649.14	650.47
642.96	646.53	649.17	650.48
642.97	646.54	649.19	650.50
644.02	646.56	649.21	650.51
644.06	646.57	649.23	650.53
644.08	646.58	649.24	650.54
644.09	646.60	649.25	650.55
644.11	646.63	649.26	650.56
644.12	646.65	649.27	650.57
644.15	646.72	649.29	650.61
644.17	646.74	649.31	650.63
644.18	646.75	649.32	650.65
644.20	646.76	649.33	650.71
644.22	646.77	649.35	650.73
644.24	646.78	649.37	650.75
644.26	646.80	649.41	650.77
644.28	646.81	649.43	650.79
644.30	646.82	649.44	650.81
644.32	646.83	649.46	650.83
644.36	646.84	649.47	650.85
644.38	646.85	649.48	650.87
644.40	646.86	649.49	650.89
644.42	646.87	649.53	650.90
644.46	646.88	649.57	650.92
644.48	646.89	649.67	651.01
644.52	646.90	649.71	651.03
644.56	646.92	649.73	651.04
644.60	646.95	649.75	651.07
644.64	646.97	649.77	651.09
644.68	646.98	649.79	651.11

ANNEX VI

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651.13	653.05	657.75	664.08
651.15	653.07	657.80	664.10
651.21	653.10	657.90	666.10
651.23	653.15	658.00	666.25
651.25	653.20	660.10	668.00
651.27	653.25	660.15	668.02
651.29	653.30	660.20	668.04
651.31	653.35	660.22	668.06
651.33	653.37	660.25	668.07
651.37	653.38	660.30	668.10
651.45	653.39	660.35	668.15
651.46	653.45	660.42	668.21
651.48	653.47	660.48	668.23
651.49	653.48	660.56	668.32
651.51	653.52	660.59	668.34
651.53	653.60	660.62	668.36
651.55	653.62	660.67	668.38
651.60	653.65	660.71	668.50
651.62	653.70	660.74	670.00
651.64	653.75	660.76	670.02
651.75	653.80	660.77	670.04
652.03	653.85	660.80	670.06
652.06	653.90	660.85	670.12
652.09	653.93	660.92	670.14
652.13	653.94	660.96	670.16
652.14	653.96	660.97	670.17
652.15	653.99	661.05	670.18
652.18	654.00	661.06	670.19
652.21	654.08	661.09	670.21
652.24	654.16	661.10	670.22
652.27	654.25	661.15	670.23
652.35	654.30	661.20	670.25
652.36	654.35	661.25	670.27
652.38	654.40	661.30	670.29
652.41	654.45	661.35	670.33
652.42	654.50	661.40	670.35
652.45	654.55	661.45	670.40
652.50	654.60	661.50	670.41
652.55	654.65	661.54	670.42
652.60	654.70	661.56	670.43
652.65	654.75	661.65	670.50
652.70	656.05	661.67	670.52
652.72	656.10	661.68	670.54
652.75	656.15	661.85	670.56
652.80	656.20	661.90	670.58
652.84	656.25	661.92	670.60
652.86	656.30	661.94	670.62
652.88	656.35	661.95	670.64
652.90	657.10	662.10	670.66
652.92	657.15	662.15	670.68
652.93	657.24	662.18	670.70
652.94	657.25	662.20	670.72
652.95	657.30	662.26	670.74
652.96	657.35	662.30	670.90
652.97	657.40	662.35	672.10
653.00	657.50	662.50	672.14
653.01	657.60	664.06	672.16
653.03	657.70	664.07	672.20

ANNEX VI

-15-

672.22 -
672.25
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ANNEX VI

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702.40	709.06	711.31	716.17
702.45	709.07	711.32	716.37
702.47	709.09	711.38	716.38
703.20	709.10	711.40	716.39
703.25	709.11	711.42	716.40
703.30	709.13	711.45	716.45
703.35	709.15	711.47	719.--
703.40	709.17	711.49	720.02
703.45	709.19	711.55	720.04
703.50	709.21	711.60	720.06
703.55	709.23	711.67	720.08
703.60	709.25	711.70	720.10
703.70	709.27	711.72	720.12
705.30	709.40	711.78	720.14
705.82	709.45	711.86	720.16
706.04	709.50	711.88	720.18
706.19	709.54	711.90	720.20
706.42	709.55	711.93	720.21
706.44	709.56	711.98	720.22
706.45	709.57	712.05	720.24
706.47	709.61	712.10	720.25
706.50	709.63	712.12	720.26
706.61	709.66	712.15	720.28
707.90	710.04	712.20	720.29
708.01	710.06	712.25	720.30
708.03	710.08	712.27	720.32
708.05	710.12	712.47	720.33
708.07	710.14	712.49	720.34
708.10	710.16	713.05	720.36
708.21	710.20	713.07	720.40
708.23	710.21	713.09	720.42
708.25	710.26	713.11	720.44
708.27	710.27	713.15	720.60
708.30	710.30	713.17	720.65
708.41	710.34	713.19	720.67
708.43	710.36	715.05	720.70
708.45	710.40	715.15	720.75
708.47	710.42	715.20	720.80
708.56	710.46	715.25	720.82
708.58	710.50	715.27	720.84
708.61	710.60	715.29	720.86
708.63	710.61	715.31	720.90
708.71	710.63	715.33	720.92
708.72	710.65	715.40	720.94
708.73	710.67	715.45	721.05
708.75	710.68	715.47	721.10
708.76	710.70	715.49	721.12
708.78	710.72	715.51	722.02
708.80	710.76	715.55	722.04
708.82	710.78	715.57	722.06
708.85	710.80	715.60	722.08
708.87	710.86	715.62	722.09
708.89	710.88	715.64	722.11
708.91	710.90	715.66	722.13
708.93	711.04	715.68	722.14
709.01	711.08	716.04	722.16
709.03	711.25	716.06	722.18
709.05	711.30	716.09	722.30

ANNEX VI

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722.32	725.36	730.39	732.34
722.34	725.40	730.41	732.35
722.40	725.46	730.43	732.38
722.42	725.47	730.45	732.41
722.44	725.50	730.51	732.42
722.46	725.52	730.53	732.43
722.50	726.05	730.55	732.50
722.52	726.10	730.57	732.52
722.55	726.15	730.59	732.60
722.56	726.20	730.61	732.62
722.60	726.25	730.63	734.05
722.64	726.40	730.65	734.10
722.70	726.45	730.67	734.15
722.72	726.50	730.71	734.20
722.75	726.52	730.73	734.25
722.78	726.55	730.74	734.30
722.80	726.63	730.75	734.32
722.82	726.65	730.77	734.34
722.83	726.70	730.80	734.40
722.85	726.75	730.81	734.42
722.86	726.85	730.85	734.45
722.88	726.90	730.86	734.48
722.90	727.02	730.88	734.51
722.92	727.04	730.94	734.54
722.94	727.06	730.95	734.56
722.96	727.11	730.96	734.60
723.05	727.13	730.97	734.70
723.10	727.14	730.98	734.71
723.15	727.15	730.99	734.72
723.20	727.23	731.05	734.75
723.25	727.25	731.06	734.77
723.30	727.27	731.10	734.80
723.32	727.29	731.15	734.85
723.35	727.35	731.20	734.86
724.10	727.40	731.22	734.87
724.12	727.45	731.24	734.88
724.20	727.47	731.26	734.90
724.25	727.53	731.30	734.91
724.35	727.59	731.40	734.93
724.40	727.65	731.42	734.95
724.45	727.70	731.44	735.01
725.01	728.05	731.50	735.02
725.03	728.10	731.65	735.04
725.04	728.15	731.70	735.06
725.05	728.20	732.02	735.07
725.07	728.22	732.04	735.09
725.08	728.24	732.06	735.10
725.12	728.27	732.08	735.11
725.14	730.05	732.10	735.12
725.16	730.15	732.12	735.15
725.18	730.17	732.14	735.17
725.20	730.19	732.16	735.18
725.22	730.23	732.18	735.20
725.24	730.25	732.21	737.07
725.26	730.27	732.24	737.09
725.30	730.29	732.26	737.15
725.32	730.31	732.30	737.23
725.34	730.37	732.32	737.24

ANNEX VI

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737.26	745.60	755.45	772.03
737.27	745.61	755.50	772.06
737.28	745.62	756.02	772.09
737.30	745.65	756.04	772.15
737.35	745.66	756.06	772.20
737.40	745.67	756.10	772.25
737.42	745.68	756.15	772.29
737.43	745.70	756.21	772.40
737.47	745.72	756.23	772.42
737.49	745.74	756.25	772.45
737.55	748.05	756.30	772.48
737.60	748.10	756.35	772.51
737.65	748.12	756.40	772.54
737.70	748.15	756.45	772.57
737.80	748.20	756.50	772.60
737.85	748.21	756.55	772.65
737.95	748.25	756.60	772.70
740.05	748.32	760.05	772.80
740.11	748.34	760.10	772.85
740.12	748.36	760.12	772.95
740.13	750.05	760.15	772.97
740.14	750.10	760.20	773.05
740.15	750.15	760.30	773.10
740.30	750.20	760.32	773.15
740.34	750.22	760.34	773.20
740.35	750.25	760.36	773.25
740.38	750.26	760.38	773.30
740.50	750.27	760.40	773.35
740.55	750.28	760.42	774.20
740.60	750.29	760.45	774.25
740.70	750.30	760.48	774.35
740.75	750.31	760.50	774.40
740.80	750.32	760.52	774.45
741.06	750.35	760.54	774.50
741.10	750.40	760.56	774.55
741.15	750.45	760.58	790.00
741.20	750.47	766.20	790.03
741.25	750.50	766.30	790.05
741.30	750.55	770.05	790.07
741.35	750.60	770.07	790.08
741.40	750.65	770.10	790.10
741.50	750.70	770.30	790.15
745.04	750.75	770.40	790.23
745.08	750.80	770.45	790.25
745.10	751.05	770.70	790.30
745.20	751.10	770.80	790.37
745.25	751.11	771.05	790.39
745.28	751.15	771.20	790.40
745.30	751.20	771.25	790.45
745.32	751.25	771.30	790.47
745.34	755.05	771.31	790.50
745.42	755.10	771.35	790.55
745.45	755.15	771.40	790.57
745.50	755.20	771.41	790.59
745.52	755.25	771.43	790.60
745.54	755.30	771.45	790.61
745.56	755.35	771.50	
745.58	755.40	771.55	

ANNEX VI

-19-

790.62
790.63
790.70
791.05
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798.00
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804.10
804.20
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869.00
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ANNEX VII

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE CBERA EXCEPT AS LIMITED BY GENERAL HEADNOTE 3(e)(vii)(D) OF THE TSUS

106.10	335.75	356.15	363.60
107.20	335.85	356.25	363.80
107.25	335.95	356.35	363.90
107.40	337.60	356.45	364.09
107.45	337.80	356.70	364.14
107.48	337.90	356.80	364.16
107.52	339.10	357.05	364.18
107.55	345.10	357.30	364.21
107.61	345.35	357.40	364.25
107.62	345.60	357.60	364.35
107.63	346.50	357.70	365.05
107.70	346.56	357.80	365.14
107.78	346.65	357.90	365.15
107.80	346.80	357.95	365.25
155.20	346.86	358.02	365.29
155.30	346.95	358.05	365.31
305.04	347.20	358.06	365.35
305.06	347.28	358.11	365.40
305.08	347.30	358.16	365.45
305.09	347.35	358.24	365.50
305.10	347.45	358.26	365.80
305.12	347.50	358.40	365.81
305.14	347.72	358.60	365.83
305.16	347.75	359.20	365.84
305.18	348.00	359.40	365.91
305.20	348.05	359.60	366.12
305.22	349.10	360.04	366.15
305.28	349.25	360.10	366.30
305.30	349.30	360.17	366.33
305.40	350.00	360.35	366.36
305.50	351.10	360.36	366.39
308.60	351.20	360.40	366.48
308.65	351.25	360.45	366.49
308.66	351.40	360.47	366.51
308.70	351.44	360.48	366.54
308.71	351.46	360.77	366.57
308.75	351.50	360.79	366.72
308.80	351.60	360.82	366.81
308.90	351.70	360.84	366.84
315.25	351.80	361.05	367.28
315.30	351.90	361.21	367.31
315.35	352.10	361.23	367.35
315.40	352.20	361.26	367.40
315.45	352.30	361.43	367.45
315.55	352.40	361.53	367.65
315.75	352.80	361.54	370.12
315.80	353.10	361.70	370.17
315.85	353.50	361.85	370.19
315.90	355.04	363.02	370.22
315.95	355.20	363.05	370.72
316.05	355.42	363.25	370.76
316.10	355.45	363.35	370.80
316.20	355.55	363.40	370.84
316.25	355.65	363.45	370.92
316.30	355.75	363.50	372.08
316.50	355.85	363.52	372.10
316.70	356.05	363.53	
335.70	356.10	363.55	

ANNEX VII

-2-

372.20
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ANNEX VIII

ARTICLES THAT ARE ELIGIBLE FOR DUTY FREE TREATMENT
EFFECTIVE SEPTEMBER 1, 1985, WHEN IMPORTED FROM ISRAEL

100.07	111.10	115.20	125.10
100.09	111.15	115.25	125.15
100.20	111.18	115.30	125.20
100.25	111.37	115.35	125.25
100.30	111.44	115.40	125.32
100.31	111.48	115.45	125.34
100.40	111.52	115.50	125.50
100.43	111.56	115.55	125.60
100.45	111.60	115.60	125.67
100.53	111.76	116.00	125.82
100.55	111.84	116.05	125.84
100.60	111.88	116.10	126.01
100.63	112.01	116.15	126.07
100.65	112.03	116.20	126.09
100.77	112.05	116.25	126.11
105.10	112.08	117.10	126.19
105.20	112.12	117.30	126.23
105.30	112.14	117.45	126.27
105.40	112.18	117.65	126.29
105.60	112.20	117.67	126.31
105.70	112.21	117.86	126.33
105.82	112.23	118.00	126.35
105.84	112.24	118.45	126.41
106.10	112.30	120.17	126.53
106.22	112.36	121.10	126.55
106.25	112.40	121.15	126.57
106.30	112.42	121.20	126.59
106.55	112.46	121.25	126.63
106.70	112.48	121.30	126.65
107.10	112.79	121.35	126.67
107.15	112.94	121.40	126.77
107.20	113.01	121.45	126.79
107.25	113.05	121.50	126.81
107.30	113.11	121.52	126.83
107.35	113.15	121.54	126.89
107.40	113.35	121.55	126.91
107.48	113.40	121.56	126.93
107.52	113.50	121.61	127.10
107.55	113.56	121.62	130.08
107.61	113.60	121.63	130.11
107.63	114.01	121.64	130.20
107.65	114.06	121.65	130.30
107.70	114.15	124.20	130.32
107.78	114.25	124.25	130.40
107.80	114.34	124.30	130.45
110.28	114.36	124.40	130.50
110.35	114.50	124.60	130.56
110.45	114.55	124.65	130.58
110.50	115.00	124.70	130.60
110.55	115.05	124.80	130.63
110.65	115.10	125.01	130.66
	115.15	125.05	130.70

ANNEX VIII

-2-

131.10	137.25	145.50	148.10
131.12	137.28	145.52	148.12
131.20	137.40	145.53	148.17
131.27	137.50	145.54	148.19
131.30	137.60	145.58	148.22
131.33	137.62	145.90	148.30
131.35	137.63	146.12	148.32
131.38	137.71	146.14	148.40
131.40	137.89	146.20	148.52
131.50	137.93	146.22	148.54
131.57	137.97	146.42	148.60
131.60	138.05	146.44	148.65
131.65	138.25	146.56	148.70
131.67	138.30	146.58	148.72
131.70	140.10	146.60	148.74
131.72	140.11	146.64	148.81
131.75	140.14	146.66	148.82
131.90	140.16	146.69	148.83
132.15	140.20	146.71	148.90
132.20	140.21	146.74	148.93
132.25	140.35	146.76	148.96
132.50	140.38	146.79	148.98
132.55	140.46	146.82	149.15
135.03	140.50	146.84	149.18
135.05	140.54	146.85	149.21
135.12	140.56	146.87	149.24
135.14	140.70	146.91	149.26
135.16	141.05	146.95	149.50
135.30	141.15	146.97	150.50
135.41	141.20	147.02	152.00
135.42	141.25	147.05	152.14
135.50	141.30	147.09	152.18
135.60	141.35	147.17	152.22
135.61	141.40	147.21	152.26
135.70	141.45	147.29	152.30
135.75	141.50	147.30	152.34
135.80	141.77	147.33	152.38
136.00	141.83	147.38	152.40
136.10	141.85	147.41	152.43
136.20	141.87	147.42	152.54
136.22	141.89	147.44	152.58
136.30	141.98	147.46	152.62
136.40	144.14	147.48	152.72
136.50	144.16	147.50	152.88
136.60	145.02	147.51	153.03
136.61	145.09	147.53	153.05
136.70	145.12	147.60	153.07
136.90	145.20	147.61	153.16
136.92	145.22	147.64	153.20
136.93	145.24	147.66	153.24
136.95	145.26	147.68	153.28
136.97	145.28	147.70	153.32
137.02	145.30	147.72	154.10
137.04	145.40	147.75	154.15
137.10	145.41	147.80	154.20
137.20	145.46	147.85	154.25
137.21	145.48	148.08	154.30

ANNEX VIII

-3-

154.35	167.05	175.36	182.49
154.40	167.15	175.39	182.50
154.43	167.25	176.01	182.52
154.45	167.34	176.15	182.53
154.50	167.35	176.16	182.58
154.90	167.37	176.18	182.60
155.10	167.40	176.22	182.70
155.12	167.42	176.24	182.90
155.15	167.50	176.26	182.96
155.20	167.90	176.29	184.50
155.30	168.04	176.30	184.51
155.35	168.06	176.38	184.52
155.40	168.11	176.40	184.53
155.70	168.12	176.42	184.54
155.75	168.13	176.45	184.58
156.25	168.14	176.46	184.65
156.30	168.16	176.47	184.80
156.40	168.36	176.49	184.85
156.47	168.37	176.50	186.10
157.10	168.39	176.54	186.15
160.35	168.41	176.55	186.30
160.40	168.42	176.70	186.40
161.23	168.54	177.04	186.50
161.37	168.57	177.12	188.20
161.41	168.59	177.16	188.34
161.43	168.61	177.20	188.50
161.45	168.78	177.22	190.10
161.53	168.82	177.24	190.57
161.57	168.96	177.26	190.68
161.58	168.98	177.30	190.85
161.60	169.04	177.32	190.87
161.61	169.07	177.34	190.90
161.65	169.21	177.36	190.93
161.69	169.38	177.40	191.18
161.71	169.39	177.50	192.07
161.75	169.44	177.56	192.15
161.80	169.48	177.58	192.17
161.83	169.58	177.62	192.21
161.84	169.59	177.69	192.25
161.88	170.05	177.72	192.35
161.92	170.10	178.05	192.45
161.96	170.15	178.15	192.55
162.03	170.28	178.20	192.75
162.07	170.45	178.25	192.85
162.11	170.63	182.05	192.90
162.15	170.65	182.11	193.10
165.40	170.67	182.15	200.06
165.46	170.68	182.20	200.20
165.50	170.70	182.30	200.25
165.55	170.78	182.32	200.45
165.65	170.80	182.33	200.91
165.70	175.03	182.35	202.38
166.10	175.15	182.36	202.54
166.20	175.18	182.40	202.56
166.30	175.21	182.45	202.60
166.40	175.33	182.46	202.62
			202.66

ANNEX VIII

-4-

203.10	240.38	254.09	273.90
203.20	240.40	254.15	273.95
203.30	240.52	254.18	274.00
204.10	240.54	254.20	274.05
204.20	240.56	254.25	274.10
204.35	240.58	254.30	274.15
204.50	240.60	254.35	274.20
206.30	245.00	254.40	274.23
206.45	245.10	254.42	274.27
206.47	245.20	254.44	274.29
206.50	245.45	254.46	274.33
206.52	245.50	254.48	274.35
206.53	245.60	254.50	274.60
206.54	245.70	254.54	274.65
206.60	245.80	254.56	274.70
206.67	251.10	254.58	274.75
206.85	251.15	254.63	274.80
206.87	251.20	254.65	274.85
206.95	251.25	254.70	274.90
206.96	251.30	254.80	300.15
206.98	251.45	254.85	300.20
207.00	252.05	254.90	300.45
220.10	252.10	254.95	300.50
220.15	252.13	256.05	304.08
220.20	252.15	256.10	304.10
220.25	252.17	256.13	304.12
220.31	252.20	256.15	304.14
220.35	252.25	256.20	304.16
220.36	252.27	256.25	304.18
220.37	252.30	256.30	304.22
220.39	252.35	256.35	304.24
220.41	252.40	256.40	304.26
220.47	252.42	256.42	304.34
220.48	252.45	256.44	304.40
222.10	252.50	256.48	304.44
222.20	252.57	256.52	304.48
222.25	252.59	256.54	304.52
222.30	252.61	256.56	306.01
222.32	252.63	256.58	306.02
222.34	252.70	256.60	306.04
222.36	252.73	256.65	306.10
222.41	252.75	256.67	306.11
222.44	252.77	256.70	306.12
222.50	252.81	256.75	306.13
222.55	252.84	256.80	306.14
222.57	252.86	256.84	306.20
222.60	252.90	256.87	306.21
222.62	253.05	256.90	306.22
222.64	253.10	270.45	306.23
240.12	253.15	270.50	306.24
240.14	253.20	273.30	306.30
240.16	253.25	273.50	306.31
240.17	253.30	273.55	306.32
240.23	253.35	273.65	306.33
240.32	253.40	273.70	306.34
240.34	253.45	273.75	306.40
240.36	254.05	273.85	306.41

ANNEX VIII

-5-

306.42	337.72	402.24	405.24
306.43	338.15	402.28	405.28
306.44	345.10	402.32	405.33
306.53	345.40	402.36	405.34
306.54	346.15	402.56	405.41
306.60	346.35	402.64	405.48
306.61	346.58	402.72	405.56
306.62	347.70	402.96	405.60
306.63	356.25	402.98	405.62
306.64	356.40	403.00	405.64
306.70	358.02	403.05	405.76
306.71	360.12	403.09	405.82
306.72	360.42	403.12	405.84
306.73	360.43	403.14	405.92
306.74	360.45	403.16	405.96
306.80	360.48	403.20	406.00
306.81	360.83	403.24	406.05
306.82	361.60	403.27	406.08
306.83	363.05	403.36	406.09
306.84	363.30	403.41	406.12
307.02	363.45	403.45	406.16
307.04	363.53	403.52	406.20
307.06	363.85	403.61	406.32
307.08	364.23	403.68	406.36
307.10	364.30	403.72	406.42
307.12	366.03	403.74	406.47
307.16	367.32	403.81	406.49
307.18	374.35	403.88	406.58
307.40	374.45	403.92	406.61
307.70	374.60	403.96	406.63
308.06	374.65	404.04	406.73
308.10	378.15	404.08	406.84
308.16	378.25	404.12	406.86
308.18	378.65	404.16	406.92
308.20	381.32	404.24	407.00
308.30	381.46	404.28	407.05
308.35	381.57	404.30	408.08
308.45	381.63	404.32	408.12
308.47	381.97	404.40	408.16
308.51	384.24	404.42	408.17
308.55	384.83	404.43	408.19
309.43	384.84	404.46	408.23
310.02	384.92	404.47	408.24
310.93	385.95	404.52	408.28
312.10	386.13	404.56	408.29
312.30	386.30	404.68	408.31
312.40	386.53	404.72	408.36
312.50	390.14	404.76	408.38
319.01	390.16	404.80	408.44
319.03	390.30	404.84	408.48
319.05	390.40	404.90	408.54
332.50	390.50	404.92	408.61
335.50	402.00	405.00	408.64
337.10	402.04	405.01	408.68
337.20	402.08	405.09	408.72
337.30	402.12	405.12	408.81
337.40	402.16	405.21	408.84

ANNEX VIII

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408.88	412.35	417.92	420.26
408.92	412.36	418.00	420.28
408.96	412.38	418.13	420.30
409.02	412.40	418.14	420.36
409.06	412.42	418.18	420.40
409.10	412.48	418.22	420.54
409.14	412.50	418.24	420.60
409.18	412.60	418.26	420.68
409.22	412.64	418.28	420.70
409.26	412.66	418.35	420.78
409.28	412.67	418.50	420.84
409.34	412.69	418.52	420.86
410.60	412.70	418.60	420.88
410.64	412.76	418.62	420.92
410.68	412.96	418.68	420.94
410.88	413.00	418.72	420.98
410.92	413.08	418.74	421.04
410.96	413.24	418.76	421.08
411.00	413.28	418.78	421.10
411.04	413.40	418.80	421.16
411.08	415.05	418.94	421.18
411.10	415.10	419.00	421.22
411.16	415.20	419.02	421.34
411.20	415.27	419.04	421.36
411.27	415.30	419.10	421.44
411.30	415.35	419.20	421.46
411.31	415.40	419.22	421.52
411.40	415.50	419.24	421.54
411.42	416.05	419.28	421.62
411.44	416.10	419.32	421.72
411.48	416.30	419.34	421.74
411.50	417.10	419.38	421.76
411.52	417.14	419.40	421.84
411.53	417.16	419.42	421.86
411.55	417.18	419.44	421.90
411.58	417.20	419.50	422.00
411.60	417.22	419.52	422.20
411.64	417.23	419.54	422.24
411.68	417.24	419.60	422.26
411.74	417.26	419.70	422.30
411.76	417.28	419.74	422.58
411.88	417.32	419.76	422.70
411.90	417.34	419.80	422.72
411.93	417.36	419.82	422.76
411.96	417.38	419.84	422.80
411.98	417.45	419.90	422.82
412.02	417.50	420.00	422.90
412.04	417.52	420.02	422.92
412.06	417.54	420.04	422.94
412.10	417.64	420.06	423.00
412.12	417.70	420.08	423.80
412.14	417.72	420.14	423.86
412.18	417.74	420.16	423.88
412.22	417.76	420.18	423.96
412.26	417.78	420.20	425.02
412.30	417.80	420.22	425.04
412.31	417.90	420.24	425.06

ANNEX VIII

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ANNEX VIII

-8-

460.35	472.50	475.60	512.24
460.40	473.02	475.65	512.31
460.45	473.06	485.10	512.35
460.50	473.10	485.20	512.41
460.65	473.12	490.10	512.44
460.75	473.14	490.12	513.11
460.80	473.16	490.14	513.21
460.85	473.18	490.20	513.31
460.90	473.19	490.22	513.36
461.05	473.20	490.24	513.41
461.10	473.24	490.26	513.51
461.15	473.28	490.30	513.74
461.20	473.30	490.32	513.81
461.30	473.32	490.40	513.84
461.35	473.36	490.42	513.94
461.40	473.38	490.44	514.21
461.45	473.44	490.46	514.24
465.05	473.46	490.48	514.34
465.10	473.48	490.50	514.41
465.15	473.50	490.65	514.44
465.20	473.52	490.73	514.51
465.25	473.54	490.75	514.54
465.30	473.56	490.90	514.57
465.35	473.60	490.92	514.61
465.40	473.66	490.94	514.65
465.45	473.70	491.00	514.81
465.50	473.72	493.10	515.11
465.55	473.74	493.14	515.14
465.60	473.76	493.17	515.21
465.65	473.78	493.18	515.24
465.70	473.80	493.20	515.31
465.75	473.82	493.22	515.34
465.80	473.84	493.25	515.51
465.85	473.86	493.26	515.54
465.87	473.88	493.30	515.61
465.90	473.90	493.46	515.64
465.92	474.04	493.47	516.21
465.95	474.06	493.50	516.24
466.05	474.08	493.67	516.71
466.10	474.20	493.68	516.73
466.15	474.22	493.82	516.74
466.20	474.26	494.04	516.76
466.25	474.30	494.06	516.81
466.30	474.35	494.30	516.91
470.18	474.40	494.40	516.94
470.85	474.42	494.52	517.11
472.04	474.44	494.60	517.21
472.06	474.46	495.05	517.24
472.10	474.50	495.10	517.51
472.12	474.62	495.15	517.61
472.14	475.05	495.20	517.71
472.22	475.10	511.11	517.74
472.24	475.25	511.25	517.81
472.30	475.30	511.41	517.91
472.40	475.35	511.51	518.21
472.42	475.40	511.64	518.41
472.44	475.45	511.65	518.51
472.48	475.55	511.71	519.11

ANNEX VIII

-9-

519.14
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ANNEX VIII

-10-

606.83	608.59	610.70	618.06
606.86	608.67	610.71	618.10
606.88	609.14	610.74	618.15
606.91	609.15	610.82	618.17
606.93	609.17	610.84	618.20
606.97	609.20	610.86	618.22
606.99	609.21	610.88	618.25
607.05	609.22	610.89	618.27
607.07	609.25	610.90	618.29
607.09	609.28	610.92	618.40
607.14	609.30	612.02	618.42
607.17	609.33	612.03	618.45
607.22	609.35	612.05	618.47
607.23	609.36	612.06	620.08
607.26	609.37	612.08	620.10
607.28	609.40	612.10	620.12
607.32	609.41	612.15	620.16
607.34	609.43	612.17	620.20
607.41	609.45	612.20	620.22
607.43	609.70	612.30	620.26
607.46	609.72	612.31	620.30
607.48	609.75	612.32	620.40
607.54	609.76	612.34	620.42
607.59	609.80	612.35	620.46
607.62	609.82	612.36	620.50
607.64	609.84	612.38	622.15
607.66	609.86	612.39	622.17
607.67	609.88	612.40	622.20
607.69	609.90	612.41	622.22
607.72	609.96	612.43	622.25
607.76	609.98	612.44	622.35
607.78	610.20	612.45	622.40
607.81	610.21	612.50	624.02
607.83	610.25	612.52	624.03
607.86	610.26	612.55	624.04
607.91	610.30	612.56	624.10
607.92	610.31	612.60	624.12
607.93	610.32	612.62	624.14
607.94	610.35	612.63	624.16
607.97	610.36	612.64	624.18
607.99	610.37	612.72	624.20
608.01	610.39	612.73	624.22
608.07	610.40	612.80	624.24
608.11	610.42	612.81	624.30
608.13	610.43	612.82	624.32
608.14	610.45	613.02	624.34
608.19	610.46	613.03	624.50
608.21	610.48	613.04	624.52
608.23	610.49	613.06	624.54
608.26	610.51	613.08	626.02
608.29	610.52	613.10	626.10
608.31	610.56	613.11	626.15
608.34	610.58	613.12	626.17
608.38	610.62	613.18	626.18
608.39	610.63	618.01	626.20
608.47	610.65	618.02	626.22
608.55	610.66	618.04	626.24

ANNEX VIII

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626.30	632.66	644.17	646.75
626.31	632.68	644.18	646.76
626.35	632.79	644.20	646.77
626.40	632.86	644.22	646.78
626.42	632.88	644.24	646.80
626.45	633.00	644.26	646.81
628.05	640.05	644.28	646.82
628.10	640.10	644.30	646.83
628.15	640.20	644.32	646.84
628.17	640.25	644.36	646.85
628.20	640.30	644.38	646.86
628.25	640.35	644.40	646.87
628.30	640.40	644.42	646.89
628.35	642.06	644.46	646.90
628.40	642.08	644.48	646.92
628.45	642.09	644.52	646.95
628.50	642.11	644.56	646.97
628.57	642.12	644.64	646.98
628.59	642.14	644.68	647.01
628.70	642.15	644.72	647.03
628.72	642.16	644.76	647.05
628.74	642.17	644.80	648.51
628.90	642.18	644.84	648.53
628.95	642.20	644.88	648.55
629.05	642.31	644.92	648.57
629.07	642.34	644.95	648.61
629.10	642.35	644.98	648.63
629.25	642.45	646.02	648.67
629.26	642.47	646.04	648.69
629.29	642.50	646.06	648.71
629.30	642.52	646.17	648.73
629.32	642.54	646.20	648.75
629.33	642.56	646.22	648.85
629.35	642.58	646.25	648.89
629.50	642.60	646.26	648.91
629.60	642.62	646.27	648.93
629.62	642.64	646.28	648.95
629.65	642.66	646.30	648.97
632.02	642.68	646.32	649.01
632.04	642.70	646.34	649.03
632.06	642.72	646.36	649.05
632.12	642.76	646.40	649.07
632.16	642.78	646.41	649.11
632.18	642.80	646.42	649.14
632.24	642.82	646.45	649.17
632.28	642.85	646.47	649.19
632.34	642.87	646.51	649.21
632.38	642.91	646.53	649.24
632.42	642.93	646.54	649.25
632.43	642.96	646.56	649.26
632.46	642.97	646.57	649.27
632.48	644.02	646.58	649.29
632.50	644.06	646.60	649.31
632.52	644.08	646.63	649.32
632.58	644.09	646.65	649.33
632.60	644.11	646.72	649.35
632.62	644.12	646.74	649.37

ANNEX VIII

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ANNEX VIII

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668.36	676.07	682.80	685.40
668.38	676.10	682.90	685.42
668.50	676.12	682.95	685.48
670.00	676.15	683.01	685.49
670.02	676.20	683.12	685.60
670.04	676.22	683.15	685.70
670.06	676.23	683.20	685.90
670.12	676.25	683.30	686.10
670.14	676.30	683.32	686.18
670.16	676.50	683.40	686.24
670.17	676.52	683.50	686.30
670.18	678.20	683.60	686.40
670.19	678.30	683.65	686.50
670.21	678.32	683.80	686.60
670.22	678.35	683.90	686.80
670.23	678.40	683.95	686.90
670.25	678.45	684.10	687.10
670.27	678.50	684.20	687.20
670.29	680.05	684.25	687.30
670.33	680.07	684.28	687.42
670.35	680.12	684.40	687.43
670.40	680.13	684.48	687.54
670.41	680.14	684.53	687.66
670.42	680.17	684.55	687.70
670.43	680.19	684.57	687.79
670.50	680.25	684.58	687.83
670.52	680.27	684.59	687.87
670.54	680.30	684.65	688.04
670.56	680.33	684.66	688.06
670.60	680.39	684.67	688.10
670.64	680.42	684.70	688.12
670.66	680.46	684.90	688.17
670.70	680.49	684.92	688.18
670.72	680.92	684.94	688.20
670.74	680.95	684.96	688.25
670.90	681.04	684.98	688.30
672.10	681.07	685.00	688.32
672.14	681.10	685.02	688.34
672.16	681.13	685.04	688.36
672.20	681.15	685.06	688.41
672.22	681.21	685.08	688.42
672.25	681.27	685.10	690.05
674.10	681.33	685.12	690.10
674.20	681.36	685.14	690.20
674.40	681.39	685.18	690.25
674.42	682.05	685.20	690.35
674.50	682.07	685.22	690.40
674.52	682.25	685.24	692.02
674.53	682.30	685.25	692.04
674.55	682.35	685.28	692.10
674.56	682.41	685.30	692.14
674.60	682.45	685.32	692.16
674.70	682.50	685.36	692.20
674.75	682.52	685.37	692.22
674.80	682.60	685.38	692.29
674.90	682.70	685.39	692.32

ANNEX VIII

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692.35	708.91	711.98	722.56
692.40	709.03	712.05	722.60
692.45	709.06	712.10	722.64
692.52	709.07	712.15	722.70
692.53	709.09	712.20	722.72
692.55	709.10	712.47	722.75
692.60	709.11	712.49	722.78
694.31	709.15	713.07	722.80
694.50	709.17	713.09	722.82
694.61	709.19	713.11	722.83
694.63	709.21	713.19	722.85
694.64	709.25	715.15	722.86
694.65	709.40	715.20	722.88
694.66	709.45	715.40	722.90
694.67	709.50	715.62	722.92
694.70	709.54	715.64	722.94
696.05	709.57	715.66	722.96
696.10	709.61	716.04	723.05
696.30	709.63	716.06	723.10
696.35	709.66	716.38	723.15
696.40	710.04	716.39	723.20
696.50	710.08	716.45	723.25
696.60	710.12	720.04	723.30
700.54	710.14	720.06	723.32
702.15	710.16	720.08	723.35
702.25	710.20	720.20	724.10
702.28	710.30	720.24	724.12
702.30	710.34	720.25	724.25
702.32	710.36	720.26	724.40
702.35	710.40	720.28	724.45
702.37	710.42	720.29	725.01
702.40	710.46	720.30	725.03
702.47	710.50	720.33	725.04
703.35	710.60	720.34	725.05
703.55	710.61	720.36	725.07
703.60	710.63	720.42	725.12
703.70	710.65	720.60	725.14
705.30	710.67	720.65	725.16
705.82	710.68	720.67	725.18
706.04	710.70	720.70	725.22
706.06	710.72	720.80	725.24
706.09	710.76	720.82	725.26
706.16	710.78	721.10	725.30
706.29	710.80	721.12	725.32
706.38	711.04	722.02	725.34
706.42	711.08	722.04	725.36
706.43	711.25	722.06	725.40
708.01	711.38	722.08	725.50
708.03	711.42	722.09	725.52
708.23	711.45	722.11	726.05
708.61	711.47	722.13	726.10
708.76	711.49	722.16	726.15
708.78	711.55	722.18	726.25
708.82	711.60	722.30	726.40
708.85	711.67	722.32	726.45
708.87	711.78	722.34	726.50
708.89	711.88	722.42	726.52

ANNEX VIII

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726.63	730.99	735.07	745.58
726.65	731.05	735.09	745.60
726.70	731.06	735.11	745.65
726.75	731.10	735.12	745.66
726.85	731.22	735.15	745.68
726.90	731.24	735.17	745.70
727.02	731.26	735.18	745.72
727.04	731.40	735.20	745.74
727.06	731.42	737.07	748.05
727.15	731.44	737.09	748.10
727.23	731.50	737.23	748.12
727.25	732.04	737.24	748.21
727.27	732.10	737.26	748.25
727.29	732.16	737.27	748.34
727.35	732.18	737.28	748.55
727.40	732.32	737.30	750.05
727.47	732.34	737.35	750.15
727.53	732.35	737.42	750.20
727.59	732.38	737.43	750.26
727.65	732.41	737.47	750.28
727.70	732.50	737.49	750.30
728.05	732.52	737.51	750.31
728.10	732.60	737.55	750.35
728.15	732.62	737.65	750.40
728.20	734.10	737.70	750.47
728.22	734.15	737.80	750.50
728.24	734.20	737.85	750.55
728.27	734.25	737.95	750.60
730.05	734.30	740.05	750.65
730.17	734.32	740.14	750.70
730.19	734.34	740.15	750.75
730.27	734.40	740.30	751.05
730.31	734.42	740.34	751.10
730.41	734.45	740.35	751.11
730.43	734.48	740.38	751.15
730.45	734.51	740.50	755.05
730.51	734.54	740.55	755.10
730.53	734.56	740.60	755.15
730.55	734.60	740.80	755.25
730.57	734.70	741.06	755.35
730.59	734.71	741.15	755.40
730.63	734.72	741.20	755.45
730.65	734.75	741.25	755.50
730.67	734.77	741.30	756.10
730.71	734.80	741.35	756.25
730.73	734.85	741.50	756.30
730.74	734.86	745.04	756.35
730.75	734.87	745.08	756.45
730.77	734.88	745.20	756.55
730.81	734.90	745.25	756.60
730.86	734.91	745.28	760.05
730.88	734.93	745.30	760.12
730.94	734.95	745.32	760.20
730.95	735.01	745.34	760.30
730.96	735.02	745.42	760.32
730.97	735.04	745.45	760.36
730.98	735.06	745.54	760.38

ANNEX VIII

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760.40
760.42
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792.60
792.70
792.75
798.00
798.50
799.00
804.10
804.20
806.20
806.30
807.00
869.10

ANNEX IX

STAGED RATE MODIFICATIONS OF THE TARIFF SCHEDULES
OF THE UNITED STATES FOR PRODUCTS OF ISRAEL

Notes:

1. Each rate in the following table, opposite the number of an item in the TSUS identified therein, is inserted with the symbol "I" in parentheses in the rate of duty column entitled "Special" for such item, effective for articles provided for therein which are products of Israel and entered on and after the date at the head of the column in which such rate is set forth, and such rate shall be superseded by the rate, if any, for that item in the immediately following column, effective for articles which are entered on and after the date at the head of such latter column.

2. For purposes of this Annex, the term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
100.35	12%	12%	4.8%	4.8%	Free	Free	Free	Free
100.79	8%	8%	3.2%	3.2%	Free	Free	Free	Free
105.50	4¢/lb.	4¢/lb.	1.6¢/lb.	1.6¢/lb.	Free	Free	Free	Free
105.55	10%	10%	4%	4%	Free	Free	Free	Free
106.75	8%	8%	3.2%	3.2%	Free	Free	Free	Free
107.45	8%	8%	3.2%	3.2%	Free	Free	Free	Free
107.62	8%	8%	3.2%	3.2%	Free	Free	Free	Free
112.34	10%	10%	4%	4%	Free	Free	Free	Free
112.50	10%	10%	4%	4%	Free	Free	Free	Free
112.52	10%	10%	4%	4%	Free	Free	Free	Free
112.54	12%	12%	4.8%	4.8%	Free	Free	Free	Free
112.58	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free
112.62	16%	16%	6.4%	6.4%	Free	Free	Free	Free
112.66	16%	16%	6.4%	6.4%	Free	Free	Free	Free
112.71	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free
112.73	12%	12%	4.8%	4.8%	Free	Free	Free	Free
112.74	24%	24%	9.6%	9.6%	Free	Free	Free	Free
112.80	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free
112.82	12%	12%	4.8%	4.8%	Free	Free	Free	Free
112.86	20%	20%	8%	8%	Free	Free	Free	Free
112.90	28%	28%	11.2%	11.2%	Free	Free	Free	Free
113.20	8%	8%	3.2%	3.2%	Free	Free	Free	Free
113.25	12%	12%	4.8%	4.8%	Free	Free	Free	Free
113.30	12%	12%	4.8%	4.8%	Free	Free	Free	Free
114.04	14%	14%	5.6%	5.6%	Free	Free	Free	Free
114.20	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
116.30	5.6¢/lb.	5.6¢/lb.	2.2¢/lb.	2.2¢/lb.	Free	Free	Free	Free
117.00	12%	12%	4.8%	4.8%	Free	Free	Free	Free
117.05	16%	16%	6.4%	6.4%	Free	Free	Free	Free
117.15	12%	12%	4.8%	4.8%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
117.20	16%	16%	6.4%	6.4%	Free	Free	Free	Free
117.25	12%	12%	4.8%	4.8%	Free	Free	Free	Free
117.35	8%	8%	3.2%	3.2%	Free	Free	Free	Free
117.42	20%	20%	8%	8%	Free	Free	Free	Free
117.44	19%	19%	7.6%	7.6%	Free	Free	Free	Free
117.50	8%	8%	3.2%	3.2%	Free	Free	Free	Free
117.55	15%	15%	6%	6%	Free	Free	Free	Free
117.60	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
117.70	12%	12%	4.8%	4.8%	Free	Free	Free	Free
117.75	4¢/lb.	4¢/lb.	1.6¢/lb.	1.6¢/lb.	Free	Free	Free	Free
117.81	16%	16%	6.4%	6.4%	Free	Free	Free	Free
117.88	8%	8%	3.2%	3.2%	Free	Free	Free	Free
118.05	1.2¢/lb.	1.2¢/lb.	0.5¢/lb.	0.5¢/lb.	Free	Free	Free	Free
118.10	16%	16%	6.4%	6.4%	Free	Free	Free	Free
118.15	16%	16%	6.4%	6.4%	Free	Free	Free	Free
118.25	16%	16%	6.4%	6.4%	Free	Free	Free	Free
118.30	14%	14%	5.6%	5.6%	Free	Free	Free	Free
118.35	8%	8%	3.2%	3.2%	Free	Free	Free	Free
119.50	2.8¢/doz.	2.8¢/doz.	1.1¢/doz.	1.1¢/doz.	Free	Free	Free	Free
119.55	2.8¢/doz.	2.8¢/doz.	1.1¢/doz.	1.1¢/doz.	Free	Free	Free	Free
119.65	21.6¢/lb.	21.6¢/lb.	8.6¢/lb.	8.6¢/lb.	Free	Free	Free	Free
119.70	4.4¢/lb.	4.4¢/lb.	1.8¢/lb.	1.8¢/lb.	Free	Free	Free	Free
123.50	8%	8%	3.2%	3.2%	Free	Free	Free	Free
130.37	20¢/bu. of 56 lbs.	20¢/bu. of 56 lbs.	8¢/bu. of 56 lbs.	8¢/bu. of 56 lbs.	Free	Free	Free	Free
131.25	8%	8%	3.2%	3.2%	Free	Free	Free	Free
131.45	16%	16%	6.4%	6.4%	Free	Free	Free	Free
131.80	8%	8%	3.2%	3.2%	Free	Free	Free	Free
131.85	16%	16%	6.4%	6.4%	Free	Free	Free	Free
132.30	12%	12%	4.8%	4.8%	Free	Free	Free	Free
135.10	2.8¢/lb.	2.8¢/lb.	1.1¢/lb.	1.1¢/lb.	Free	Free	Free	Free
135.51	10%	10%	4%	4%	Free	Free	Free	Free
135.90	1.8¢/lb.	1.8¢/lb.	0.7¢/lb.	0.7¢/lb.	Free	Free	Free	Free
135.95	2.4¢/lb.	2.4¢/lb.	1¢/lb.	1¢/lb.	Free	Free	Free	Free
135.97	2.4¢/lb.	2.4¢/lb.	1¢/lb.	1¢/lb.	Free	Free	Free	Free
135.99	1.2¢/lb.	1.2¢/lb.	0.5¢/lb.	0.5¢/lb.	Free	Free	Free	Free
136.80	20%	20%	8%	8%	Free	Free	Free	Free
137.75	10%	10%	4%	4%	Free	Free	Free	Free
137.78	10%	10%	4%	4%	Free	Free	Free	Free
137.79	20%	20%	8%	8%	Free	Free	Free	Free
137.80	10%	10%	4%	4%	Free	Free	Free	Free
137.88	10%	10%	4%	4%	Free	Free	Free	Free
138.35	14%	14%	5.6%	5.6%	Free	Free	Free	Free
138.41	14%	14%	5.6%	5.6%	Free	Free	Free	Free
138.46	14%	14%	5.6%	5.6%	Free	Free	Free	Free
140.76	10.4%	10.4%	4.2%	4.2%	Free	Free	Free	Free
141.60	9.5%	9.5%	3.8%	3.8%	Free	Free	Free	Free
141.76	9.6%	8.4%	7.2%	6%	4.8%	3.6%	1.2%	Free
141.82	10%	10%	4%	4%	Free	Free	Free	Free
141.86	10%	10%	4%	4%	Free	Free	Free	Free
141.92	14%	12.3%	10.5%	8.8%	7%	5.3%	1.8%	Free
141.93	14%	14%	5.6%	5.6%	Free	Free	Free	Free
144.10	4¢/lb. + 20%	4¢/lb. + 20%	1.6¢/lb. + 8%	1.6¢/lb. + 8%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
144.20	2.6¢/lb. on drained weight + 8%	2.6¢/lb. on drained weight + 8%	1¢/lb. on drained weight + 3.2%	1¢/lb. on drained weight + 3.2%	Free	Free	Free	Free
145.18	4¢/lb.	4¢/lb.	1.6¢/lb.	1.6¢/lb.	Free	Free	Free	Free
145.55	12¢/lb.	12¢/lb.	4.8¢/lb.	4.8¢/lb.	Free	Free	Free	Free
145.65	14%	14%	5.6%	5.6%	Free	Free	Free	Free
145.70	22.4%	22.4%	9%	9%	Free	Free	Free	Free
146.24	28%	28%	11.2%	11.2%	Free	Free	Free	Free
146.30	5¢/lb.	4.3¢/lb.	3.6¢/lb.	3¢/lb.	2.4¢/lb.	1.8¢/lb.	0.6¢/lb.	Free
146.70	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
146.78	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
146.83	10%	10%	4%	4%	Free	Free	Free	Free
146.86	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
146.93	4.8¢/lb.	4.8¢/lb.	1.9¢/lb.	1.9¢/lb.	Free	Free	Free	Free
146.96	7.6¢/lb.	7.6¢/lb.	3¢/lb.	3¢/lb.	Free	Free	Free	Free
146.99	5.6¢/lb. + 8%	5.6¢/lb. + 8%	2.2¢/lb. + 3.2%	2.2¢/lb. + 3.2%	Free	Free	Free	Free
147.03	0.8¢/lb.	0.7¢/lb.	0.6¢/lb.	0.5¢/lb.	0.4¢/lb.	0.3¢/lb.	0.1¢/lb.	Free
147.07	0.6¢/lb.	0.6¢/lb.	0.5¢/lb.	0.4¢/lb.	0.3¢/lb.	0.2¢/lb.	0.1¢/lb.	Free
147.15	1¢/lb.	0.9¢/lb.	0.8¢/lb.	0.7¢/lb.	0.5¢/lb.	0.4¢/lb.	0.1¢/lb.	Free
147.19	1¢/lb.	1¢/lb.	0.4¢/lb.	0.4¢/lb.	Free	Free	Free	Free
147.22	0.8¢/lb.	0.8¢/lb.	0.3¢/lb.	0.3¢/lb.	Free	Free	Free	Free
147.26	14%	14%	5.6%	5.6%	Free	Free	Free	Free
147.31	0.8¢/lb.	0.8¢/lb.	0.3¢/lb.	0.3¢/lb.	Free	Free	Free	Free
147.36	17.5%	17.5%	7%	7%	Free	Free	Free	Free
147.54	9.6%	9.6%	3.8%	3.8%	Free	Free	Free	Free
147.77	7%	7%	2.8%	2.8%	Free	Free	Free	Free
148.03	3¢/lb.	3¢/lb.	1.2¢/lb.	1.2¢/lb.	Free	Free	Free	Free
148.06	3¢/lb.	3¢/lb.	1.2¢/lb.	1.2¢/lb.	Free	Free	Free	Free
148.25	16%	16%	6.4%	6.4%	Free	Free	Free	Free
148.28	16%	16%	6.4%	6.4%	Free	Free	Free	Free
148.35	17.5%	17.5%	7%	7%	Free	Free	Free	Free
148.77	8%	8%	3.2%	3.2%	Free	Free	Free	Free
148.78	16%	16%	6.4%	6.4%	Free	Free	Free	Free
148.86	14.4%	14.4%	5.8%	5.8%	Free	Free	Free	Free
149.28	14%	14%	5.6%	5.6%	Free	Free	Free	Free
149.60	7%	7%	2.8%	2.8%	Free	Free	Free	Free
150.02	7%	7%	2.8%	2.8%	Free	Free	Free	Free
150.05	14%	14%	5.6%	5.6%	Free	Free	Free	Free
152.05	12%	12%	4.8%	4.8%	Free	Free	Free	Free
152.42	12.5%	12.5%	5%	5%	Free	Free	Free	Free
152.50	4¢/lb.	4¢/lb.	1.6¢/lb.	1.6¢/lb.	Free	Free	Free	Free
152.60	12%	12%	4.8%	4.8%	Free	Free	Free	Free
152.65	14%	14%	5.6%	5.6%	Free	Free	Free	Free
152.78	12%	12%	4.8%	4.8%	Free	Free	Free	Free
154.05	5.6¢/lb. + 8%	5.6¢/lb. + 8%	2.2¢/lb. + 3.2%	2.2¢/lb. + 3.2%	Free	Free	Free	Free
154.53	8%	8%	3.2%	3.2%	Free	Free	Free	Free
154.60	16%	16%	6.4%	6.4%	Free	Free	Free	Free
155.60	1.3¢/lb.	1.3¢/lb.	0.5¢/lb.	0.5¢/lb.	Free	Free	Free	Free
155.65	1.3¢/lb.	1.3¢/lb.	0.5¢/lb.	0.5¢/lb.	Free	Free	Free	Free
161.05	8%	8%	3.2%	3.2%	Free	Free	Free	Free
161.06	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
161.08	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
165.25	8¢/gal.	8¢/gal.	3.2¢/gal.	3.2¢/gal.	Free	Free	Free	Free
165.44	16¢/gal.	16¢/gal.	6.4¢/gal.	6.4¢/gal.	Free	Free	Free	Free
167.10	94¢/gal.	94¢/gal.	37.6¢/gal.	37.6¢/gal.	Free	Free	Free	Free
167.20	20.8¢/gal. + $1.48/ proof gallon on ethyl alcohol content	20.8¢/gal. + $1.48/ proof gallon on ethyl alcohol content	8.3¢/gal. + 59¢/ proof gallon on ethyl alcohol content	8.3¢/gal. + 59¢/ proof gallon on ethyl alcohol content	Free	Free	Free	Free
167.30	30¢/gal.	30¢/gal.	12¢/gal.	12¢/gal.	Free	Free	Free	Free
167.32	50¢/gal.	50¢/gal.	20¢/gal.	20¢/gal.	Free	Free	Free	Free
168.09	$2.28/proof gallon	$2.28/proof gallon	91¢/proof gallon	91¢/proof gallon	Free	Free	Free	Free
168.74	$3.40/proof gallon	$3.40/proof gallon	$1.36/proof gallon	$1.36/proof gallon	Free	Free	Free	Free
168.76	$1.25/proof gallon	$1.25/proof gallon	50¢/proof gallon	50¢/proof gallon	Free	Free	Free	Free
168.80	50¢/proof gallon	50¢/proof gallon	20¢/proof gallon	20¢/proof gallon	Free	Free	Free	Free
169.08	50¢/proof gallon	50¢/proof gallon	20¢/proof gallon	20¢/proof gallon	Free	Free	Free	Free
169.13	$1.40/proof gallon	$1.40/proof gallon	56¢/proof gallon	56¢/proof gallon	Free	Free	Free	Free
169.14	$1.40/proof gallon	$1.40/proof gallon	56¢/proof gallon	56¢/proof gallon	Free	Free	Free	Free
169.22	25¢/proof gallon	25¢/proof gallon	10¢/proof gallon	10¢/proof gallon	Free	Free	Free	Free
169.37	$2.56/proof gallon	$2.56/proof gallon	$1.02/proof gallon	$1.02/proof gallon	Free	Free	Free	Free
169.47	$1.25/proof gallon	$1.25/proof gallon	50¢/proof gallon	50¢/proof gallon	Free	Free	Free	Free
169.49	$1.25/proof gallon	$1.25/proof gallon	50¢/proof gallon	50¢/proof gallon	Free	Free	Free	Free
170.01	$1.82/lb.	$1.82/lb.	73¢/lb.	73¢/lb.	Free	Free	Free	Free
170.20	36¢/lb.	36¢/lb.	14.4¢/lb.	14.4¢/lb.	Free	Free	Free	Free
170.25	$1.24/lb.	$1.24/lb.	50¢/lb.	50¢/lb.	Free	Free	Free	Free
170.32	10.2¢/lb.	10.2¢/lb.	4.1¢/lb.	4.1¢/lb.	Free	Free	Free	Free
170.35	20¢/lb.	20¢/lb.	8¢/lb.	8¢/lb.	Free	Free	Free	Free
170.40	12.9¢/lb.	12.9¢/lb.	5.2¢/lb.	5.2¢/lb.	Free	Free	Free	Free
170.55	44¢/lb.	44¢/lb.	17.6¢/lb.	17.6¢/lb.	Free	Free	Free	Free
170.60	12.9¢/lb.	12.9¢/lb.	5.2¢/lb.	5.2¢/lb.	Free	Free	Free	Free
170.72	$1.53/lb. + 8.4%	$1.53/lb. + 8.4%	61¢/lb. + 3.4%	61¢/lb. + 3.4%	Free	Free	Free	Free
176.14	1.2¢/lb.	1.2¢/lb.	0.5¢/lb.	0.5¢/lb.	Free	Free	Free	Free
176.52	18%	18%	7.2%	7.2%	Free	Free	Free	Free
177.52	1.6¢/lb.	1.6¢/lb.	0.6¢/lb.	0.6¢/lb.	Free	Free	Free	Free
177.67	8%	8%	3.2%	3.2%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
178.30	8%, but not less than the rate applicable to component material subject to the highest rate of duty	8%, but not less than the rate applicable to component material subject to the highest rate of duty	3.2%, but not less than the rate applicable to component material subject to the highest rate of duty	3.2%, but not less than the rate applicable to component material subject to the highest rate of duty	Free	Free	Free	Free
182.10	8%	8%	3.2%	3.2%	Free	Free	Free	Free
182.92	16%	16%	6.4%	6.4%	Free	Free	Free	Free
183.00	8%	8%	3.2%	3.2%	Free	Free	Free	Free
183.01	8%	8%	3.2%	3.2%	Free	Free	Free	Free
183.05	8%	8%	3.2%	3.2%	Free	Free	Free	Free
186.20	12%	12%	4.8%	4.8%	Free	Free	Free	Free
186.60	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
188.30	20¢/lb.	20¢/lb.	8¢/lb.	8¢/lb.	Free	Free	Free	Free
190.25	7.7%	7.7%	3.1%	3.1%	Free	Free	Free	Free
192.30	72¢/lb.	72¢/lb.	28.8¢/lb.	28.8¢/lb.	Free	Free	Free	Free
200.95	7.6%	7.6%	3%	3%	Free	Free	Free	Free
204.05	7.7%	7.7%	3.1%	3.1%	Free	Free	Free	Free
204.30	13.3%	13.3%	5.3%	5.3%	Free	Free	Free	Free
204.40	6.7%	6.7%	2.7%	2.7%	Free	Free	Free	Free
206.65	13.3%	13.3%	5.3%	5.3%	Free	Free	Free	Free
220.50	14.4%	14.4%	5.8%	5.8%	Free	Free	Free	Free
222.40	10%	10%	4%	4%	Free	Free	Free	Free
222.42	10%	10%	4%	4%	Free	Free	Free	Free
240.10	8%	8%	3.2%	3.2%	Free	Free	Free	Free
240.19	8%	8%	3.2%	3.2%	Free	Free	Free	Free
240.21	16%	16%	6.4%	6.4%	Free	Free	Free	Free
240.25	8%	8%	3.2%	3.2%	Free	Free	Free	Free
240.30	8%	8%	3.2%	3.2%	Free	Free	Free	Free
240.50	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
245.30	6%	6%	2.4%	2.4%	Free	Free	Free	Free
300.60	9.6%	8%	6.5%	5.4%	4.3%	3.2%	1.1%	Free
301.01	2.6%	2.2%	1.9%	1.6%	1.2%	0.9%	0.3%	Free
301.02	2.7%	2.3%	2%	1.7%	1.3%	1%	0.3%	Free
301.03	2.7%	2.4%	2%	1.7%	1.3%	1%	0.3%	Free
301.04	2.9%	2.5%	2.1%	1.8%	1.4%	1.1%	0.4%	Free
301.05	3%	2.6%	2.2%	1.8%	1.4%	1.1%	0.4%	Free
301.06	3.1%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
301.07	3.3%	2.8%	2.3%	2%	1.6%	1.2%	0.4%	Free
301.08	3.3%	2.8%	2.3%	2%	1.6%	1.2%	0.4%	Free
301.09	3.4%	2.9%	2.5%	2.1%	1.6%	1.2%	0.4%	Free
301.10	3.5%	3%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
301.11	3.7%	3.2%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
301.12	3.8%	3.2%	2.7%	2.3%	1.8%	1.4%	0.5%	Free
301.13	3.8%	3.3%	2.8%	2.3%	1.8%	1.4%	0.5%	Free
301.14	4%	3.4%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
301.15	4.1%	3.4%	2.9%	2.4%	1.9%	1.4%	0.5%	Free
301.16	4.2%	3.6%	3%	2.5%	2%	1.5%	0.5%	Free
301.17	4.3%	3.6%	3.1%	2.6%	2%	1.5%	0.5%	Free
301.18	4.4%	3.8%	3.1%	2.6%	2.1%	1.6%	0.5%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
301.19	4.5%	3.9%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
301.20	4.6%	3.9%	3.2%	2.7%	2.2%	1.6%	0.5%	Free
301.21	4.7%	4.1%	3.4%	2.8%	2.2%	1.7%	0.6%	Free
301.22	4.9%	4.1%	3.4%	2.9%	2.3%	1.7%	0.6%	Free
304.23	5%	4.2%	3.5%	2.9%	2.3%	1,7%	0.6%	Free
301.24	5%	4.3%	3.5%	3%	2.4%	1.8%	0.6%	Free
301.25	5.1%	4.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
301.26	5.2%	4.4%	3.7%	3.1%	2.4%	1.8%	0.6%	Free
301.27	5.4%	4.6%	3.8%	3.2%	2.5%	1.9%	0.6%	Free
301.28	5.4%	4.6%	3.8%	3.2%	2.6%	1.9%	0.6%	Free
301.29	5.6%	4.7%	3.9%	3.3%	2.6%	2%	0.7%	Free
301.30	5.6%	4.8%	3.9%	3.3%	2.6%	2%	0.7%	Free
301.31	5.8%	4.9%	4%	3.4%	2.7%	2%	0.7%	Free
301.32	5.8%	5%	4.1%	3.4%	2.7%	2%	0.7%	Free
301.33	5.9%	5%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
301.34	6.1%	5.2%	4.3%	3.6%	2.8%	2.1%	0.7%	Free
301.35	6.2%	5.2%	4.3%	3.6%	2.8%	2.1%	0.7%	Free
301.36	6.2%	5.3%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
301.37	6.4%	5.4%	4.4%	3.7%	3%	2.2%	0.7%	Free
301.38	6.5%	5.5%	4.5%	3.8%	3%	2.3%	0.8%	Free
301.39	6.6%	5.5%	4.6%	3.8%	3%	2.3%	0.8%	Free
301.40	6.6%	5.5%	4.6%	3.8%	3%	2.3%	0.8%	Free
301.41	6.8%	5.7%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
301.42	6.9%	5.7%	4.7%	4%	3.2%	2.4%	0.8%	Free
301.43	7%	5.9%	4.8%	4%	3.2%	2.4%	0.8%	Free
301.44	7%	6%	4.9%	4.1%	3.2%	2.4%	0.8%	Free
301.45	7.1%	6%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
301.46	7.3%	6.1%	5%	4.2%	3.3%	2.5%	0.8%	Free
301.47	7.4%	6.2%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
301.48	7.4%	6.2%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
301.49	7.6%	6.4%	5.2%	4.4%	3.5%	2.6%	0.9%	Free
301.50	7.6%	6.4%	5.2%	4.4%	3.5%	2.6%	0.9%	Free
301.51	7.8%	6.5%	5.3%	4.5%	3.6%	2.7%	0.9%	Free
301.52	7.9%	6.6%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
301.53	8%	6.7%	5.5%	4.6%	3.6%	2.7%	0.9%	Free
301.54	8.1%	6.7%	5.5%	4.6%	3.7%	2.8%	0.9%	Free
301.55	8.2%	6.9%	5.6%	4.7%	3.7%	2.8%	0.9%	Free
301.56	8.2%	6.9%	5.6%	4.7%	3.8%	2.8%	0.9%	Free
301.57	8.4%	7%	5.7%	4.8%	3.8%	2.9%	1%	Free
301.58	8.5%	7.1%	5.8%	4.8%	3.8%	2.9%	1%	Free
301.59	8.6%	7.1%	5.8%	4.9%	3.9%	2.9%	1%	Free
301.60	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.70	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.80	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.82	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.84	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.86	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.88	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
301.90	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.92	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.94	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.96	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
301.98	2.4¢/lb. + 8.7%	2¢/lb. + 7.3%	1.6¢/lb. + 5.9%	1.4¢/lb. + 5%	1.1¢/lb. + 4%	0.8¢/lb. + 3%	0.3¢/lb. + 1%	Free
302.--	Base rate + 2%	Base rate + 1.6%	Base rate + 1.3%	Base rate + 1.1%	Base rate + 0.8%	Base rate + 0.6%	Base rate + 0.2%	Free
303.10	9.6%	8%	6.5%	5.4%	4.3%	3.2%	1.1%	Free
303.20	0.8¢/lb. + 4.8%	0.7¢/lb. + 3.9%	3%	2.5%	2%	1.5%	0.5%	Free
305.04	2.7%	2.3%	1.9%	1.6%	1.2%	0.9%	0.3%	Free
305.06	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
305.08	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
305.09	5%	4.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
305.10	7.2%	5.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
305.12	2.7%	2.3%	1.9%	1.6%	1.2%	0.9%	0.3%	Free
305.14	8.8%	6.6%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
305.16	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
305.18	4.9%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free
305.20	2.4%	2.1%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
305.22	3.5%	3.1%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
305.28	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.4%	Free
305.30	4%	3.5%	3%	2.5%	2%	1.5%	0.5%	Free
305.40	3.2%	2.8%	2.4%	2%	1.6%	1.2%	0.4%	Free
305.50	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
307.30	1.2¢/lb.	1.1¢/lb.	0.9¢/lb.	0.8¢/lb.	0.6¢/lb.	0.5¢/lb.	0.2¢/lb.	Free
307.50	8.8¢/lb. + 5%	4.9¢/lb. + 4.4%	2.1¢/lb. + 3.8%	1.8¢/lb. + 3.1%	1.4¢/lb. + 2.5%	1.1¢/lb. + 1.9%	0.4¢/lb. + 0.6%	Free
307.52	8.8¢/lb. + 5%	4.9¢/lb. + 4.4%	2.1¢/lb. + 3.8%	1.8¢/lb. + 3.1%	1.4¢/lb. + 2.5%	1.1¢/lb. + 1.9%	0.4¢/lb. + 0.6%	Free
307.62	5.6¢/lb. + 4%	2.1¢/lb. + 3.5%	3%	2.5%	2%	1.5%	0.5%	Free
307.66	7.2%	6.3%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
307.80	8.4%	6.3%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
308.60	4.7%	3.8%	3%	2.5%	2%	1.5%	0.5%	Free
308.65	5.5%	4.1%	3%	2.5%	2%	1.5%	0.5%	Free
308.66	5%	3.9%	3%	2.5%	2%	1.5%	0.5%	Free
308.70	5.5%	4.1%	3%	2.5%	2%	1.5%	0.5%	Free
308.71	5%	3.9%	3%	2.5%	2%	1.5%	0.5%	Free
308.75	5.7%	4.3%	3%	2.5%	2%	1.5%	0.5%	Free
308.80	6.2%	4.5%	3%	2.5%	2%	1.5%	0.5%	Free
308.90	5%	3.9%	3%	2.5%	2%	1.5%	0.5%	Free
309.02	11.2¢/lb.	8.8¢/lb.	6.6¢/lb.	4.8¢/lb.	3.2¢/lb.	2.4¢/lb.	0.8¢/lb.	Free
309.03	12%	8.8%	6%	5%	4%	3%	1%	Free
309.05	7.2¢/lb.	5.3¢/lb.	3.6¢/lb.	3¢/lb.	2.4¢/lb.	1.8¢/lb.	0.6¢/lb.	Free
309.06	8.8%	6.6%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
309.10	3.2¢/lb. + 8%	1.4¢/lb. + 6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
309.20	6¢/lb.	4.2¢/lb.	3¢/lb.	2.5¢/lb.	2¢/lb.	1.5¢/lb.	0.5¢/lb.	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
309.21	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
309.25	3.2¢/lb. + 8%	1.4¢/lb. + 6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
309.28	5.7%	4.6%	3.6%	3%	2.4%	1.8%	0.6%	Free
309.29	7.4%	5.7%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
309.30	5.4¢/lb.	4.5¢/lb.	3.6¢/lb.	3¢/lb.	2.4¢/lb.	1.8¢/lb.	0.6¢/lb.	Free
309.32	10%	10%	4%	4%	Free	Free	Free	Free
309.33	8.2%	7.1%	6%	5%	4%	3%	1%	Free
309.35	5.6¢/lb. + 7.2%	4.2¢/lb. + 5.3%	3¢/lb. + 3.6%	2.5¢/lb. + 3%	2¢/lb. + 2.4%	1.5¢/lb. + 1.8%	0.5¢/lb. + 0.6%	Free
309.41	0.8¢/lb.	0.7¢/lb.	0.6¢/lb.	0.5¢/lb.	0.4¢/lb.	0.3¢/lb.	0.1¢/lb.	Free
309.50	6¢/lb. + 7.8%	4.6¢/lb. + 5.8%	3.3¢/lb. + 4.2%	2.8¢/lb. + 3.5%	2.2¢/lb. + 2.8%	1.7¢/lb. + 2.1%	0.6¢/lb. + 0.7%	Free
309.60	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
309.65	2.3¢/lb.	1.9¢/lb.	1.5¢/lb.	1.3¢/lb.	1¢/lb.	0.8¢/lb.	0.3¢/lb.	Free
309.66	1.8%	1.5%	1.3%	1.1%	0.8%	0.6%	0.2%	Free
309.70	0.6¢/lb. + 4.8%	0.3¢/lb. + 4.2%	3.6%	3%	2.4%	1.8%	0.6%	Free
309.75	4.6%	3.7%	2.9%	2.5%	2%	1.5%	0.5%	Free
309.80	3.2¢/lb. + 8.2%	1.4¢/lb. + 6.4%	4.8%	4%	3.2%	2.4%	0.8%	Free
309.90	0.6¢/lb. + 5.4%	0.3¢/lb. + 4.7%	3.9%	3.3%	2.6%	2%	0.7%	Free
309.98	6.6%	5.5%	4.4%	3.7%	3%	2.2%	0.7%	Free
309.99	8.8%	7.2%	5.8%	4.8%	3.8%	2.9%	1%	Free
310.01	7.6¢/lb.	6¢/lb.	4.8¢/lb.	4¢/lb.	3.2¢/lb.	2.4¢/lb.	0.8¢/lb.	Free
310.05	16.8¢/lb.	14¢/lb.	11.4¢/lb.	9.5¢/lb.	7.6¢/lb.	5.7¢/lb.	1.9¢/lb.	Free
310.06	2.8¢/lb. + 9.4%	1.1¢/lb. + 8.2%	6.9%	5.8%	4.6%	3.5%	1.2%	Free
310.10	8.8¢/lb.	7¢/lb.	5.4¢/lb.	4.5¢/lb.	3.6¢/lb.	2.7¢/lb.	0.9¢/lb.	Free
310.12	8.9%	8.9%	3.6%	3.6%	Free	Free	Free	Free
310.15	8.3%	6.8%	5.3%	4.5%	3.6%	2.7%	0.9%	Free
310.20	14.4¢/lb.	11.2¢/lb.	8.7¢/lb.	7.3¢/lb.	5.8¢/lb.	4.4¢/lb.	1.5¢/lb.	Free
310.21	2.8¢/lb. + 10%	1.1¢/lb. + 8.6%	7.2%	6%	4.8%	3.6%	1.2%	Free
310.40	11%	11%	4.4%	4.4%	Free	Free	Free	Free
310.50	0.8¢/lb. + 9.8%	0.4¢/lb. + 8.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
310.60	3.2¢/lb. + 12%	1.4¢/lb. + 10.5%	9%	7.5%	6%	4.5%	1.5%	Free
310.80	3.2¢/lb. + 10.2%	1.4¢/lb. + 8.5%	6.9%	5.8%	4.6%	3.5%	1.2%	Free
310.90	11.2¢/lb.	8.8¢/lb.	6.9¢/lb.	5.8¢/lb.	4.6¢/lb.	3.5¢/lb.	1.2¢/lb.	Free
310.95	12.8%	10.2%	7.8%	6.5%	5.2%	3.9%	1.3%	Free
315.05	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
315.10	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
315.15	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
315.25	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
315.30	4.6%	3.7%	2.9%	2.5%	2%	1.5%	0.5%	Free
315.35	5.4%	4.8%	4.1%	3.4%	2.7%	2%	0.7%	Free
315.40	0.2¢/lb. + 5.8%	0.1¢/lb. + 5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
315.45	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
315.55	0.7¢/lb.	0.6¢/lb.	0.5¢/lb.	0.4¢/lb.	0.3¢/lb.	0.2¢/lb.	0.1¢/lb.	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
315.75	6.4%	5.3%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
315.80	4.8%	3.5%	2.4%	2%	1.6%	1.2%	0.4%	Free
315.85	6%	4.4%	3%	2.5%	2%	1.5%	0.5%	Free
315.90	3.4%	2.9%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
315.95	4.2%	3.6%	3.1%	2.6%	2.1%	1.6%	0.5%	Free
316.05	7.2%	5.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
316.10	5.4%	4.4%	3.6%	3%	2.4%	1.8%	0.6%	Free
316.20	7.2%	5.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
316.25	5.4%	4.4%	3.6%	3%	2.4%	1.8%	0.6%	Free
316.30	2.2%	1.8%	1.5%	1.3%	1%	0.8%	0.3%	Free
316.40	6%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
316.50	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
316.55	3.2¢/lb. + 8.2%	1.4¢/lb. + 6.4%	4.8%	4%	3.2%	2.4%	0.8%	Free
316.58	10¢/lb. + 12%	8.8¢/lb. + 10.5%	7.5¢/lb. + 9%	6.3¢/lb. + 7.5%	5¢/lb. + 6%	3.8¢/lb. + 4.5%	1.3¢/lb. + 1.5%	Free
316.70	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
319.07	6%	6%	2.4%	2.4%	Free	Free	Free	Free
319.21	4.8% + 0.2% for each number	3.9% + 0.2% for each number	3.1% + 0.1% for each number	2.6% + 0.1% for each number	2.1% + 0.1% for each number	1.6% + 0.1% for each number	0.5% + 0.1% for each number	Free
319.23	3.2¢/lb. + 4.8% + 0.2% for each number	2.6¢/lb. + 3.9% + 0.2% for each number	2.1¢/lb. + 3.1% + 0.1% for each number	1.8¢/lb. + 2.6% + 0.1% for each number	1.4¢/lb. + 2.1% + 0.1% for each number	1.1¢/lb. + 1.6% + 0.1% for each number	0.4¢/lb. + 0.5% + 0.1% for each number	Free
319.25	3.2¢/lb. + 17.6%	2.6¢/lb. + 14.4%	2.1¢/lb. + 11.5%	1.8¢/lb. + 9.6%	1.4¢/lb. + 7.7%	1.1¢/lb. + 5.8%	0.4¢/lb. + 1.9%	Free
319.27	Base rate + 1.6%	Base rate + 1.3%	Base rate + 1.1%	Base rate + 0.9%	Base rate + 0.7%	Base rate + 0.5%	Base rate + 0.2%	Free
319.29	Base rate + 2.9%	Base rate + 2.4%	Base rate + 1.9%	Base rate + 1.6%	Base rate + 1.3%	Base rate + 1%	Base rate + 0.3%	Free
320.01	4.3%	3.6%	3.1%	2.6%	2%	1.5%	0.5%	Free
320.02	4.4%	3.7%	3.1%	2.6%	2.1%	1.6%	0.5%	Free
320.03	4.5%	3.9%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
320.04	4.6%	4%	3.3%	2.8%	2.2%	1.7%	0.6%	Free
320.05	4.8%	4.1%	3.4%	2.8%	2.2%	1.7%	0.6%	Free
320.06	5%	4.2%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
320.07	5%	4.3%	3.5%	3%	2.4%	1.8%	0.6%	Free
320.08	5.1%	4.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
320.09	5.2%	4.4%	3.7%	3.1%	2.4%	1.8%	0.6%	Free
320.10	5.4%	4.6%	3.8%	3.2%	2.5%	1.9%	0.6%	Free
320.11	5.5%	4.6%	3.8%	3.2%	2.6%	1.9%	0.6%	Free
320.12	5.7%	4.8%	4%	3.3%	2.6%	2%	0.7%	Free
320.13	5.8%	4.8%	4%	3.4%	2.7%	2%	0.7%	Free
320.14	5.8%	5%	4.1%	3.4%	2.7%	2%	0.7%	Free
320.15	6%	5.1%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
320.16	6.2%	5.2%	4.3%	3.6%	2.8%	2.1%	0.7%	Free
320.17	6.2%	5.3%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
320.18	6.3%	5.3%	4.4%	3.7%	2.9%	2.2%	0.7%	Free
320.19	6.5%	5.5%	4.5%	3.8%	3%	2.3%	0.8%	Free
320.20	6.6%	5.5%	4.6%	3.8%	3%	2.3%	0.8%	Free
320.21	6.7%	5.6%	4.6%	3.9%	3.1%	2.3%	0.8%	Free
320.22	6.9%	5.7%	4.7%	4%	3.2%	2.4%	0.8%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
320.23	7%	5.8%	4.8%	4%	3.2%	2.4%	0.8%	Free
320.24	7%	6%	4.9%	4.1%	3.2%	2.4%	0.8%	Free
320.25	7.2%	6.1%	5%	4.2%	3.3%	2.5%	0.8%	Free
320.26	7.4%	6.2%	5%	4.2%	3.4%	2.5%	0.8%	Free
320.27	7.4%	6.2%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
320.28	7.5%	6.3%	5.2%	4.3%	3.4%	2.6%	0.9%	Free
320.29	7.6%	6.4%	5.2%	4.4%	3.5%	2.6%	0.9%	Free
320.30	7.8%	6.4%	5.3%	4.4%	3.5%	2.6%	0.9%	Free
320.31	7.9%	6.6%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
320.32	8%	6.7%	5.5%	4.6%	3.6%	2.7%	0.9%	Free
320.33	8.2%	6.8%	5.6%	4.7%	3.7%	2.8%	0.9%	Free
320.34	8.2%	6.9%	5.6%	4.7%	3.8%	2.8%	0.9%	Free
320.35	8.4%	7%	5.7%	4.8%	3.8%	2.9%	1%	Free
320.36	8.5%	7.1%	5.8%	4.8%	3.8%	2.9%	1%	Free
320.37	8.6%	7.1%	5.8%	4.9%	3.9%	2.9%	1%	Free
320.38	8.6%	7.2%	5.9%	4.9%	3.9%	2.9%	1%	Free
320.39	8.8%	7.4%	6%	5%	4%	3%	1%	Free
320.40	9%	7.4%	6.1%	5.1%	4%	3%	1%	Free
320.41	9%	7.6%	6.1%	5.1%	4.1%	3.1%	1%	Free
320.42	9.1%	7.6%	6.2%	5.2%	4.1%	3.1%	1%	Free
320.43	9.3%	7.8%	6.3%	5.3%	4.2%	3.2%	1.1%	Free
320.44	9.4%	7.8%	6.4%	5.3%	4.2%	3.2%	1.1%	Free
320.45	9.5%	7.9%	6.4%	5.4%	4.3%	3.2%	1.1%	Free
320.46	9.6%	8%	6.5%	5.4%	4.3%	3.2%	1.1%	Free
320.47	9.7%	8.1%	6.5%	5.5%	4.4%	3.3%	1.1%	Free
320.48	9.8%	8.1%	6.6%	5.5%	4.4%	3.3%	1.1%	Free
320.49	9.9%	8.3%	6.7%	5.6%	4.4%	3.3%	1.1%	Free
320.50	10%	8.3%	6.7%	5.6%	4.5%	3.4%	1.1%	Free
320.51	10.2%	8.5%	6.8%	5.7%	4.6%	3.4%	1.1%	Free
320.52	10.3%	8.5%	6.9%	5.8%	4.6%	3.5%	1.2%	Free
320.53	10.4%	8.6%	7%	5.8%	4.6%	3.5%	1.2%	Free
320.54	10.6%	8.8%	7.1%	5.9%	4.7%	3.5%	1.2%	Free
320.55	10.6%	8.8%	7.1%	6%	4.8%	3.6%	1.2%	Free
320.56	10.8%	8.9%	7.2%	6%	4.8%	3.6%	1.2%	Free
320.57	10.9%	9%	7.3%	6.1%	4.8%	3.6%	1.2%	Free
320.58	11%	9.1%	7.3%	6.1%	4.9%	3.7%	1.2%	Free
320.59	11%	9.2%	7.4%	6.2%	4.9%	3.7%	1.2%	Free
320.60	2.5¢/lb. + 11%	2¢/lb. + 9%	1.6¢/lb. + 7.2%	1.4¢/lb. + 6%	1.1¢/lb. + 4.8%	0.8¢/lb. + 3.6%	0.3¢/lb. + 1.2%	Free
320.61	2.5¢/lb. + 11%	2¢/lb. + 9.1%	1.6¢/lb. + 7.3%	1.4¢/lb. + 6.1%	1.1¢/lb. + 4.8%	0.8¢/lb. + 3.6%	0.3¢/lb. + 1.2%	Free
320.62	2.5¢/lb. + 11.2%	2¢/lb. + 9.2%	1.6¢/lb. + 7.3%	1.4¢/lb. + 6.1%	1.1¢/lb. + 4.9%	0.8¢/lb. + 3.7%	0.3¢/lb. + 1.2%	Free
320.63	2.5¢/lb. + 11.4%	2¢/lb. + 9.3%	1.6¢/lb. + 7.4%	1.4¢/lb. + 6.2%	1.1¢/lb. + 5%	0.8¢/lb. + 3.7%	0.3¢/lb. + 1.2%	Free
320.64	2.5¢/lb. + 11.4%	2¢/lb. + 9.4%	1.6¢/lb. + 7.5%	1.4¢/lb. + 6.3%	1.1¢/lb. + 5%	0.8¢/lb. + 3.8%	0.3¢/lb. + 1.3%	Free
320.65	2.5¢/lb. + 11.5%	2¢/lb. + 9.5%	1.6¢/lb. + 7.6%	1.4¢/lb. + 6.3%	1.1¢/lb. + 5%	0.8¢/lb. + 3.8%	0.3¢/lb. + 1.3%	Free
320.66	2.5¢/lb. + 11.7%	2¢/lb. + 9.6%	1.6¢/lb. + 7.7%	1.4¢/lb. + 6.4%	1.1¢/lb. + 5.1%	0.8¢/lb. + 3.8%	0.3¢/lb. + 1.3%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
320.67	2.5¢/lb. + 11.8%	2¢/lb. + 9.7%	1.6¢/lb. + 7.7%	1.4¢/lb. + 6.5%	1.1¢/lb. + 5.2%	0.8¢/lb. + 3.9%	0.3¢/lb. + 1.3%	Free
320.68	2.5¢/lb. + 11.9%	2¢/lb. + 9.7%	1.6¢/lb. + 7.8%	1.4¢/lb. + 6.5%	1.1¢/lb. + 5.2%	0.8¢/lb. + 3.9%	0.3¢/lb. + 1.3%	Free
320.69	2.5¢/lb. + 12.1%	2¢/lb. + 9.9%	1.6¢/lb. + 7.9%	1.4¢/lb. + 6.6%	1.1¢/lb. + 5.3%	0.8¢/lb. + 4%	0.3¢/lb. + 1.3%	Free
320.70	2.5¢/lb. + 12.2%	2¢/lb. + 10%	1.6¢/lb. + 8%	1.4¢/lb. + 6.7%	1.1¢/lb. + 5.3%	0.8¢/lb. + 4%	0.3¢/lb. + 1.3%	Free
320.71	2.5¢/lb. + 12.2%	2¢/lb. + 10.1%	1.6¢/lb. + 8%	1.4¢/lb. + 6.7%	1.1¢/lb. + 5.4%	0.8¢/lb. + 4%	0.3¢/lb. + 1.3%	Free
320.72	2.5¢/lb. + 12.4%	2¢/lb. + 10.2%	1.6¢/lb. + 8.2%	1.4¢/lb. + 6.8%	1.1¢/lb. + 5.4%	0.8¢/lb. + 4.1%	0.3¢/lb. + 1.4%	Free
320.73	2.5¢/lb. + 12.6%	2¢/lb. + 10.4%	1.6¢/lb. + 8.3%	1.4¢/lb. + 6.9%	1.1¢/lb. + 5.5%	0.8¢/lb. + 4.1%	0.3¢/lb. + 1.4%	Free
320.74	2.5¢/lb. + 12.6%	2¢/lb. + 10.4%	1.6¢/lb. + 8.3%	1.4¢/lb. + 6.9%	1.1¢/lb. + 5.5%	0.8¢/lb. + 4.1%	0.3¢/lb. + 1.4%	Free
320.75	2.5¢/lb. + 12.7%	2¢/lb. + 10.4%	1.6¢/lb. + 8.3%	1.4¢/lb. + 7%	1.1¢/lb. + 5.6%	0.8¢/lb. + 4.2%	0.3¢/lb. + 1.4%	Free
320.76	2.5¢/lb. + 12.9%	2¢/lb. + 10.6%	1.6¢/lb. + 8.5%	1.4¢/lb. + 7.1%	1.1¢/lb. + 5.6%	0.8¢/lb. + 4.2%	0.3¢/lb. + 1.4%	Free
320.77	2.5¢/lb. + 13%	2¢/lb. + 10.6%	1.6¢/lb. + 8.5%	1.4¢/lb. + 7.1%	1.1¢/lb. + 5.7%	0.8¢/lb. + 4.3%	0.3¢/lb. + 1.4%	Free
320.78	2.5¢/lb. + 13.1%	2¢/lb. + 10.8%	1.6¢/lb. + 8.6%	1.4¢/lb. + 7.2%	1.1¢/lb. + 5.8%	0.8¢/lb. + 4.3%	0.3¢/lb. + 1.4%	Free
320.79	2.5¢/lb. + 13.3%	2¢/lb. + 10.9%	1.6¢/lb. + 8.7%	1.4¢/lb. + 7.3%	1.1¢/lb. + 5.8%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.80	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.82	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.84	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.86	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.88	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.90	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.92	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.94	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.96	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
320.98	2.5¢/lb. + 13.4%	2¢/lb. + 11.1%	1.6¢/lb. + 8.8%	1.4¢/lb. + 7.4%	1.1¢/lb. + 5.9%	0.8¢/lb. + 4.4%	0.3¢/lb. + 1.5%	Free
321.--	Base rate + 1.1%	Base rate + 0.9%	Base rate + 0.7%	Base rate + 0.6%	Base rate + 0.5%	Base rate + 0.4%	Base rate + 0.1%	Free
322.--	Base rate + 2.3%	Base rate + 1.8%	Base rate + 1.4%	Base rate + 1.2%	Base rate + 1%	Base rate + 0.7%	Base rate + 0.2%	Free
323.--	Base rate + 1.1%	Base rate + 0.9%	Base rate + 0.7%	Base rate + 0.6%	Base rate + 0.5%	Base rate + 0.4%	Base rate + 0.1%	Free
324.--	Base rate + 2.3%	Base rate + 1.8%	Base rate + 1.4%	Base rate + 1.2%	Base rate + 1%	Base rate + 0.7%	Base rate + 0.2%	Free
325.--	Base rate + 3.1%	Base rate + 2.5%	Base rate + 1.9%	Base rate + 1.6%	Base rate + 1.3%	Base rate + 1%	Base rate + 0.3%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
326.--	Base rate + 1.1%	Base rate + 0.9%	Base rate + 0.7%	Base rate + 0.6%	Base rate + 0.5%	Base rate + 0.4%	Base rate + 0.1%	Free
327.--	Base rate + 2.3%	Base rate + 1.8%	Base rate + 1.4%	Base rate + 1.2%	Base rate + 1%	Base rate + 0.7%	Base rate + 0.2%	Free
328.--	Base rate + 3.1%	Base rate + 2.5%	Base rate + 1.9%	Base rate + 1.6%	Base rate + 1.3%	Base rate + 1%	Base rate + 0.3%	Free
329.--	Base rate + 2.3%	Base rate + 1.8%	Base rate + 1.4%	Base rate + 1.2%	Base rate + 1%	Base rate + 0.7%	Base rate + 0.2%	Free
330.--	Base rate + 3.4%	Base rate + 2.7%	Base rate + 2%	Base rate + 1.7%	Base rate + 1.4%	Base rate + 1%	Base rate + 0.3%	Free
331.--	Base rate + 4.3%	Base rate + 3.4%	Base rate + 2.6%	Base rate + 2.2%	Base rate + 1.8%	Base rate + 1.3%	Base rate + 0.4%	Free
332.10	9.6%	7.9%	6.3%	5.3%	4.2%	3.2%	1.1%	Free
332.30	9.6%	7.9%	6.3%	5.3%	4.2%	3.2%	1.1%	Free
335.55	12.8¢/lb. + 28.9%	9.1¢/lb. + 23.7%	6¢/lb. + 19%	3¢/lb. + 14.8%	1.2¢/lb. + 10.9%	7.5%	2.5%	Free
335.60	3.2¢/lb. + 6.6%	1.4¢/lb. + 5.4%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
335.70	2.5%	2.1%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
335.75	2.5%	2.1%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
335.85	3%	2.3%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
335.95	3%	2.3%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
336.10	17.6¢/lb. + 10%	14¢/lb. + 8.8%	10.8¢/lb. + 7.5%	9¢/lb. + 6.3%	7.2¢/lb. + 5%	5.4¢/lb. + 3.8%	1.8¢/lb. + 1.3%	Free
336.15	14.4¢/lb. + 10%	9.1¢/lb. + 8.8%	4.8¢/lb. + 7.5%	4¢/lb. + 6.3%	3.2¢/lb. + 5%	2.4¢/lb. + 3.8%	0.8¢/lb. + 1.3%	Free
336.20	8¢/lb. + 7%	3.5¢/lb. + 5.5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
336.25	9.6¢/lb. + 7%	4.2¢/lb. + 5.5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
336.30	14.4¢/lb. + 22.1%	10.5¢/lb. + 18.9%	7.2¢/lb. + 15.8%	4.5¢/lb. + 12.9%	2.4¢/lb. + 10.1%	0.9¢/lb. + 7.4%	2.4%	Free
336.35	37.6¢/lb.	29.4¢/lb.	22.2¢/lb.	18.5¢/lb.	14.8¢/lb.	11.1¢/lb.	3.7¢/lb.	Free
336.40	8¢/lb. + 9.6%	3.5¢/lb. + 7.2%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
336.50	17.6¢/lb. + 44.5%	13¢/lb. + 38.2%	9¢/lb. + 32%	5.5¢/lb. + 26.2%	2.8¢/lb. + 20.5%	1.1¢/lb. + 15%	4.9%	Free
336.55	73.6¢/lb.	60.9¢/lb.	49.2¢/lb.	41¢/lb.	32.8¢/lb.	24.6¢/lb.	8.2¢/lb.	Free
336.62	21.6¢/lb. + 30.4%	16.8¢/lb. + 26.6%	13.2¢/lb. + 22.8%	11¢/lb. + 19%	8.8¢/lb. + 15.2%	6.6¢/lb. + 11.4%	2.2¢/lb. + 3.8%	Free
336.64	9.6¢/lb. + 27.8%	4.2¢/lb. + 23.7%	19.8%	16.5%	13.2%	9.9%	3.3%	Free
337.50	8.3%	6.4%	4.8%	4%	3.2%	2.4%	0.8%	Free
337.55	8.5%	6.5%	4.8%	4%	3.2%	2.4%	0.8%	Free
337.60	4.8%	4.2%	3.6%	3%	2.4%	1.8%	0.6%	Free
337.68	6.2%	4.8%	3.6%	3%	2.4%	1.8%	0.6%	Free
337.80	6.9%	5.5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
337.90	7.4%	5.7%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
338.10	4¢/lb. + 19.4%	1.4¢/lb. + 16.9%	14.4%	12%	9.6%	7.2%	2.4%	Free
338.25	7.1%	6%	5%	4.2%	3.3%	2.5%	0.8%	Free
338.27	9.7%	8.1%	6.7%	5.6%	4.4%	3.3%	1.1%	Free
338.40	9.6¢/lb. + 18%	8.1¢/lb. + 15.8%	6.6¢/lb. + 13.5%	5.5¢/lb. + 11.3%	4.4¢/lb. + 9%	3.3¢/lb. + 6.8%	1.1¢/lb. + 2.3%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
338.50	3.2¢/lb. + 15%	1.4¢/lb. + 12.5%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
339.05	14.4¢/lb. + 30.7%	10.5¢/lb. + 24.9%	7.2¢/lb. + 19.6%	4.5¢/lb. + 14.9%	2.4¢/lb. + 10.7%	0.9¢/lb. + 7.2%	2.1%	Free
339.10	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
345.30	9.6¢/lb. + 15.4%	4.2¢/lb. + 13.4%	11.4%	9.5%	7.6%	5.7%	1.9%	Free
345.35	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
345.55	6.4¢/lb. + 12.8%	2.8¢/lb. + 10.5%	8.4%	7%	5.6%	4.2%	1.4%	Free
345.60	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
346.05	18.4%	16.1%	13.8%	11.5%	9.2%	6.9%	2.3%	Free
346.10	22.4%	17.9%	13.8%	11.5%	9.2%	6.9%	2.3%	Free
346.20	18.6%	15.2%	12%	10%	8%	6%	2%	Free
346.22	17.4¢/sq. yd.	14.6¢/sq. yd.	12¢/sq. yd.	10¢/sq. yd.	8¢/sq. yd.	6¢/sq. yd.	2¢/sq. yd.	Free
346.24	16.6%	14.3%	12%	10%	8%	6%	2%	Free
346.30	10.8¢/lb.	9¢/lb.	7.2¢/lb.	6¢/lb.	4.8¢/lb.	3.6¢/lb.	1.2¢/lb.	Free
346.32	9.9%	8.3%	6.7%	5.6%	4.4%	3.3%	1.1%	Free
346.40	11.4%	9.4%	7.6%	6.3%	5%	3.8%	1.3%	Free
346.45	9.9%	8.3%	6.7%	5.6%	4.4%	3.3%	1.1%	Free
346.50	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
346.52	8.8¢/lb. + 7.6%	3.9¢/lb. + 6.2%	4.8%	4%	3.2%	2.4%	0.8%	Free
346.56	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
346.62	4¢/lb. + 17%	1.4¢/lb. + 14.3%	11.7%	9.8%	7.8%	5.9%	2%	Free
346.65	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
346.70	6.5%	5.7%	4.9%	4.1%	3.2%	2.4%	0.8%	Free
346.80	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
346.82	8.8¢/lb. + 7%	3.5¢/lb. + 5.5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
346.86	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
346.90	1.6¢/lb. + 7%	0.7¢/lb. + 5.5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
346.95	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
347.10	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
347.15	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
347.20	4.4%	3.6%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
347.26	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
347.28	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
347.30	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	0.6%	Free
347.33	8.9%	7.4%	6%	5%	4%	3%	1%	Free
347.35	4.4%	3.6%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
347.40	9.6¢/lb. + 6.6%	4.2¢/lb. + 5.5%	4.5%	3.8%	3%	2.3%	0.8%	Free
347.45	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
347.50	3.6%	2.7%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
347.55	4¢/lb. + 8%	1.4¢/lb. + 6.9%	5.7%	4.8%	3.8%	2.9%	1%	Free
347.60	3.2¢/lb. + 7.4%	1.4¢/lb. + 6.4%	5.4%	4.5%	3.6%	2.7%	0.9%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
347.65	3.2¢/lb. + 6.7%	1.4¢/lb. + 5.4%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
347.68	5.7%	4.6%	3.6%	3%	2.4%	1.8%	0.6%	Free
347.69	7.4%	5.7%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
347.72	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
347.75	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
348.00	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
348.05	10.1%	7.4%	5%	4.2%	3.4%	2.5%	0.8%	Free
349.10	7.4%	5.7%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
349.15	9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
349.25	8.2%	6.4%	4.8%	4%	3.2%	2.4%	0.8%	Free
349.30	10.1%	7.4%	5%	4.2%	3.4%	2.5%	0.8%	Free
350.00	7%	5.5%	4%	3.4%	2.7%	2%	0.7%	Free
351.05	21.2%	16.5%	12.5%	9%	6%	4.5%	1.5%	Free
351.10	12%	10.5%	9%	7.5%	6%	4.5%	1.5%	Free
351.20	13.4%	11.1%	9%	7.5%	6%	4.5%	1.5%	Free
351.25	5.6%	4.4%	3.4%	2.9%	2.3%	1.7%	0.6%	Free
351.30	20.2%	15.8%	11.9%	8.5%	5.8%	4.3%	1.4%	Free
351.40	12%	8.8%	6%	5%	4%	3%	1%	Free
351.44	15.6%	13.2%	10.8%	9%	7.2%	5.4%	1.8%	Free
351.46	26.4%	21%	16.2%	12%	8.4%	5.4%	1.8%	Free
351.50	15.2%	12.3%	9.6%	8%	6.4%	4.8%	1.6%	Free
351.60	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
351.70	15.2%	12.3%	9.6%	8%	6.4%	4.8%	1.6%	Free
351.80	22.4%	17.5%	13.2%	9.5%	6.4%	4.8%	1.6%	Free
351.90	17%	13.1%	9.6%	8%	6.4%	4.8%	1.6%	Free
352.10	14.4%	10.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
352.20	12%	9.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
352.30	14.4%	10.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
352.40	10.4%	8.8%	7.2%	6%	4.8%	3.6%	1.2%	Free
352.50	14.4%	10.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
352.80	9.6%	8.4%	7.2%	6%	4.8%	3.6%	1.2%	Free
353.10	14.6%	12%	9.6%	8%	6.4%	4.8%	1.6%	Free
353.50	7.2%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	5.9%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	5%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	4.2%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	3.4%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	2.5%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	0.8%, but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented	Free
355.02	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
355.04	9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
355.15	13.2¢/lb. + 8%	10.5¢/lb. + 7%	8.1¢/lb. + 6%	6.8¢/lb. + 5%	5.4¢/lb. + 4%	4.1¢/lb. + 3%	1.4¢/lb. + 1%	Free
355.16	24¢/lb. + 8%	21¢/lb. + 7%	18¢/lb. + 6%	15¢/lb. + 5%	12¢/lb. + 4%	9¢/lb. + 3%	3¢/lb. + 1%	Free
355.18	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
355.20	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
355.25	12.5%	12.5%	5%	5%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
355.35	8.8%	6.6%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
355.42	6.2%	4.9%	3.7%	3.1%	2.5%	1.9%	0.6%	Free
355.45	9.6¢/lb. + 19.8%	6.3¢/lb. + 16%	3.6¢/lb. + 12.5%	1.5¢/lb. + 9.5%	6.8%	5.1%	1.7%	Free
355.50	4.6%	3.7%	2.9%	2.5%	2%	1.5%	0.5%	Free
355.55	3.5%	2.9%	2.3%	2%	1.6%	1.2%	0.4%	Free
355.60	4¢/lb. + 8.6%	2.1¢/lb. + 6.7%	0.9¢/lb. + 5.2%	3.8%	3%	2.3%	0.8%	Free
355.65	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
355.70	17.6¢/lb. + 19.8%	12.6¢/lb. + 16.1%	9¢/lb. + 12.7%	5.5¢/lb. + 9.7%	2.8¢/lb. + 7%	0.9¢/lb. + 4.7%	1.4%	Free
355.75	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
355.81	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
355.82	3.2¢/lb. + 8.6%	1.4¢/lb. + 6.7%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
355.85	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
356.05	6.5%	4.8%	3.2%	2.7%	2.2%	1.6%	0.5%	Free
356.10	3.3%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
356.15	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
356.20	4.4%	3.6%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
356.30	12.8¢/lb. + 18.3%	7¢/lb. + 14.4%	3¢/lb. + 11%	8%	6.4%	4.8%	1.6%	Free
356.35	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
356.45	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
356.70	9.7%	7.1%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
356.80	3.3%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
357.05	10.8%	7.9%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
357.10	21.2¢/lb. + 7.2%	16.5¢/lb. + 6.3%	12.6¢/lb. + 5.4%	9¢/lb. + 4.5%	6.2¢/lb. + 3.6%	3.8¢/lb. + 2.7%	1¢/lb. + 0.9%	Free
357.15	9.6¢/lb. + 5.6%	4.2¢/lb. + 4.9%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
357.20	12.8¢/lb. + 16.2%	7¢/lb. + 12.5%	3¢/lb. + 9.2%	6.5%	5.2%	3.9%	1.3%	Free
357.30	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
357.35	3.2¢/lb. + 6.4%	1.4¢/lb. + 5.1%	3.9%	3.3%	2.6%	2%	0.7%	Free
357.40	7.2%	5.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
357.45	3.2¢/lb. + 6.4%	1.4¢/lb. + 5.1%	3.9%	3.3%	2.6%	2%	0.7%	Free
357.60	10.1%, but not less than the rate which would apply to such fabrics without tucks	7.4%, but not less than the rate which would apply to such fabrics without tucks	5%, but not less than the rate which would apply to such fabrics without tucks	4.2%, but not less than the rate which would apply to such fabrics without tucks	3.4%, but not less than the rate which would apply to such fabrics without tucks	2.5%, but not less than the rate which would apply to such fabrics without tucks	0.8%, but not less than the rate which would apply to such fabrics without tucks	Free
357.70	10.1%	7.4%	5%	4.2%	3.4%	2.5%	0.8%	Free
357.80	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
357.90	2.4¢/lb. + 4.4%	1.1¢/lb. + 3.5%	2.7%	2.3%	1.8%	1.4%	0.5%	Free
357.95	3.2¢/lb. + 6.4%	1.4¢/lb. + 5.1%	3.9%	3.3%	2.6%	2%	0.7%	Free
358.05	4.6%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
358.06	4.6%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free
358.08	3.2¢/lb. + 5.1%	1.4¢/lb. + 4.3%	3.6%	3%	2.4%	1.8%	0.6%	Free
358.09	7.7%	6%	4.5%	3.8%	3%	2.3%	0.8%	Free
358.11	5.9%	4.5%	3.2%	2.7%	2.2%	1.6%	0.5%	Free
358.14	2.4¢/lb. + 7.8%	0.7¢/lb. + 6.2%	4.8%	4%	3.2%	2.4%	0.8%	Free
358.16	2.6%	2%	1.4%	1.2%	1%	0.7%	0.2%	Free
358.24	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
358.26	7.4%	5.7%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
358.30	10¢/lb. + 5.2%	4.2¢/lb. + 4.4%	3.6%	3%	2.4%	1.8%	0.6%	Free
358.35	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
358.40	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
358.50	3.2¢/lb. + 8%	1.4¢/lb. + 6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
358.60	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
359.10	5.8%	5%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
359.20	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
359.30	15.2¢/lb. + 18.8%	9.8¢/lb. + 15%	5.4¢/lb. + 11.6%	2.5¢/lb. + 8.6%	6%	4.5%	1.5%	Free
359.40	4.3%	3.8%	3.2%	2.7%	2.2%	1.6%	0.5%	Free
359.50	8.4¢/lb. + 17.6%	4.9¢/lb. + 14%	1.8¢/lb. + 10.8%	8%	6.4%	4.8%	1.6%	Free
359.60	4.1%	3%	2%	1.7%	1.4%	1%	0.3%	Free
360.04	3.1%	2.7%	2.3%	2%	1.6%	1.2%	0.4%	Free
360.06	3.1%	2.7%	2.3%	2%	1.6%	1.2%	0.4%	Free
360.10	3.6¢/sq. ft.	2.6¢/sq. ft.	1.9¢/sq. ft.	1.6¢/sq. ft.	1.3¢/sq. ft.	1¢/sq. ft.	0.3¢/sq. ft.	Free
360.17	4.1%	3.6%	3.1%	2.6%	2%	1.5%	0.5%	Free
360.20	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
360.25	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
360.30	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
360.35	1.6¢/sq. ft.	1.4¢/sq. ft.	1.2¢/sq. ft.	1¢/sq. ft.	0.8¢/sq. ft.	0.6¢/sq. ft.	0.2¢/sq. ft.	Free
360.36	3.8%	2.9%	2.1%	1.8%	1.4%	1.1%	0.4%	Free
360.40	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
360.47	11%	8.3%	6%	5%	4%	3%	1%	Free
360.65	3.9%	3.4%	2.9%	2.5%	2%	1.5%	0.5%	Free
360.70	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
360.76	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
360.77	6%	4.4%	3%	2.5%	2%	1.5%	0.5%	Free
360.78	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
360.79	6%	4.4%	3%	2.5%	2%	1.5%	0.5%	Free
360.81	8.5%	6.4%	4.6%	3.8%	3%	2.3%	0.8%	Free
360.82	8.5%	6.4%	4.6%	3.8%	3%	2.3%	0.8%	Free
360.84	8.5%	6.4%	4.6%	3.8%	3%	2.3%	0.8%	Free
361.05	10.1%	7.4%	5%	4.2%	3.4%	2.5%	0.8%	Free
361.07	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
361.10	14.4%	10.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
361.18	6.6%	5.2%	3.9%	3.3%	2.6%	2%	0.7%	Free
361.21	4.9%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free
361.23	4.9%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
361.24	4.9%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free
361.26	4.9%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free
361.42	3.9%	3.4%	2.9%	2.5%	2%	1.5%	0.5%	Free
361.43	5.5%	4.1%	2.9%	2.5%	2%	1.5%	0.5%	Free
361.45	5.5%	4.1%	2.9%	2.5%	2%	1.5%	0.5%	Free
361.46	4.6%	3.7%	2.9%	2.5%	2%	1.5%	0.5%	Free
361.48	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
361.50	10.8%	7.9%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
361.53	4.4%	3.6%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
361.54	6.2%	5.4%	4.6%	3.9%	3.1%	2.3%	0.8%	Free
361.70	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
361.80	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
361.85	4.1%	3%	2%	1.7%	1.4%	1%	0.3%	Free
363.01	23.8%	23.8%	9.5%	9.5%	Free	Free	Free	Free
363.02	8.6%	6.3%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
363.10	8¢/lb. + 12%	3.5¢/lb. + 10.5%	9%	7.5%	6%	4.5%	1.5%	Free
363.15	20.8¢/lb. + 10%	16.8¢/lb. + 8.8%	12.6¢/lb. + 7.5%	10.5¢/lb. + 6.3%	8.4¢/lb. + 5%	6.3¢/lb. + 3.8%	2.1¢/lb. + 1.3%	Free
363.20	13.5%	11.1%	8.9%	7.4%	5.9%	4.4%	1.5%	Free
363.25	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
363.35	2.7%	2.3%	1.9%	1.6%	1.2%	0.9%	0.3%	Free
363.40	3.8¢/lb.	3¢/lb.	2.4¢/lb.	2¢/lb.	1.6¢/lb.	1.2¢/lb.	0.4¢/lb.	Free
363.50	4%	3.5%	3%	2.5%	2%	1.5%	0.5%	Free
363.52	4.2%	3.6%	3%	2.5%	2%	1.5%	0.5%	Free
363.55	9.9%	8.3%	6.7%	5.6%	4.4%	3.3%	1.1%	Free
363.60	9.9%	8.3%	6.7%	5.6%	4.4%	3.3%	1.1%	Free
363.65	8.8¢/lb. + 12%	4.2¢/lb. + 10.5%	1.2¢/lb. + 9%	1¢/lb. + 7.5%	0.8¢/lb. + 6%	0.6¢/lb. + 4.5%	0.2¢/lb. + 1.5%	Free
363.70	14.4¢/lb. + 10%	9.1¢/lb. + 8.8%	4.8¢/lb. + 7.5%	4¢/lb. + 6.3%	3.2¢/lb. + 5%	2.4¢/lb. + 3.8%	0.8¢/lb. + 1.3%	Free
363.75	10.5%	8.7%	7%	5.9%	4.7%	3.5%	1.2%	Free
363.80	6.5%	4.8%	3.2%	2.7%	2.2%	1.6%	0.5%	Free
363.90	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
364.07	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
364.09	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
364.13	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
364.14	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
364.16	5.8%	5%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
364.18	5.8%	5%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
364.20	12.8¢/lb. + 7.2%	7¢/lb. + 6.3%	3¢lb. + 5.4%	2.5¢/lb. + 4.5%	2¢/lb. + 3.6%	1.5¢/lb. + 2.7%	0.5¢/lb. + 0.9%	Free
364.21	9.6¢/lb. + 3.8%	4.2¢/lb. + 2.9%	2.1%	1.8%	1.4%	1.1%	0.4%	Free
364.25	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
364.35	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
365.00	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
365.05	11.4%	9.9%	8.4%	7%	5.6%	4.2%	1.4%	Free
365.11	12.8%	10.5%	8.4%	7%	5.6%	4.2%	1.4%	Free
365.14	12.8%	10.5%	8.4%	7%	5.6%	4.2%	1.4%	Free
365.15	5.6%	4.4%	3.4%	2.9%	2.3%	1.7%	0.6%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
365.20	13.4%	11.4%	9.6%	8%	6.4%	4.8%	1.6%	Free
365.25	14.2%	11.8%	9.6%	8%	6.4%	4.8%	1.6%	Free
365.29	14.6%	12%	9.6%	8%	6.4%	4.8%	1.6%	Free
365.31	22.4%	17.5%	13.2%	9.5%	6.4%	4.8%	1.6%	Free
365.35	13.8%	11.7%	9.6%	8%	6.4%	4.8%	1.6%	Free
365.40	15.2%	12.3%	9.6%	8%	6.4%	4.8%	1.6%	Free
365.45	15.2%	12.3%	9.6%	8%	6.4%	4.8%	1.6%	Free
365.50	22.4%	17.5%	13.2%	9.5%	6.4%	4.8%	1.6%	Free
365.52	12.8%	10.1%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.54	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
365.56	16.8%	12.8%	9.3%	7.8%	6.2%	4.7%	1.6%	Free
365.58	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
365.62	12.2%	9.8%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.64	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
365.66	16.2%	12.4%	9.2%	6.4%	5.1%	3.8%	1.3%	Free
365.80	10.8%	9.2%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.81	12.2%	9.8%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.83	12.2%	9.8%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.84	12.2%	9.8%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.87	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
365.89	12.4%	9.9%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
365.91	12.4%	9.9%	7.7%	6.4%	5.1%	3.8%	1.3%	Free
366.06	21.2%	16.5%	12.5%	9%	6%	4.5%	1.5%	Free
366.09	13%	11%	9%	7.5%	6%	4.5%	1.5%	Free
366.12	2.9%	2.1%	1.4%	1.2%	1%	0.7%	0.2%	Free
366.15	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
366.17	9.4%	7.8%	6.3%	5.3%	4.2%	3.2%	1.1%	Free
366.19	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
366.20	11¢/lb.	9.5¢/lb.	8.1¢/lb.	6.8¢/lb.	5.4¢/lb.	4.1¢/lb.	1.4¢/lb.	Free
366.22	13.5¢/lb.	13.5¢/lb.	5.4¢/lb.	5.4¢/lb.	Free	Free	Free	Free
366.24	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
366.26	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
366.28	9.6%	7.9%	6.3%	5.3%	4.2%	3.2%	1.1%	Free
366.30	9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
366.33	7.8%	6.2%	4.8%	4%	3.2%	2.4%	0.8%	Free
366.36	2.7%	2.3%	1.9%	1.6%	1.2%	0.9%	0.3%	Free
366.39	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
366.42	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
366.45	6.6%	5.7%	4.9%	4.1%	3.3%	2.5%	0.8%	Free
366.46	4.4%	3.9%	3.3%	2.8%	2.2%	1.7%	0.6%	Free
366.47	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
366.48	3.3%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
366.51	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
366.54	3.3%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
366.57	9.1%	6.7%	4.6%	3.8%	3%	2.3%	0.8%	Free
366.60	14.4%	10.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
366.63	21.3%	16.7%	12.5%	9.1%	6.1%	4.6%	1.5%	Free
366.65	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
366.69	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
366.72	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
366.75	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
366.77	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
366.79	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
366.81	3.3%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
366.84	2%	1.8%	1.5%	1.3%	1%	0.8%	0.3%	Free
367.05	9.6¢/lb. + 8.8%	4.2¢/lb. + 7%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
367.10	9.6¢/lb. + 7.4%	4.2¢/lb. + 6.4%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
367.15	8.8¢/lb. + 7%	3.5¢/lb. + 5.8%	4.8%	4%	3.2%	2.4%	0.8%	Free
367.20	6.8¢/lb. + 8%	3.5¢/lb. + 7%	1.2¢/lb. + 6%	1¢/lb. + 5%	0.8¢/lb. + 4%	0.6¢/lb. + 3%	0.2¢/lb. + 1%	Free
367.25	8¢/lb. + 6.6%	3.5¢/lb. + 5.5%	4.5%	3.8%	3%	2.3%	0.8%	Free
367.28	6%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
367.31	6%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
367.33	6%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
367.35	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
367.40	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
367.45	4.3%	3.8%	3.2%	2.7%	2.2%	1.6%	0.5%	Free
367.50	3.2¢/lb. + 8.6%	1.4¢/lb. + 6.5%	4.8%	4%	3.2%	2.4%	0.8%	Free
367.55	1.6¢/lb. + 7%	0.7¢/lb. + 5.5%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
367.59	6.9%	5.4%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
367.61	8.5%	8.5%	3.4%	3.4%	Free	Free	Free	Free
367.63	6.4¢/lb. + 9%	2.8¢/lb. + 6.9%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
367.65	4.1%	3%	2%	1.7%	1.4%	1%	0.3%	Free
370.04	6.8%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
370.08	0.08¢ each + 6%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
370.12	0.08¢ each + 6%	5.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
370.16	1.9¢ each + 26.1%	1.4¢ each + 21.6%	1¢ each + 17.3%	0.6¢ each + 13.6%	0.3¢ each + 10.1%	0.1¢ each + 7%	2.2%	Free
370.17	0.4¢ each + 15.8%	0.2¢ each + 13.7%	11.7%	9.8%	7.8%	5.9%	2%	Free
370.19	0.2¢ each + 5%	0.1¢ each + 3.8%	2.7%	2.3%	1.8%	1.4%	0.5%	Free
370.21	0.2¢ each + 5%	0.1¢ each + 3.8%	2.7%	2.3%	1.8%	1.4%	0.5%	Free
370.22	0.2¢ each + 5%	0.1¢ each + 3.8%	2.7%	2.3%	1.8%	1.4%	0.5%	Free
370.24	9%	6.7%	4.8%	4%	3.2%	2.4%	0.8%	Free
370.28	0.8¢/lb. + 9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
370.32	0.8¢/lb. + 9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
370.36	9%	6.7%	4.8%	4%	3.2%	2.4%	0.8%	Free
370.40	0.8¢/lb. + 9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
370.44	0.8¢/lb. + 9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
370.48	14.2%	11.1%	8.4%	7%	5.6%	4.2%	1.4%	Free
370.52	1.6¢/lb. + 18.4%	0.7¢/lb. + 14%	0.6¢/lb. + 10.2%	7%	5.6%	4.2%	1.4%	Free
370.56	1.6¢/lb. + 19.6%	1.4¢/lb. + 15.3%	0.6¢/lb. + 11.6%	8.3%	5.6%	4.2%	1.4%	Free
370.60	14.2%	11.1%	8.4%	7%	5.6%	4.2%	1.4%	Free
370.64	1.6¢/lb. + 18.4%	0.7¢/lb. + 14%	0.6¢/lb. + 10.2%	7%	5.6%	4.2%	1.4%	Free
370.68	1.6¢/lb. + 18.4%	0.7¢/lb. + 14%	0.6¢/lb. + 10.4%	7%	5.6%	4.2%	1.4%	Free
370.72	2.2%	1.8%	1.5%	1.3%	1%	0.8%	0.3%	Free
370.76	0.2¢ each + 11.8%	0.1¢ each + 8.6%	6%	5%	4%	3%	1%	Free
370.80	5.4%	4.3%	3.3%	2.8%	2.2%	1.7%	0.6%	Free
370.84	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
370.88	6.4¢/lb. + 12.8%	2.8¢/lb. + 11.2%	9.6%	8%	6.4%	4.8%	1.6%	Free
370.92	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
372.04	11.8%	9.3%	7.2%	6%	4.8%	3.6%	1.2%	Free
372.06	13.4%	9.8%	7.2%	6%	4.8%	3.6%	1.2%	Free
372.08	9.8%	8.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
372.10	14.4%	10.5%	7.2%	6%	4.8%	3.6%	1.2%	Free
372.15	11%	9%	7.2%	6%	4.8%	3.6%	1.2%	Free
372.20	4.6%	3.7%	2.9%	2.5%	2%	1.5%	0.5%	Free
372.25	9.6¢/lb. + 17%	4.2¢/lb. + 13.1%	9.6%	8%	6.4%	4.8%	1.6%	Free
372.30	12.8¢/lb. + 17.6%	7¢/lb. + 14%	3¢/lb. + 10.8%	8%	6.4%	4.8%	1.6%	Free
372.35	9.6¢/lb. + 10.2%	4.2¢/lb. + 7.6%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
372.40	6.4¢/lb. + 14.2%	2.8¢/lb. + 11.8%	9.6%	8%	6.4%	4.8%	1.6%	Free
372.45	9.6¢/lb. + 14.2%	4.2¢/lb. + 11.8%	9.6%	8%	6.4%	4.8%	1.6%	Free
372.50	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
372.55	9.6%	7%	4.8%	4%	3.2%	2.4%	0.8%	Free
372.60	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
372.65	8.6%	6.5%	4.8%	4%	3.2%	2.4%	0.8%	Free
372.70	8.8¢/lb. + 18%	4.9¢/lb. + 14%	1.8¢/lb. + 10.5%	7.5%	6%	4.5%	1.5%	Free
372.75	6.4¢/lb. + 9%	2.8¢/lb. + 7.5%	6%	5%	4%	3%	1%	Free
372.80	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
373.05	13.5%	11.1%	8.9%	7.5%	6%	4.5%	1.5%	Free
373.10	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
373.15	9.6¢/lb. + 7%	4.2¢/lb. + 5.9%	4.8%	4%	3.2%	2.4%	0.8%	Free
373.20	7%	5.8%	4.8%	4%	3.2%	2.4%	0.8%	Free
373.22	8.6%	6.5%	4.8%	4%	3.2%	2.4%	0.8%	Free
373.25	3.2¢/lb. + 8.6%	1.4¢/lb. + 6.5%	4.8%	4%	3.2%	2.4%	0.8%	Free
373.27	9.6¢/lb. + 10.8%	8.4¢/lb. + 9.5%	7.2¢/lb. + 8.1%	6¢/lb. + 6.8%	4.8¢/lb. + 5.4%	3.6¢/lb. + 4.1%	1.2¢/lb. + 1.4%	Free
373.30	7%	5.8%	4.8%	4%	3.2%	2.4%	0.8%	Free
374.05	20%	20%	8%	8%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
374.10	20%	20%	8%	8%	Free	Free	Free	Free
374.15	20%	20%	8%	8%	Free	Free	Free	Free
374.20	20%	20%	8%	8%	Free	Free	Free	Free
374.25	20%	20%	8%	8%	Free	Free	Free	Free
374.30	20%	20%	8%	8%	Free	Free	Free	Free
374.40	14.4%	14.4%	5.8%	5.8%	Free	Free	Free	Free
374.50	12%	12%	4.8%	4.8%	Free	Free	Free	Free
374.55	6.5%	6.5%	2.6%	2.6%	Free	Free	Free	Free
376.04	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
376.08	9.6¢/lb. + 7.8%	4.2¢/lb. + 6.7%	5.7%	4.8%	3.8%	2.9%	1%	Free
376.12	4.4%	3.6%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
376.16	3.2¢/lb. + 6.2%	1.4¢/lb. + 5.2%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
376.20	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
376.24	25.6%	22.4%	19.2%	16%	12.8%	9.6%	3.2%	Free
376.28	14.4%	12.6%	10.8%	9%	7.2%	5.4%	1.8%	Free
376.54	6.6%	6.6%	2.6%	2.6%	Free	Free	Free	Free
376.56	7.6%	7.6%	3%	3%	Free	Free	Free	Free
378.05	17%	17%	6.8%	6.8%	Free	Free	Free	Free
378.10	10%	10%	4%	4%	Free	Free	Free	Free
378.20	6.5%	6.5%	2.6%	2.6%	Free	Free	Free	Free
378.30	5.4%	4.7%	3.9%	3.3%	2.6%	2%	0.7%	Free
378.35	6%	6%	2.4%	2.4%	Free	Free	Free	Free
378.40	8%	8%	3.2%	3.2%	Free	Free	Free	Free
378.45	6.5%	6.5%	2.6%	2.6%	Free	Free	Free	Free
378.50	6.6%	5.2%	3.9%	3.3%	2.6%	2%	0.7%	Free
378.55	7.8%	5.7%	3.9%	3.3%	2.6%	2%	0.7%	Free
378.60	9.6¢/lb. + 20.2%	6.3¢/lb. + 16%	3.6¢/lb. + 12.2%	1.5¢/lb. + 9%	6.2%	4.7%	1.6%	Free
378.70	5.8%	5.8%	2.3%	2.3%	Free	Free	Free	Free
381.00	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
381.02	20.6%	16.3%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
381.03	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
381.04	14%	14%	5.6%	5.6%	Free	Free	Free	Free
381.05	20.6%	16.1%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
381.06	21%	21%	8.4%	8.4%	Free	Free	Free	Free
381.08	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
381.11	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
381.13	25.1%	20%	15.5%	11.5%	9.2%	6.9%	2.3%	Free
381.15	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
381.17	25.1%	20%	15.5%	11.5%	9.2%	6.9%	2.3%	Free
381.20	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
381.23	27.4%	22.5%	18%	15%	12%	9%	3%	Free
381.24	35%	35%	14%	14%	Free	Free	Free	Free
381.25	30%	25.4%	21%	17.5%	14%	10.5%	3.5%	Free
381.28	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
381.31	27.4%	22.5%	18%	15%	12%	9%	3%	Free
381.33	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
381.35	8%	8%	3.2%	3.2%	Free	Free	Free	Free
381.37	10.2%	7.4%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
381.39	16.5%	16.5%	6.6%	6.6%	Free	Free	Free	Free
381.40	16.8%	16.8%	6.7%	6.7%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
381.41	16.8%	14.7%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
381.42	9.8%	7.1%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.43	8%	8%	3.2%	3.2%	Free	Free	Free	Free
381.44	8%	8%	3.2%	3.2%	Free	Free	Free	Free
381.45	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.47	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
381.48	6.4%	5.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.49	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.50	6.4%	5.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.51	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.52	6.4%	5.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.54	10.1%	7.4%	5%	4.2%	3.4%	2.5%	0.8%	Free
381.55	16.8%	16.8%	6.7%	6.7%	Free	Free	Free	Free
381.56	16.8%	14.7%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
381.58	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.59	6.4%	5.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.60	8.4%	6.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
381.62	13.2%	11.6%	9.9%	8.3%	6.6%	5%	1.7%	Free
381.64	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
381.65	8%	8%	3.2%	3.2%	Free	Free	Free	Free
381.66	4%	3.5%	3%	2.5%	2%	1.5%	0.5%	Free
381.68	1.8%	1.5%	1.2%	1%	0.8%	0.6%	0.2%	Free
381.69	3.6%	2.7%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
381.71	9.6¢/lb. + 20.2%	4.2¢/lb. + 16.9%	13.8%	11.5%	9.2%	6.9%	2.3%	Free
381.72	14.4¢/lb. + 18.8%	9.8¢/lb. + 15.3%	5.4¢/lb. + 12.2%	2¢/lb. + 9.3%	6.8%	5.1%	1.7%	Free
381.74	9.6¢/lb. + 8.2%	4.2¢/lb. + 6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
381.75	28.6¢/lb. + 16%	24.8¢/lb. + 14%	21¢/lb. + 12%	17.5¢/lb. + 10%	14¢/lb. + 8%	10.5¢/lb. + 6%	3.5¢/lb. + 2%	Free
381.76	9.6¢/lb. + 14.4%	4.2¢/lb. + 12.3%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
381.78	8.8¢/lb. + 16.8%	4.9¢/lb. + 14.7%	2.4¢/lb. + 12.6%	2¢/lb. + 10.5%	1.6¢/lb. + 8.4%	1.2¢/lb. + 6.3%	0.4¢/lb. + 2.1%	Free
381.79	6.4¢/lb. + 14.6%	2.8¢/lb. + 12.4%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
381.81	9.6¢/lb. + 10.6%	4.2¢/lb. + 8%	5.7%	4.8%	3.8%	2.9%	1%	Free
381.83	22.4¢/lb. + 16.8%	18.2¢/lb. + 14.7%	14.4¢/lb. + 12.6%	12¢/lb. + 10.5%	9.6¢/lb. + 8.4%	7.2¢/lb. + 6.3%	2.4¢/lb. + 2.1%	Free
381.84	9.6¢/lb. + 14.6%	4.2¢/lb. + 12.4%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
381.85	5.8%	4.7%	3.6%	3%	2.4%	1.8%	0.6%	Free
381.86	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
381.87	30%	30%	12%	12%	Free	Free	Free	Free
381.88	6.4¢/lb. + 24.6%	2.8¢/lb. + 21.3%	18%	15%	12%	9%	3%	Free
381.89	13¢/lb. + 32.5%	13¢/lb. + 32.5%	5.2¢/lb. + 13%	5.2¢/lb. + 13%	Free	Free	Free	Free
381.90	13.6¢/lb. + 26%	10.5¢/lb. + 22.8%	7.8¢/lb. + 19.5%	6.5¢/lb. + 16.3%	5.2¢/lb. + 13%	3.9¢/lb. + 9.8%	1.3¢/lb. + 3.3%	Free
381.91	6.4¢/lb. + 22%	2.8¢/lb. + 18.4%	15%	12.5%	10%	7.5%	2.5%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,1/ effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
381.92	8¢/lb. + 18.9%	4.9¢/lb. + 15%	1.8¢/lb. + 11.5%	8.5%	6.8%	5.1%	1.7%	Free
381.93	8¢/lb. + 15.4%	4.9¢/lb. + 12%	1.8¢/lb. + 9.1%	6.5%	5.2%	3.9%	1.3%	Free
381.94	14¢/lb. + 27.5%	14¢/lb. + 27.5%	5.6¢/lb. + 11%	5.6¢/lb. + 11%	Free	Free	Free	Free
381.95	13.6¢/lb. + 22%	10.5¢/lb. + 19.3%	8.4¢/lb. + 16.5%	7¢/lb. + 13.8%	5.6¢/lb. + 11%	4.2¢/lb. + 8.3%	1.4¢/lb. + 2.8%	Free
381.96	6.4¢/lb. + 16.4%	2.8¢/lb. + 13.2%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
381.98	17%	17%	6.8%	6.8%	Free	Free	Free	Free
381.99	4.8%	3.5%	2.4%	2%	1.6%	1.2%	0.4%	Free
384.00	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
384.02	20.6%	16.3%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
384.03	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
384.04	14%	14%	5.6%	5.6%	Free	Free	Free	Free
384.05	18.2%	13.7%	9.9%	8.3%	6.6%	5%	1.7%	Free
384.06	20.6%	16.3%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
384.07	21%	21%	8.4%	8.4%	Free	Free	Free	Free
384.08	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
384.09	14%	14%	5.6%	5.6%	Free	Free	Free	Free
384.10	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
384.12	25.1%	20%	15.5%	11.5%	9.2%	6.9%	2.3%	Free
384.13	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
384.15	25.1%	20%	15.5%	11.5%	9.2%	6.9%	2.3%	Free
384.16	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
384.18	30%	25.4%	21%	17.5%	14%	10.5%	3.5%	Free
384.19	30%	30%	12%	12%	Free	Free	Free	Free
384.20	27.4%	22.5%	18%	15%	12%	9%	3%	Free
384.21	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
384.22	17%	17%	6.8%	6.8%	Free	Free	Free	Free
384.23	27.4%	22.5%	18%	15%	12%	9%	3%	Free
384.25	17%	17%	6.8%	6.8%	Free	Free	Free	Free
384.26	25%	19.8%	15.3%	11.4%	7.9%	5.1%	1.7%	Free
384.27	8%	8%	3.2%	3.2%	Free	Free	Free	Free
384.28	16.8%	14.7%	12.6%	10.5%	8.4%	6.3%	2.1%	Free
384.29	16.8%	16.8%	6.7%	6.7%	Free	Free	Free	Free
384.30	16.5%	16.5%	6.6%	6.6%	Free	Free	Free	Free
384.31	14.4%	12.1%	9.9%	8.3%	6.6%	5%	1.7%	Free
384.32	12%	12%	4.8%	4.8%	Free	Free	Free	Free
384.33	9.8%	7.1%	4.8%	4%	3.2%	2.4%	0.8%	Free
384.34	8%	8%	3.2%	3.2%	Free	Free	Free	Free
384.35	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
384.36	4.8%	3.9%	3%	2.5%	2%	1.5%	0.5%	Free
384.37	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
384.38	8%	8%	3.2%	3.2%	Free	Free	Free	Free
384.39	6.4%	5.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
384.40	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
384.41	8%	8%	3.2%	3.2%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
384.42	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
384.43	8%	8%	3.2%	3.2%	Free	Free	Free	Free
384.44	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
384.45	8.4%	6.3%	4.5%	3.8%	3%	2.3%	0.8%	Free
384.46	13.2%	11.6%	9.9%	8.3%	6.6%	5%	1.7%	Free
384.47	13.2%	13.2%	5.3%	5.3%	Free	Free	Free	Free
384.48	10.8%	9%	7.2%	6%	4.8%	3.6%	1.2%	Free
384.49	12%	12%	4.8%	4.8%	Free	Free	Free	Free
384.50	6.5%	6.5%	2.6%	2.6%	Free	Free	Free	Free
384.51	8.6%	6.6%	4.8%	4%	3.2%	2.4%	0.8%	Free
384.52	8%	8%	3.2%	3.2%	Free	Free	Free	Free
384.53	6%	4.4%	3%	2.5%	2%	1.5%	0.5%	Free
384.54	5%	5%	2%	2%	Free	Free	Free	Free
384.55	3.6%	2.7%	1.8%	1.5%	1.2%	0.9%	0.3%	Free
384.56	3%	3%	1.2%	1.2%	Free	Free	Free	Free
384.57	12.8¢/lb. + 18.7%	7.7¢/lb. + 14.9%	3¢/lb. + 11.5%	8.5%	6.8%	5.1%	1.7%	Free
384.58	12.8¢/lb. + 20.8%	7¢/lb. + 17.5%	3¢/lb. + 14.4%	11.5%	9.2%	6.9%	2.3%	Free
384.59	14.4¢/lb. + 18.8%	9.8¢/lb. + 15.3%	5.4¢/lb. + 12.2%	2¢/lb. + 9.3%	6.8%	5.1%	1.7%	Free
384.60	9.6¢/lb. + 8.2%	4.2¢/lb. + 6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
384.62	26.4¢/lb. + 16%	22.4¢/lb. + 14%	18.6¢/lb. + 12%	15.5¢/lb. + 10%	12.4¢/lb. + 8%	9.3¢/lb. + 6%	3.1¢/lb. + 2%	Free
384.63	9.6¢/lb. + 14.4%	4.2¢/lb. + 12.3%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
384.65	9.6¢/lb. + 16.8%	6.3¢/lb. + 14.7%	3.6¢/lb. + 12.6%	3¢/lb. + 10.5%	2.4¢/lb. + 8.4%	1.8¢/lb. + 6.3%	0.6¢/lb. + 2.1%	Free
384.66	6.4¢/lb. + 14.6%	2.8¢/lb. + 12.4%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
384.68	9.6¢/lb. + 14.6%	4.2¢/lb. + 12.4%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
384.70	30¢/lb. + 16.8%	26.3¢/lb. + 14.7%	22.5¢/lb. + 12.6%	18.8¢/lb. + 10.5%	15¢/lb. + 8.4%	11.3¢/lb. + 6.3%	3.8¢/lb. + 2.1%	Free
384.72	20.8¢/lb. + 16.8%	16.8¢/lb. + 14.7%	12.6¢/lb. + 12.6%	10.5¢/lb. + 10.5%	8.4¢/lb. + 8.4%	6.3¢/lb. + 6.3%	2.1¢/lb. + 2.1%	Free
384.75	9.6¢/lb. + 14.6%	4.2¢/lb. + 12.4%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
384.77	5.8%	4.7%	3.6%	3%	2.4%	1.8%	0.6%	Free
384.78	7.5%	7.5%	3%	3%	Free	Free	Free	Free
384.80	13.6¢/lb. + 26%	10.5¢/lb. + 22.8%	7.8¢/lb. + 19.5%	6.5¢/lb. + 16.3%	5.2¢/lb. + 13%	3.9¢/lb. + 9.8%	1.3¢/lb. + 3.3%	Free
384.81	13¢/lb. + 32.5%	13¢/lb. + 32.5%	5.2¢/lb. + 13%	5.2¢/lb. + 13%	Free	Free	Free	Free
384.82	30%	30%	12%	12%	Free	Free	Free	Free
384.86	17%	17%	6.8%	6.8%	Free	Free	Free	Free
384.88	8¢/lb. + 14.9%	4.9¢/lb. + 11.5%	1.8¢/lb. + 8.5%	6%	4.8%	3.6%	1.2%	Free
384.90	17¢/lb. + 27.5%	17¢/lb. + 27.5%	6.8¢/lb. + 11%	6.8¢/lb. + 11%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
384.91	15.2¢/lb. + 22%	12.6¢/lb. + 19.3%	10.2¢/lb. + 16.5%	8.5¢/lb. + 13.8%	6.8¢/lb. + 11%	5.1¢/lb. + 8.3%	1.7¢/lb. + 2.8%	Free
384.93	6.4¢/lb. + 16.4%	2.8¢/lb. + 13.2%	10.2%	8.5%	6.8%	5.1%	1.7%	Free
384.94	17%	17%	6.8%	6.8%	Free	Free	Free	Free
384.95	4%	4%	1.6%	1.6%	Free	Free	Free	Free
384.96	4.8%	3.5%	2.4%	2%	1.6%	1.2%	0.4%	Free
385.15	4.9%	3.9%	3.1%	2.6%	2%	1.5%	0.5%	Free
385.20	3.8%	3.2%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
385.25	8.8%	6.6%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
385.30	4.4%	3.6%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
385.40	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
385.50	0.1¢/lb. + 2%	0.1¢/lb. + 1.8%	0.1¢/lb. + 1.5%	0.1¢/lb. + 1.3%	1%	0.8%	0.3%	Free
385.53	3.2¢/lb. + 9%	1.4¢/lb. + 7.3%	5.7%	4.8%	3.8%	2.9%	1%	Free
385.55	7.4%	5.7%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
385.60	5.4%	4.3%	3.3%	2.8%	2.2%	1.7%	0.6%	Free
385.61	6.4¢/lb. + 9.8%	2.8¢/lb. + 7.5%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
385.63	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
385.70	7.8%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
385.75	10.1%	7.4%	5%	4.2%	3.4%	2.5%	0.8%	Free
385.80	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
385.85	3.2¢/lb. + 8%	1.4¢/lb. + 6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
385.90	4.8%	3.5%	2.4%	2%	1.6%	1.2%	0.4%	Free
386.04	22.4%	17.5%	13.2%	9.5%	6.4%	4.8%	1.6%	Free
386.06	12%	8.8%	6%	5%	4%	3%	1%	Free
386.07	12%	8.8%	6%	5%	4%	3%	1%	Free
386.11	10%	10%	4%	4%	Free	Free	Free	Free
386.15	8.8%	6.6%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
386.20	18.4%	14%	10.2%	7%	5.6%	4.2%	1.4%	Free
386.25	5.6%	4.9%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
386.40	8.8%	6.6%	4.7%	3.9%	3.1%	2.3%	0.8%	Free
386.51	7%	7%	2.8%	2.8%	Free	Free	Free	Free
386.52	7.4%	5.7%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
387.10	6.9%	5.3%	4%	3.3%	2.6%	2%	0.7%	Free
387.20	1.9%	1.7%	1.4%	1.2%	1%	0.7%	0.2%	Free
387.25	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
387.32	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
387.33	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
387.37	4.1%	3.4%	2.6%	2.2%	1.8%	1.3%	0.4%	Free
388.10	9.6¢/lb. + 10.4%	4.2¢/lb. + 8.8%	7.2%	6%	4.8%	3.6%	1.2%	Free
388.20	9.6¢/lb. + 6.4%	4.2¢/lb. + 5.3%	4.2%	3.5%	2.8%	2.1%	0.7%	Free
388.30	8.8¢/lb. + 6.4%	3.5¢/lb. + 5.3%	4.2%	3.5%	2.8%	2.1%	0.7%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX 1A
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
388.40	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
389.10	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
389.20	5.1%	4.1%	3.2%	2.7%	2.1%	1.6%	0.5%	Free
389.30	7.3%	5.6%	4.1%	3.5%	2.8%	2.1%	0.7%	Free
389.40	6.4¢/lb. + 13.4%	2.8¢/lb. + 10.2%	7.5%	6.3%	5%	3.8%	1.3%	Free
389.50	4¢/lb. + 12.6%	1.4¢/lb. + 9.3%	6.6%	5.5%	4.4%	3.3%	1.1%	Free
389.61	6.4¢/lb. + 8.8%	2.8¢/lb. + 7%	5.4%	4.5%	3.6%	2.7%	0.9%	Free
389.62	9%	9%	3.6%	3.6%	Free	Free	Free	Free
389.70	5.8%	4.6%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
402.20	1.3¢/lb. + 12.5%	1.3¢/lb. + 12.5%	0.5¢/lb. + 5%	0.5¢/lb. + 5%	Free	Free	Free	Free
402.40	7.6%	7.6%	3%	3%	Free	Free	Free	Free
402.44	9.5%	9.5%	3.8%	3.8%	Free	Free	Free	Free
402.48	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
402.52	10.4%	10.4%	4.2%	4.2%	Free	Free	Free	Free
402.54	10.4%	10.4%	4.2%	4.2%	Free	Free	Free	Free
402.60	7.4%	7.4%	3%	3%	Free	Free	Free	Free
402.68	15.2%	15.2%	6.1%	6.1%	Free	Free	Free	Free
402.76	7.6%	7.6%	3%	3%	Free	Free	Free	Free
402.81	10%	7.6%	5.5%	4.6%	3.6%	2.7%	0.9%	Free
402.83	7.3%	6.4%	5.5%	4.6%	3.6%	2.7%	0.9%	Free
402.84	10%	10%	4%	4%	Free	Free	Free	Free
402.88	15%	15%	6%	6%	Free	Free	Free	Free
403.29	20%	20%	8%	8%	Free	Free	Free	Free
403.32	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
403.49	1.7¢/lb. + 13.7%	1.7¢/lb. + 13.7%	0.7¢/lb. + 5.5%	0.7¢/lb. + 5.5%	Free	Free	Free	Free
403.57	0.7¢/lb. + 15.5%	0.6¢/lb. + 13.6%	0.4¢/lb. + 11.6%	0.4¢/lb. + 9.7%	0.3¢/lb. + 7.8%	0.2¢/lb. + 5.8%	0.1¢/lb. + 1.9%	Free
403.65	17.1%	14.5%	12%	10%	8%	6%	2%	Free
403.66	10.8%	9.5%	8.1%	6.8%	5.4%	4.1%	1.4%	Free
403.76	10.6%	10.6%	4.2%	4.2%	Free	Free	Free	Free
404.00	7.5%	7.5%	3%	3%	Free	Free	Free	Free
404.20	1.3¢/lb. + 13.1%	1.3¢/lb. + 13.1%	0.5¢/lb. + 5.2%	0.5¢/lb. + 5.2%	Free	Free	Free	Free
404.37	16.6%	14.3%	12%	10%	8%	3%	2%	Free
404.38	13.5%	13.5%	5.4%	5.4%	Free	Free	Free	Free
404.48	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
404.60	1.7¢/lb. + 13.6%	1.7¢/lb. + 13.6%	0.7¢/lb. + 5.4%	0.7¢/lb. + 5.4%	Free	Free	Free	Free
404.64	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
404.88	1.1¢/lb. + 18.8%	1.1¢/lb. + 18.8%	0.4¢/lb. + 7.5%	0.4¢/lb. + 7.5%	Free	Free	Free	Free
404.96	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
405.02	1.7¢/lb. + 15.6%	1.7¢/lb. + 15.6%	0.7¢/lb. + 6.2%	0.7¢/lb. + 6.2%	Free	Free	Free	Free
405.07	1.7¢/lb. + 15.6%	1.7¢/lb. + 15.6%	0.7¢/lb. + 6.2%	0.7¢/lb. + 6.2%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IA
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
405.16	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
405.31	1.7¢/lb. + 18.1%	1.7¢/lb. + 18.1%	0.7¢/lb. + 7.2%	0.7¢/lb. + 7.2%	Free	Free	Free	Free
405.36	7.3%	7.3%	2.9%	2.9%	Free	Free	Free	Free
405.44	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
405.53	13.2%	11.1%	9%	7.5%	6%	4.5%	1.5%	Free
405.68	19.9%	19.9%	8%	8%	Free	Free	Free	Free
405.70	13.5%	13.5%	5.4%	5.4%	Free	Free	Free	Free
405.72	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
405.80	1.3¢/lb. + 16.2%	1.3¢/lb. + 16.2%	0.5¢/lb. + 6.5%	0.5¢/lb. + 6.5%	Free	Free	Free	Free
405.85	1.7¢/lb. + 12.5%	1.7¢/lb. + 12.5%	0.7¢/lb. + 5%	0.7¢/lb. + 5%	Free	Free	Free	Free
405.88	7.3%	7.3%	2.9%	2.9%	Free	Free	Free	Free
406.24	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
406.28	0.4¢/lb. + 12.5%	0.4¢/lb. + 12.5%	0.2¢/lb. + 5%	0.2¢/lb. + 5%	Free	Free	Free	Free
406.37	1.7¢/lb. + 16.2%	1.7¢/lb. + 16.2%	0.7¢/lb. + 6.5%	0.7¢/lb. + 6.5%	Free	Free	Free	Free
406.39	1.7¢/lb. + 16.2%	1.7¢/lb. + 16.2%	0.7¢/lb. + 6.5%	0.7¢/lb. + 6.5%	Free	Free	Free	Free
406.44	17.5%	17.5%	7%	7%	Free	Free	Free	Free
406.52	7.4%	7.4%	3%	3%	Free	Free	Free	Free
406.56	1.7¢/lb. + 18%	1.7¢/lb. + 18%	0.7¢/lb. + 7.2%	0.7¢/lb. + 7.2%	Free	Free	Free	Free
406.64	0.1¢/lb. + 18.7%	0.1¢/lb. + 18.7%	7.5%	7.5%	Free	Free	Free	Free
406.68	0.1¢/lb. + 19.8%	0.1¢/lb. + 19.8%	7.9%	7.9%	Free	Free	Free	Free
406.72	1.5¢/lb. + 10%	1.5¢/lb. + 10%	0.6¢/lb. + 4%	0.6¢/lb. + 4%	Free	Free	Free	Free
406.76	0.9¢/lb. + 12.5%	0.9¢/lb. + 12.5%	0.4¢/lb. + 5%	0.4¢/lb. + 5%	Free	Free	Free	Free
406.81	1.1¢/lb. + 12.5%	1.1¢/lb. + 12.5%	0.4¢/lb. + 5%	0.4¢/lb. + 5%	Free	Free	Free	Free
406.82	1.7¢/lb. + 12.5%	1.7¢/lb. + 12.5%	0.7¢/lb. + 5%	0.7¢/lb. + 5%	Free	Free	Free	Free
406.83	1.7¢/lb. + 12.5%	1.7¢/lb. + 12.5%	0.7¢/lb. + 5%	0.7¢/lb. + 5%	Free	Free	Free	Free
406.96	1¢/lb. + 15.6%	1¢/lb. + 15.6%	0.4¢/lb. + 6.2%	0.4¢/lb. + 6.2%	Free	Free	Free	Free
407.06	10.8%	9.5%	8.1%	6.8%	5.4%	4.1%	1.4%	Free
407.09	7.4%, but not less than the highest rate applicable to any component material	7.4%, but not less than the highest rate applicable to any component material	3%, but not less than the highest rate applicable to any component material	3%, but not less than the highest rate applicable to any component material	Free	Free	Free	Free
407.14	1.7¢/lb. + 12.5%	1.7¢/lb. + 12.5%	0.7¢/lb. + 5%	0.7¢/lb. + 5%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

Item in TSUS as modified by Annex I	Rates of duty,1/ effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
407.16	1.7¢/lb. + 13.6%, but not less than the highest rate applicable to any component material	1.7¢/lb. + 13.6%, but not less than the highest rate applicable to any component material	0.7¢/lb. + 5.4%, but not less than the highest rate applicable to any component material	0.7¢/lb. + 5.4%, but not less than the highest rate applicable to any component material	Free	Free	Free	Free
408.00	8.9%	8.9%	3.6%	3.6%	Free	Free	Free	Free
408.18	13.5%	13.5%	5.4%	5.4%	Free	Free	Free	Free
408.32	10.7%	10.7%	4.3%	4.3%	Free	Free	Free	Free
408.41	8.5%	8.5%	3.4%	3.4%	Free	Free	Free	Free
408.76	7.6%	7.6%	3%	3%	Free	Free	Free	Free
409.30	7.7%	7.7%	3.1%	3.1%	Free	Free	Free	Free
409.38	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
409.42	14.3%	14.3%	5.7%	5.7%	Free	Free	Free	Free
409.46	1.5¢/lb. + 14%	1.5¢/lb. + 14%	0.6¢/lb. + 5.6%	0.6¢/lb. + 5.6%	Free	Free	Free	Free
409.50	1.5¢/lb. + 14.4%	1.5¢/lb. + 14.4%	0.6¢/lb. + 5.8%	0.6¢/lb. + 5.8%	Free	Free	Free	Free
409.54	20%	20%	8%	8%	Free	Free	Free	Free
409.58	14.2%	14.2%	5.7%	5.7%	Free	Free	Free	Free
409.62	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free
409.66	20%	20%	8%	8%	Free	Free	Free	Free
409.68	15%	15%	6%	6%	Free	Free	Free	Free
409.70	9%	9%	3.6%	3.6%	Free	Free	Free	Free
409.74	20%	20%	8%	8%	Free	Free	Free	Free
409.76	15%	15%	6%	6%	Free	Free	Free	Free
409.78	9.5%	9.5%	3.8%	3.8%	Free	Free	Free	Free
409.82	20%	20%	8%	8%	Free	Free	Free	Free
409.84	15%	15%	6%	6%	Free	Free	Free	Free
409.86	9%	9%	3.6%	3.6%	Free	Free	Free	Free
409.90	20%	20%	8%	8%	Free	Free	Free	Free
409.92	15%	15%	6%	6%	Free	Free	Free	Free
409.94	8.1%	8.1%	3.2%	3.2%	Free	Free	Free	Free
409.96	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
410.00	20%	20%	8%	8%	Free	Free	Free	Free
410.02	15%	15%	6%	6%	Free	Free	Free	Free
410.04	8.3%	8.3%	3.3%	3.3%	Free	Free	Free	Free
410.08	20%	20%	8%	8%	Free	Free	Free	Free
410.10	15%	15%	6%	6%	Free	Free	Free	Free
410.12	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
410.16	20%	20%	8%	8%	Free	Free	Free	Free
410.18	15%	15%	6%	6%	Free	Free	Free	Free
410.19	9%	9%	3.6%	3.6%	Free	Free	Free	Free
410.20	20%	20%	8%	8%	Free	Free	Free	Free
410.22	15%	15%	6%	6%	Free	Free	Free	Free
410.24	20%	20%	8%	8%	Free	Free	Free	Free
410.28	8.3%	8.3%	3.3%	3.3%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
410.32	20%	20%	8%	8%	Free	Free	Free	Free
410.34	15%	15%	6%	6%	Free	Free	Free	Free
410.36	12.5%	12.5%	5%	5%	Free	Free	Free	Free
410.40	12.5%	12.5%	5%	5%	Free	Free	Free	Free
410.44	14%	14%	5.6%	5.6%	Free	Free	Free	Free
410.48	10.8%	10.8%	4.3%	4.3%	Free	Free	Free	Free
410.52	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
410.56	8.6%	8.6%	3.4%	3.4%	Free	Free	Free	Free
410.66	8.7%	8.7%	3.5%	3.5%	Free	Free	Free	Free
410.72	10.2%	10.2%	4.1%	4.1%	Free	Free	Free	Free
410.76	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
410.80	7.6%	7.6%	3%	3%	Free	Free	Free	Free
410.84	10%	10%	4%	4%	Free	Free	Free	Free
411.12	7.4%	7.4%	3%	3%	Free	Free	Free	Free
411.24	8%	8%	3.2%	3.2%	Free	Free	Free	Free
411.26	11.6%	11.6%	4.6%	4.6%	Free	Free	Free	Free
411.72	7.4%	7.4%	3%	3%	Free	Free	Free	Free
411.80	15%	15%	6%	6%	Free	Free	Free	Free
411.82	10.8%	10.8%	4.3%	4.3%	Free	Free	Free	Free
411.87	10.8%	10.8%	4.3%	4.3%	Free	Free	Free	Free
411.91	8.1%	8.1%	3.2%	3.2%	Free	Free	Free	Free
412.52	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
412.56	16.2%	16.2%	6.5%	6.5%	Free	Free	Free	Free
412.72	9.1%	9.1%	3.6%	3.6%	Free	Free	Free	Free
412.80	23.5%	23.5%	9.4%	9.4%	Free	Free	Free	Free
412.84	18.9%	18.9%	7.6%	7.6%	Free	Free	Free	Free
412.88	11.8%	11.8%	4.7%	4.7%	Free	Free	Free	Free
412.92	16.3%	16.3%	6.5%	6.5%	Free	Free	Free	Free
413.04	12.2%	12.2%	4.9%	4.9%	Free	Free	Free	Free
413.12	9.4%	9.4%	3.8%	3.8%	Free	Free	Free	Free
413.16	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
413.20	16.3%	16.3%	6.5%	6.5%	Free	Free	Free	Free
413.30	11.9%	11.9%	4.8%	4.8%	Free	Free	Free	Free
413.32	20%	20%	8%	8%	Free	Free	Free	Free
413.36	15.7%	15.7%	6.3%	6.3%	Free	Free	Free	Free
413.50	10%	10%	4%	4%	Free	Free	Free	Free
413.51	10%, but not less than the highest rate applicable to any component material	10%, but not less than the highest rate applicable to any component material	4%, but not less than the highest rate applicable to any component material	4%, but not less than the highest rate applicable to any component material	Free	Free	Free	Free
416.40	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
416.45	4.2%	4.2%	1.7%	1.7%	Free	Free	Free	Free
417.40	10%	10%	4%	4%	Free	Free	Free	Free
417.42	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
418.30	10%	10%	4%	4%	Free	Free	Free	Free
418.40	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
418.42	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
418.44	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
420.32	10%	10%	4%	4%	Free	Free	Free	Free
420.34	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
421.06	14%	14%	5.6%	5.6%	Free	Free	Free	Free
421.14	8.6%	8.6%	3.4%	3.4%	Free	Free	Free	Free
421.56	10%	10%	4%	4%	Free	Free	Free	Free
421.60	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
422.10	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
422.12	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
422.14	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
422.40	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
422.42	10%	10%	4%	4%	Free	Free	Free	Free
422.60	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
422.62	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
422.74	14%	14%	5.6%	5.6%	Free	Free	Free	Free
422.78	3.2%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
423.84	14%	14%	5.6%	5.6%	Free	Free	Free	Free
423.92	10%	10%	4%	4%	Free	Free	Free	Free
423.94	7.4%	7.4%	3%	3%	Free	Free	Free	Free
425.00	11.6%	11.6%	4.6%	4.6%	Free	Free	Free	Free
425.12	11.3%	11.3%	4.5%	4.5%	Free	Free	Free	Free
425.24	3.7%	3.7%	1.5%	1.5%	Free	Free	Free	Free
425.30	12%	12%	4.8%	4.8%	Free	Free	Free	Free
426.22	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
426.94	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
426.96	14%	14%	5.6%	5.6%	Free	Free	Free	Free
427.14	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
427.22	7.5%	7.5%	3%	3%	Free	Free	Free	Free
427.24	14%	14%	5.6%	5.6%	Free	Free	Free	Free
427.44	20%	20%	8%	8%	Free	Free	Free	Free
427.46	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
427.92	1.3¢/lb.	1.3¢/lb.	0.5¢/lb.	0.5¢/lb.	Free	Free	Free	Free
427.97	18%	18%	7.2%	7.2%	Free	Free	Free	Free
428.06	14%	14%	5.6%	5.6%	Free	Free	Free	Free
428.30	11.5%	11.5%	4.6%	4.6%	Free	Free	Free	Free
428.34	12%	12%	4.8%	4.8%	Free	Free	Free	Free
428.47	12.3%	12.3%	4.9%	4.9%	Free	Free	Free	Free
428.52	15.9%	15.9%	6.4%	6.4%	Free	Free	Free	Free
428.84	9%	9%	3.6%	3.6%	Free	Free	Free	Free
428.86	12%	12%	4.8%	4.8%	Free	Free	Free	Free
428.94	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
429.24	15.9%	15.9%	6.4%	6.4%	Free	Free	Free	Free
429.26	20%	20%	8%	8%	Free	Free	Free	Free
429.28	0.6¢/lb. + 3.3%	0.5¢/lb. + 2.7%	0.4¢/lb. + 2.1%	0.4¢/lb. + 1.8%	0.3¢/lb. + 1.4%	0.2¢/lb. + 1.1%	0.1¢/lb. + 0.4%	Free
429.44	12%	12%	4.8%	4.8%	Free	Free	Free	Free
429.47	18%	18%	7.2%	7.2%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,1/ effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
429.49	3.7%	3.7%	1.5%	1.5%	Free	Free	Free	Free
429.51	3.7%	3.7%	1.5%	1.5%	Free	Free	Free	Free
429.70	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
429.95	3.7%	3.7%	1.5%	1.5%	Free	Free	Free	Free
432.25	3.7%, but not less than the highest rate applicable to any component material	3.7%, but not less than the highest rate applicable to any component material	1.5%, but not less than the highest rate applicable to any component material	1.5%, but not less than the highest rate applicable to any component material	Free	Free	Free	Free
437.04	20¢/lb.	20¢/lb.	8¢/lb.	8¢/lb.	Free	Free	Free	Free
437.38	50¢/lb.	50¢/lb.	20¢/lb.	20¢/lb.	Free	Free	Free	Free
437.47	8%	8%	3.2%	3.2%	Free	Free	Free	Free
437.74	12%	12%	4.8%	4.8%	Free	Free	Free	Free
445.30	12.5%	12.5%	5%	5%	Free	Free	Free	Free
445.46	10.1%	10.1%	4%	4%	Free	Free	Free	Free
445.52	12.5%	12.5%	5%	5%	Free	Free	Free	Free
460.20	8%	8%	3.2%	3.2%	Free	Free	Free	Free
460.55	14.4%	14.4%	5.8%	5.8%	Free	Free	Free	Free
460.60	8%	8%	3.2%	3.2%	Free	Free	Free	Free
460.70	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
473.40	8%	8%	3.2%	3.2%	Free	Free	Free	Free
473.58	12%	12%	4.8%	4.8%	Free	Free	Free	Free
473.62	8%	8%	3.2%	3.2%	Free	Free	Free	Free
474.02	0.15¢/piece	0.15¢/piece	0.1¢/piece	0.1¢/piece	Free	Free	Free	Free
485.30	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
490.05	7.4%	7.4%	3%	3%	Free	Free	Free	Free
493.42	12.8%	12.8%	5.1%	5.1%	Free	Free	Free	Free
493.65	8%	8%	3.2%	3.2%	Free	Free	Free	Free
493.66	15%	15%	6%	6%	Free	Free	Free	Free
511.31	16.8%	16.8%	6.7%	6.7%	Free	Free	Free	Free
520.61	16.8%	16.8%	6.7%	6.7%	Free	Free	Free	Free
520.75	6%	6%	2.4%	2.4%	Free	Free	Free	Free
522.24	13.5%	13.5%	5.4%	5.4%	Free	Free	Free	Free
531.37	9%	9%	3.6%	3.6%	Free	Free	Free	Free
532.22	20%	20%	8%	8%	Free	Free	Free	Free
532.24	19%	19%	7.6%	7.6%	Free	Free	Free	Free
532.27	20%	20%	8%	8%	Free	Free	Free	Free
532.31	10.8%	10.8%	4.3%	4.3%	Free	Free	Free	Free
533.54	8%	8%	3.2%	3.2%	Free	Free	Free	Free
534.81	2¢/doz. pcs. + 7%	2¢/doz. pcs. + 7%	0.8¢/doz. pcs. + 2.8%	0.8¢/doz. pcs. + 2.8%	Free	Free	Free	Free
534.84	7%	7%	2.8%	2.8%	Free	Free	Free	Free
534.94	9%	9%	3.6%	3.6%	Free	Free	Free	Free
535.21	12%	12%	4.8%	4.8%	Free	Free	Free	Free
535.24	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
535.31	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
536.15	8%	8%	3.2%	3.2%	Free	Free	Free	Free
540.27	13.6%	13.6%	5.4%	5.4%	Free	Free	Free	Free
540.30	14%	14%	5.6%	5.6%	Free	Free	Free	Free
540.43	7.5%	7.5%	3%	3%	Free	Free	Free	Free
540.47	9.6%	9.6%	3.8%	3.8%	Free	Free	Free	Free
540.55	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
540.65	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
540.67	10%	10%	4%	4%	Free	Free	Free	Free
543.23	2¢/sq. ft.	2¢/sq. ft.	0.8¢/sq. ft.	0.8¢/sq. ft.	Free	Free	Free	Free
544.16	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
544.51	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
544.54	8%	8%	3.2%	3.2%	Free	Free	Free	Free
544.64	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
545.17	7.5%	7.5%	3%	3%	Free	Free	Free	Free
545.31	1.6¢ each + 8%	1.6¢ each + 8%	0.6¢ each + 3.2%	0.6¢ each + 3.2%	Free	Free	Free	Free
545.34	2.8¢ each + 8%	2.8¢ each + 8%	1.1¢ each + 3.2%	1.1¢ each + 3.2%	Free	Free	Free	Free
545.35	4¢ each + 8%	4¢ each + 8%	1.6¢ each + 3.2%	1.6¢ each + 3.2%	Free	Free	Free	Free
545.37	6¢ each + 8%	6¢ each + 8%	2.4¢ each + 3.2%	2.4¢ each + 3.2%	Free	Free	Free	Free
545.53	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
545.65	12%	12%	4.8%	4.8%	Free	Free	Free	Free
546.18	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
546.23	8%	8%	3.2%	3.2%	Free	Free	Free	Free
546.38	10%	10%	4%	4%	Free	Free	Free	Free
546.39	9%	9%	3.6%	3.6%	Free	Free	Free	Free
546.47	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
547.13	9.6%	9.6%	3.8%	3.8%	Free	Free	Free	Free
547.55	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
548.03	7.5%	7.5%	3%	3%	Free	Free	Free	Free
605.03	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
605.05	10%	10%	4%	4%	Free	Free	Free	Free
605.08	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
605.27	7.5%	7.5%	3%	3%	Free	Free	Free	Free
605.28	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
605.46	7.5%	7.5%	3%	3%	Free	Free	Free	Free
605.47	10%	10%	4%	4%	Free	Free	Free	Free
605.66	16%	16%	6.4%	6.4%	Free	Free	Free	Free
606.42	8%	8%	3.2%	3.2%	Free	Free	Free	Free
606.90	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
606.94	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
606.95	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
607.88	8%	8%	3.2%	3.2%	Free	Free	Free	Free
607.90	8%	8%	3.2%	3.2%	Free	Free	Free	Free
608.43	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
608.49	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
608.57	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by 2/ Annex I	Rates of duty,1/ effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
608.64	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free
612.61A	7.3%	7.3%	2.9%	2.9%	Free	Free	Free	Free
612.61B	0.5¢/lb. on copper content + 7%	0.5¢/lb. on copper content + 7%	0.2¢/lb. on copper content + 2.8%	0.2¢/lb. on copper content + 2.8%	Free	Free	Free	Free
612.70A	7.3%	7.3%	2.9%	2.9%	Free	Free	Free	Free
612.70B	0.5¢/lb. on copper content + 7.2%	0.5¢/lb. on copper content + 7.2%	0.2¢/lb. on copper content + 2.9%	0.2¢/lb. on copper content + 2.9%	Free	Free	Free	Free
612.71A	7.4%	7.4%	3%	3%	Free	Free	Free	Free
612.71B	0.5¢/lb. on copper content + 0.02¢/lb. + 7%	0.5¢/lb. on copper content + 0.02¢/lb. + 7%	0.2¢/lb. on copper content + 2.8%	0.2¢/lb. on copper content + 2.8%	Free	Free	Free	Free
613.15A	11.2%	11.2%	4.5%	4.5%	Free	Free	Free	Free
613.15B	0.6¢/lb. + 8.8%	0.6¢/lb. + 8.8%	0.2¢/lb. + 3.5%	0.2¢/lb. + 3.5%	Free	Free	Free	Free
624.40	11.9%	11.9%	4.8%	4.8%	Free	Free	Free	Free
624.42	9%	9%	3.6%	3.6%	Free	Free	Free	Free
626.04	15.2%	15.2%	6.1%	6.1%	Free	Free	Free	Free
628.55	8%	8%	3.2%	3.2%	Free	Free	Free	Free
629.12	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
629.14	15%	15%	6%	6%	Free	Free	Free	Free
629.20	15%	15%	6%	6%	Free	Free	Free	Free
629.28	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
632.30	14%	14%	5.6%	5.6%	Free	Free	Free	Free
632.78	32¢/lb.	32¢/lb.	12.8¢/lb.	12.8¢/lb.	Free	Free	Free	Free
642.25	10%	10%	4%	4%	Free	Free	Free	Free
642.27	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
642.74	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
644.15	7%	7%	2.8%	2.8%	Free	Free	Free	Free
644.60	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
646.49	10%	10%	4%	4%	Free	Free	Free	Free
646.88	12.3%	12.3%	4.9%	4.9%	Free	Free	Free	Free
647.10	8%	8%	3.2%	3.2%	Free	Free	Free	Free
648.80	12%	12%	4.8%	4.8%	Free	Free	Free	Free
648.82	12%	12%	4.8%	4.8%	Free	Free	Free	Free
649.23	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
649.43	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
649.44	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
649.53	7%	7%	2.8%	2.8%	Free	Free	Free	Free
649.71	10%	10%	4%	4%	Free	Free	Free	Free
649.73	10%	10%	4%	4%	Free	Free	Free	Free
649.75	10%	10%	4%	4%	Free	Free	Free	Free
649.91	8%	8%	3.2%	3.2%	Free	Free	Free	Free
650.08	0.8¢ each + 10%	0.8¢ each + 10%	0.3¢ each + 4%	0.3¢ each + 4%	Free	Free	Free	Free
650.10	0.8¢ each + 14%	0.8¢ each + 14%	0.3¢ each + 5.6%	0.3¢ each + 5.6%	Free	Free	Free	Free
650.54	13.6%	13.6%	5.4%	5.4%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.
2/ The letter "A" or "B" following an item number in this column is for purposes of identifying the staged rate of duty to be inserted in Special column a or Special column b, as the case may be, of the corresponding item in the Tariff Schedules of the United States.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
650.56	7.5%	7.5%	3%	3%	Free	Free	Free	Free
650.83	8%	8%	3.2%	3.2%	Free	Free	Free	Free
650.90	10¢ each + 10%	10¢ each + 10%	4¢ each + 4%	4¢ each + 4%	Free	Free	Free	Free
650.92	10¢ each + 10%	10¢ each + 10%	4¢ each + 4%	4¢ each + 4%	Free	Free	Free	Free
651.01	7.6%	7.6%	3%	3%	Free	Free	Free	Free
651.07	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
651.13	8.1%	8.1%	3.2%	3.2%	Free	Free	Free	Free
651.62	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
651.75	The rate of duty, if any, applicable to each article in the set	The rate of duty, if any, applicable to each article in the set	The rate of duty, if any, applicable to each article in the set	The rate of duty, if any, applicable to each article in the set	Free	Free	Free	Free
652.55	8%	8%	3.2%	3.2%	Free	Free	Free	Free
652.72	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
653.39	7.6%	7.6%	3%	3%	Free	Free	Free	Free
653.65	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
653.70	7.5%	7.5%	3%	3%	Free	Free	Free	Free
653.75	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
656.05	8%	8%	3.2%	3.2%	Free	Free	Free	Free
656.20	7.5%	7.5%	3%	3%	Free	Free	Free	Free
656.25	10%	10%	4%	4%	Free	Free	Free	Free
656.30	8%	8%	3.2%	3.2%	Free	Free	Free	Free
660.74	90¢ each + 14%	90¢ each + 14%	36¢ each + 5.6%	36¢ each + 5.6%	Free	Free	Free	Free
661.90	3.9%	3.9%	1.6%	1.6%	Free	Free	Free	Free
668.32	80¢ each + 8%	80¢ each + 8%	32¢ each + 3.2%	32¢ each + 3.2%	Free	Free	Free	Free
668.34	8%	8%	3.2%	3.2%	Free	Free	Free	Free
670.58	10%	10%	4%	4%	Free	Free	Free	Free
670.62	23¢/1,000 + 8.2%	23¢/1,000 + 8.2%	9.2¢/1,000 + 3.3%	9.2¢/1,000 + 3.3%	Free	Free	Free	Free
670.68	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
674.30	5.8%	5.8%	2.3%	2.3%	Free	Free	Free	Free
674.31	4.2%	4.2%	1.7%	1.7%	Free	Free	Free	Free
674.33	4.2%	4.2%	1.7%	1.7%	Free	Free	Free	Free
674.34	4.2%	4.2%	1.7%	1.7%	Free	Free	Free	Free
674.35	4.4%	4.4%	1.8%	1.8%	Free	Free	Free	Free
680.37	8.8%	7.7%	6.6%	5.5%	4.4%	3.3%	1.1%	Free
680.59	50¢ each + 7.7%	50¢ each + 7.7%	20¢ each + 3.1%	20¢ each + 3.1%	Free	Free	Free	Free
680.62	9%	9%	3.6%	3.6%	Free	Free	Free	Free
682.20	10%	10%	4%	4%	Free	Free	Free	Free
682.55	10%	10%	4%	4%	Free	Free	Free	Free
683.70	25%	25%	10%	10%	Free	Free	Free	Free
684.15	6.8%	6.8%	2.7%	2.7%	Free	Free	Free	Free
685.16	6%	6%	2.4%	2.4%	Free	Free	Free	Free
685.80	8%	8%	3.2%	3.2%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
686.70	7.9%	7.9%	3.2%	3.2%	Free	Free	Free	Free
687.35	12%	12%	4.8%	4.8%	Free	Free	Free	Free
690.15	14.4%	14.4%	5.8%	5.8%	Free	Free	Free	Free
696.15	3.8%	3.1%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
700.05	16%	16%	6.4%	6.4%	Free	Free	Free	Free
700.10	8%	8%	3.2%	3.2%	Free	Free	Free	Free
700.15	8%	8%	3.2%	3.2%	Free	Free	Free	Free
700.20	2%	2%	0.8%	0.8%	Free	Free	Free	Free
700.25	13.6%	13.6%	5.4%	5.4%	Free	Free	Free	Free
700.26	13.6¢/pair	13.6¢/pair	5.4¢/pair	5.4¢/pair	Free	Free	Free	Free
700.27	4%	4%	1.6%	1.6%	Free	Free	Free	Free
700.29	4%	4%	1.6%	1.6%	Free	Free	Free	Free
700.30	4%	4%	1.6%	1.6%	Free	Free	Free	Free
700.32	4%	4%	1.6%	1.6%	Free	Free	Free	Free
700.35	6.8%	6.8%	2.7%	2.7%	Free	Free	Free	Free
700.41	8%	8%	3.2%	3.2%	Free	Free	Free	Free
700.43	12%	12%	4.8%	4.8%	Free	Free	Free	Free
700.45	8%	8%	3.2%	3.2%	Free	Free	Free	Free
700.51	6.6%	6.6%	2.6%	2.6%	Free	Free	Free	Free
700.52	20%	20%	8%	8%	Free	Free	Free	Free
700.53	30%	30%	12%	12%	Free	Free	Free	Free
700.56	4.8%	4.8%	1.9%	1.9%	Free	Free	Free	Free
700.57	37.5%	37.5%	15%	15%	Free	Free	Free	Free
700.59	37.5%	37.5%	15%	15%	Free	Free	Free	Free
700.61	37.5%	37.5%	15%	15%	Free	Free	Free	Free
700.62	90¢/pair + 20%	90¢/pair + 20%	36¢/pair + 8%	36¢/pair + 8%	Free	Free	Free	Free
700.63	20%	20%	8%	8%	Free	Free	Free	Free
700.64	48%	48%	19.2%	19.2%	Free	Free	Free	Free
700.67	90¢/pair + 37.5%	90¢/pair + 37.5%	36¢/pair + 15%	36¢/pair + 15%	Free	Free	Free	Free
700.69	90¢/pair + 20%	90¢/pair + 20%	36¢/pair + 8%	36¢/pair + 8%	Free	Free	Free	Free
700.71	20%	20%	8%	8%	Free	Free	Free	Free
700.72	12%	12%	4.8%	4.8%	Free	Free	Free	Free
700.73	8%	8%	3.2%	3.2%	Free	Free	Free	Free
700.74	6%	6%	2.4%	2.4%	Free	Free	Free	Free
700.75	2.8%	2.8%	1.1%	1.1%	Free	Free	Free	Free
700.80	10%	10%	4%	4%	Free	Free	Free	Free
700.83	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
700.90	7.5%	7.5%	3%	3%	Free	Free	Free	Free
700.95	10%	10%	4%	4%	Free	Free	Free	Free
702.06	9.3%	7%	5%	4.2%	3.4%	2.5%	0.8%	Free
702.08	9.3%	7%	5%	4.2%	3.4%	2.5%	0.8%	Free
702.12	8.8%	6.7%	4.8%	4%	3.2%	2.4%	0.8%	Free
702.14	8.8%	6.7%	4.8%	4%	3.2%	2.4%	0.8%	Free
702.20	4%	3.5%	3%	2.5%	2%	1.5%	0.5%	Free
702.45	20%	20%	8%	8%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
702.54	16.8¢/lb. + 9.3%	13.3¢/lb. + 7.4%	10.2¢/lb. + 5.6%	8.5¢/lb. + 4.7%	6.8¢/lb. + 3.8%	5.1¢/lb. + 2.8%	1.7¢/lb. + 0.9%	Free
702.56	20.8¢/lb. + 14.2%	17.5¢/lb. + 11.6%	13.8¢/lb. + 9.2%	11.5¢/lb. + 7.7%	9.2¢/lb. + 6.2%	6.9¢/lb. + 4.6%	2.3¢/lb. + 1.5%	Free
702.60	4.8¢/lb. + 12.1%	4.2¢/lb. + 9.2%	3¢/lb. + 6.6%	2.5¢/lb. + 5.5%	2¢/lb. + 4.4%	1.5¢/lb. + 3.3%	0.5¢/lb. + 1.1%	Free
702.65	6.6¢/lb. + 8.8% + 2¢/article	5¢/lb. + 6.7% + 1.5¢/article	3.6¢/lb. + 4.8% + 1.2¢/article	3¢/lb. + 4% + 1¢/article	2.4¢/lb. + 3.2% + 0.8¢/article	1.8¢/lb. + 2.4% + 0.6¢/article	0.6¢/lb. + 0.8% + 0.2¢/article	Free
702.70	6.6¢/lb. + 7% + 2¢/article	5¢/lb. + 5.4% + 1.5¢/article	3.9¢/lb. + 4% + 1.2¢/article	3.3¢/lb. + 3.4% + 1¢/article	2.6¢/lb. + 2.7% + 0.8¢/article	2¢/lb. + 2% + 0.6¢/article	0.7¢/lb. + 0.7% + 0.2¢/article	Free
702.75	10.4¢/lb. + 9.3%	7.7¢/lb. + 7%	6¢/lb. + 5%	5¢/lb. + 4.2%	4¢/lb. + 3.4%	3¢/lb. + 2.5%	1¢/lb. + 0.8%	Free
702.80	16¢/lb. + 9.3%	11.9¢/lb. + 7%	9¢/lb. + 5%	7.5¢/lb. + 4.2%	6¢/lb. + 3.4%	4.5¢/lb. + 2.5%	1.5¢/lb. + 0.8%	Free
702.85	17.6¢ each + 3.4%	13.3¢ each + 2.5%	9.6¢ each + 1.8%	8¢ each + 1.5%	6.4¢ each + 1.2%	4.8¢ each + 0.9%	1.6¢ each + 0.3%	Free
702.90	5.5%	4.4%	3.5%	2.9%	2.3%	1.7%	0.6%	Free
702.95	7.7%	6%	4.5%	3.8%	3%	2.3%	0.8%	Free
703.05	7.9%	6%	4.3%	3.6%	2.9%	2.2%	0.7%	Free
703.10	15.2¢/lb. + 12.5%	13.3¢/lb. + 10.4%	10.8¢/lb. + 8.5%	9¢/lb. + 7.1%	7.2¢/lb. + 5.6%	5.4¢/lb. + 4.2%	1.8¢/lb. + 1.4%	Free
703.14	10.4¢/lb. + 8.8%	8.4¢/lb. + 6.7%	6¢/lb. + 4.8%	5¢/lb. + 4%	4¢/lb. + 3.2%	3¢/lb. + 2.4%	1¢/lb. + 0.8%	Free
703.16	10.4¢/lb. + 8.8%	8.4¢/lb. + 6.7%	6¢/lb. + 4.8%	5¢/lb. + 4%	4¢/lb. + 3.2%	3¢/lb. + 2.4%	1¢/lb. + 0.8%	Free
703.20	11%	11%	4.4%	4.4%	Free	Free	Free	Free
703.25	9.4%	9.4%	3.8%	3.8%	Free	Free	Free	Free
703.30	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
703.40	22%	22%	8.8%	8.8%	Free	Free	Free	Free
703.45	26%	26%	10.4%	10.4%	Free	Free	Free	Free
703.50	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
703.65	4.8%	4.2%	3.6%	3%	2.4%	1.8%	0.6%	Free
703.72	1.9%	1.7%	1.4%	1.2%	1%	0.7%	0.2%	Free
703.75	6.8%	6%	5.1%	4.3%	3.4%	2.6%	0.9%	Free
703.80	0.4%	0.2%	Free	Free	Free	Free	Free	Free
703.85	1%	0.4%	Free	Free	Free	Free	Free	Free
703.90	1%	0.4%	Free	Free	Free	Free	Free	Free
703.95	4%	3%	2.2%	1.8%	1.4%	1.1%	0.4%	Free
704.05	17.4%	14.6%	12%	10%	8%	6%	2%	Free
704.10	17.4%	14.6%	12%	10%	8%	6%	2%	Free
704.15	17.4%	14.6%	12%	10%	8%	6%	2%	Free
704.20	30.4%	24.5%	19.2%	14.5%	10.4%	6.9%	2%	Free
704.25	27.1%	21.8%	17%	12.8%	9.1%	6%	2%	Free
704.30	30.4%	24.5%	19.2%	14.5%	10.4%	6.9%	2%	Free
704.32	18.6%	15.2%	12%	10%	8%	6%	2%	Free
704.34	18.6%	15.2%	12%	10%	8%	6%	2%	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
704.40	20%	17.5%	15%	12.5%	10%	7.5%	2.5%	Free
704.45	20%	17.5%	15%	12.5%	10%	7.5%	2.5%	Free
704.50	12%	8.8%	6%	5%	4%	3%	1%	Free
704.55	12.8¢/lb. + 11.4%	9.8¢/lb. + 8.6%	7.2¢/lb. + 6.2%	6¢/lb. + 5.2%	4.8¢/lb. + 4.2%	3.6¢/lb. + 3.1%	1.2¢/lb. + 1%	Free
704.56	9.6¢/lb. + 8.6%	7¢/lb. + 6.4%	5.1¢/lb. + 4.5%	4.3¢/lb. + 3.8%	3.4¢/lb. + 3%	2.6¢/lb. + 2.3%	0.9¢/lb. + 0.8%	Free
704.60	22.4¢/lb. + 30.4%	18.2¢/lb. + 24.5%	14.4¢/lb. + 19.2%	10.5¢/lb. + 14.5%	7.6¢/lb. + 10.4%	5.1¢/lb. + 6.9%	1.5¢/lb. + 2%	Free
704.65	17.6¢/lb. + 8.9%	12.6¢/lb. + 6.4%	9¢/lb. + 4.4%	7.5¢/lb. + 3.7%	6¢/lb. + 3%	4.5¢/lb. + 2.2%	1.5¢/lb. + 0.7%	Free
704.70	17.6¢/lb. + 7.2%	12.6¢/lb. + 5.3%	9¢/lb. + 3.6%	7.5¢/lb. + 3%	6¢/lb. + 2.4%	4.5¢/lb. + 1.8%	1.5¢/lb. + 0.6%	Free
704.75	6.6%	5.2%	3.9%	3.3%	2.6%	2%	0.7%	Free
704.80	8.2%	6.2%	4.5%	3.8%	3%	2.3%	0.8%	Free
704.85	13.6¢/lb. + 17.8%	10.5¢/lb. + 13.8%	7.8¢/lb. + 10.3%	6.5¢/lb. + 8.6%	5.2¢/lb. + 6.8%	3.9¢/lb. + 5.1%	1.3¢/lb. + 1.7%	Free
704.90	12.8¢/lb. + 14.5%	9.8¢/lb. + 11%	7.2¢/lb. + 8%	5¢/lb. + 5.5%	4¢/lb. + 4.4%	3¢/lb. + 3.3%	1¢/lb. + 1.1%	Free
704.95	4.8%	3.5%	2.4%	2%	1.6%	1.2%	0.4%	Free
705.35	12%	10.5%	8.4%	7%	5.6%	4.2%	1.4%	Free
705.40	$2.78/doz. pairs	$2.25/doz. pairs	$1.78/doz. pairs	$1.35/doz. pairs	98¢/doz. pairs	74¢/doz. pairs	25¢/doz. pairs	Free
705.42	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.43	$2.56/doz. pairs	$2.03/doz. pairs	$1.56/doz. pairs	$1.15/doz. pairs	80¢/doz. pairs	60¢/doz. pairs	20¢/doz. pairs	Free
705.45	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.46	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.48	$2.76/doz. pairs	$2.23/doz. pairs	$1.76/doz. pairs	$1.34/doz. pairs	97¢/doz. pairs	73¢/doz. pairs	24¢/doz. pairs	Free
705.50	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.51	$2.73/doz. pairs	$2.20/doz. pairs	$1.73/doz. pairs	$1.31/doz. pairs	94¢/doz. pairs	71¢/doz. pairs	24¢/doz. pairs	Free
705.53	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.54	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.55	$2.73/doz. pairs	$2.20/doz. pairs	$1.73/doz. pairs	$1.31/doz. pairs	94¢/doz. pairs	71¢/doz. pairs	24¢/doz. pairs	Free
705.57	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.58	14.7%	12.1%	9.7%	7.6%	5.6%	4.2%	1.4%	Free
705.60	$3.07/doz. pairs	$2.44/doz. pairs	$1.87/doz. pairs	$1.38/doz. pairs	96¢/doz. pairs	72¢/doz. pairs	24¢/doz. pairs	Free
705.63	16.3%	13.2%	10.3%	7.8%	5.6%	4.2%	1.4%	Free
705.66	$3.07/doz. pairs	$2.44/doz. pairs	$1.87/doz. pairs	$1.38/doz. pairs	96¢/doz. pairs	72¢/doz. pairs	24¢/doz. pairs	Free
705.67	$3.07/doz. pairs	$2.44/doz. pairs	$1.87/doz. pairs	$1.38/doz. pairs	96¢/doz. pairs	72¢/doz. pairs	24¢/doz. pairs	Free
705.68	16%	12.3%	9%	7.5%	6%	4.5%	1.5%	Free
705.69	$4.80/doz. pairs	$4.20/doz. pairs	$3.60/doz. pairs	$3.00/doz. pairs	$2.40/doz. pairs	$1.80/doz. pairs	60¢/doz. pairs	Free
705.70	16.3%	13.2%	10.3%	7.8%	5.6%	4.2%	1.4%	Free
705.72	$4.04/doz. pairs	$3.30/doz. pairs	$2.64/doz. pairs	$2.04/doz. pairs	$1.50/doz. pairs	$1.13/doz. pairs	38¢/doz. pairs	Free

[1] The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
705.73	13.8%	11.5%	9.4%	7.4%	5.6%	4.2%	1.4%	Free
705.74	13.8%	11.5%	9.4%	7.4%	5.6%	4.2%	1.4%	Free
705.76	$3.92/doz. pairs	$3.19/doz. pairs	$2.52/doz. pairs	$1.93/doz. pairs	$1.40/doz. pairs	$1.05/doz. pairs	35¢/doz. pairs	Free
705.78	13.8%	11.5%	9.4%	7.4%	5.6%	4.2%	1.4%	Free
705.83	3.2%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
705.85	11.4%	9.9%	8.4%	7%	5.6%	4.2%	1.4%	Free
705.86	15.4%	11.6%	8.4%	7%	5.6%	4.2%	1.4%	Free
705.90	3.2%	2.7%	2.2%	1.9%	1.5%	1.1%	0.4%	Free
706.05	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
706.07	8%	8%	3.2%	3.2%	Free	Free	Free	Free
706.13	8%	8%	3.2%	3.2%	Free	Free	Free	Free
706.15	10%	10%	4%	4%	Free	Free	Free	Free
706.19	18%	18%	7.2%	7.2%	Free	Free	Free	Free
706.21	18%	18%	7.2%	7.2%	Free	Free	Free	Free
706.32	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
706.33	9.3%	7%	5%	4.2%	3.4%	2.5%	0.8%	Free
706.34	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
706.36	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
706.37	5.2%	4.6%	3.9%	3.3%	2.6%	2%	0.7%	Free
706.39	16%	14%	12%	10%	8%	6%	2%	Free
706.41	16%	16%	6.4%	6.4%	Free	Free	Free	Free
706.44	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
706.45	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
706.47	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
706.50	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
706.55	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
706.61	16%	16%	6.4%	6.4%	Free	Free	Free	Free
706.62	16%	16%	6.4%	6.4%	Free	Free	Free	Free
707.90	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
708.05	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.07	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.10	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
708.21	7%	7%	2.8%	2.8%	Free	Free	Free	Free
708.25	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.27	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.30	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
708.41	9%	9%	3.6%	3.6%	Free	Free	Free	Free
708.43	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
708.45	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
708.47	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
708.56	16%	16%	6.4%	6.4%	Free	Free	Free	Free
708.58	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.63	9%	9%	3.6%	3.6%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
708.65	The rate applicable to the articles of which the frames and mountings are parts	The rate applicable to the articles of which the frames and mountings are parts	The rate applicable to the articles of which the frames and mountings are parts	The rate applicable to the articles of which the frames and mountings are parts	Free	Free	Free	Free
708.71	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.72	8%	8%	3.2%	3.2%	Free	Free	Free	Free
708.73	9%	9%	3.6%	3.6%	Free	Free	Free	Free
708.75	9%	9%	3.6%	3.6%	Free	Free	Free	Free
708.80	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
708.93	9%	9%	3.6%	3.6%	Free	Free	Free	Free
709.01	9%	9%	3.6%	3.6%	Free	Free	Free	Free
709.05	10%	10%	4%	4%	Free	Free	Free	Free
709.13	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
709.23	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
709.27	7.9%	7.9%	3.2%	3.2%	Free	Free	Free	Free
709.55	9%	9%	3.6%	3.6%	Free	Free	Free	Free
709.56	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
710.06	9%	9%	3.6%	3.6%	Free	Free	Free	Free
710.21	10%	10%	4%	4%	Free	Free	Free	Free
710.26	47¢ each + 7.4%	47¢ each + 7.4%	18.8¢ each + 3%	18.8¢ each + 3%	Free	Free	Free	Free
710.27	9%	9%	3.6%	3.6%	Free	Free	Free	Free
710.86	7%	7%	2.8%	2.8%	Free	Free	Free	Free
710.88	9%	9%	3.6%	3.6%	Free	Free	Free	Free
710.90	10%	10%	4%	4%	Free	Free	Free	Free
711.30	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
711.31	17%	17%	6.8%	6.8%	Free	Free	Free	Free
711.32	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
711.40	10%	10%	4%	4%	Free	Free	Free	Free
711.70	49¢ each + 7.6%	49¢ each + 7.6%	19.6¢ each + 3%	19.6¢ each + 3%	Free	Free	Free	Free
711.72	9%	9%	3.6%	3.6%	Free	Free	Free	Free
711.86	10%	10%	4%	4%	Free	Free	Free	Free
711.90	15%	15%	6%	6%	Free	Free	Free	Free
711.93	17%	17%	6.8%	6.8%	Free	Free	Free	Free
712.12	10%	10%	4%	4%	Free	Free	Free	Free
712.25	49¢ each + 7.6%	49¢ each + 7.6%	19¢ each + 3%	19¢ each + 3%	Free	Free	Free	Free
712.27	9%	9%	3.6%	3.6%	Free	Free	Free	Free
713.05	30¢ each + 6.4%	30¢ each + 6.4%	12¢ each + 2.6%	12¢ each + 2.6%	Free	Free	Free	Free
713.15	9%	9%	3.6%	3.6%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
713.17	45¢ each + 7%	45¢ each + 7%	18¢ each + 2.8%	18¢ each + 2.8%	Free	Free	Free	Free
715.05	The rates applicable to the cases, plus the rates applicable to the movements, if such cases and movements were imported separately	The rates applicable to the cases, plus the rates applicable to the movements, if such cases and movements were imported separately	The rates applicable to the cases, plus the rates applicable to the movements, if such cases and movements were imported separately	The rates applicable to the cases, plus the rates applicable to the movements, if such cases and movements were imported separately	Free	Free	Free	Free
715.25	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.27	10¢ each + 6.4% + 2.5¢ for each jewel, if any	10¢ each + 6.4% + 2.5¢ for each jewel, if any	4¢ each + 2.6% + 1¢ for each jewel, if any	4¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.29	15¢ each + 6.4% + 2.5¢ for each jewel, if any	15¢ each + 6.4% + 2.5¢ for each jewel, if any	6¢ each + 2.6% + 1¢ for each jewel, if any	6¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.31	30¢ each + 6.4% + 2.5¢ for each jewel, if any	30¢ each + 6.4% + 2.5¢ for each jewel, if any	12¢ each + 2.6% + 1¢ for each jewel, if any	12¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.33	45¢ each + 6.4% + 2.5¢ for each jewel, if any	45¢ each + 6.4% + 2.5¢ for each jewel, if any	18¢ each + 2.6% + 1¢ for each jewel, if any	18¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.45	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.47	10¢ each + 6.4% + 2.5¢ for each jewel, if any	10¢ each + 6.4% + 2.5¢ for each jewel, if any	4¢ each + 2.6% + 1¢ for each jewel, if any	4¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
715.49	15¢ each + 6.4% + 2.5¢ for each jewel, if any	15¢ each + 6.4% + 2.5¢ for each jewel, if any	6¢ each + 2.6% + 1¢ for each jewel, if any	6¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.51	30¢ each + 6.4% + 2.5¢ for each jewel, if any	30¢ each + 6.4% + 2.5¢ for each jewel, if any	12¢ each + 2.6% + 1¢ for each jewel, if any	12¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.55	45¢ each + 7% + 2.5¢ for each jewel, if any	45¢ each + 7% + 2.5¢ for each jewel, if any	18¢ each + 2.8% + 1¢ for each jewel, if any	18¢ each + 2.8% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.57	45¢ each + 7% + 2.5¢ for each jewel, if any	45¢ each + 7% + 2.5¢ for each jewel, if any	18¢ each + 2.8% + 1¢ for each jewel, if any	18¢ each + 2.8% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.60	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
715.68	45¢ each + 6.4% + 2.5¢ for each jewel, if any	45¢ each + 6.4% + 2.5¢ for each jewel, if any	18¢ each + 2.6% + 1¢ for each jewel, if any	18¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
716.09	36¢ each	36¢ each	14.4¢ each	14.4¢ each	Free	Free	Free	Free
716.17	72¢ each	72¢ each	28.8¢ each	28.8¢ each	Free	Free	Free	Free
716.37	$1.80 each + 9¢ for each jewel over 7	$1.80 each + 9¢ for each jewel over 7	72¢ each + 3.6¢ for each jewel over 7	72¢ each + 3.6¢ for each jewel over 7	Free	Free	Free	Free
716.40	90¢ each + 9¢ for each jewel over 7	90¢ each + 9¢ for each jewel over 7	36¢ each + 3.6¢ for each jewel over 7	36¢ each + 3.6¢ for each jewel over 7	Free	Free	Free	Free
719.--	Base rate + 35¢ each, if self-winding + 35¢ each adjustment	Base rate + 35¢ each, if self-winding + 35¢ each adjustment	Base rate + 14¢ each, if self-winding + 14¢ each adjustment	Base rate + 14¢ each, if self-winding + 14¢ each adjustment	Free	Free	Free	Free
720.02	30¢ each	30¢ each	12¢ each	12¢ each	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
720.10	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	5.5¢ each + 6.4% + 2.5¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	2.2¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
720.12	10¢ each + 6.4% + 2.5¢ for each jewel, if any	10¢ each + 6.4% + 2.5¢ for each jewel, if any	4¢ each + 2.6% + 1¢ for each jewel, if any	4¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
720.14	15¢ each + 6.4% + 2.5¢ for each jewel, if any	15¢ each + 6.4% + 2.5¢ for each jewel, if any	6¢ each + 2.6% + 1¢ for each jewel, if any	6¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
720.16	30¢ each + 6.4% + 2.5¢ for each jewel, if any	30¢ each + 6.4% + 2.5¢ for each jewel, if any	12¢ each + 2.6% + 1¢ for each jewel, if any	12¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
720.18	45¢ each + 6.4% + 2.5¢ for each jewel, if any	45¢ each + 6.4% + 2.5¢ for each jewel, if any	18¢ each + 2.6% + 1¢ for each jewel, if any	18¢ each + 2.6% + 1¢ for each jewel, if any	Free	Free	Free	Free
720.21	8%	8%	3.2%	3.2%	Free	Free	Free	Free
720.22	8%	8%	3.2%	3.2%	Free	Free	Free	Free
720.32	7.4%	7.4%	3%	3%	Free	Free	Free	Free
720.40	0.5¢ each + 9%	0.5¢ each + 9%	0.2¢ each + 3.6%	0.2¢ each + 3.6%	Free	Free	Free	Free
720.44	10%	10%	4%	4%	Free	Free	Free	Free
720.75	9%	9%	3.6%	3.6%	Free	Free	Free	Free
720.84	13% + 5¢ for each jewel (if any) + 0.6¢ for each other piece or part	13% + 5¢ for each jewel (if any) + 0.6¢ for each other piece or part	5.2% + 2¢ for each jewel (if any) + 0.2¢ for each other piece or part	5.2% + 2¢ for each jewel (if any) + 0.2¢ for each other piece or part	Free	Free	Free	Free
720.86	6.4% + 2.5¢ for each jewel (if any) + 0.3¢ for each other piece or part	6.4% + 2.5¢ for each jewel (if any) + 0.3¢ for each other piece or part	2.6% + 1¢ for each jewel (if any) + 0.1¢ for each other piece or part	2.6% + 1¢ for each jewel (if any) + 0.1¢ for each other piece or part	Free	Free	Free	Free
720.90	11%	11%	4.4%	4.4%	Free	Free	Free	Free
720.92	10%	10%	4%	4%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
720.94	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
721.05	9%	9%	3.6%	3.6%	Free	Free	Free	Free
722.14	6.8%	6.8%	2.7%	2.7%	Free	Free	Free	Free
722.40	7%	7%	2.8%	2.8%	Free	Free	Free	Free
722.44	7%	7%	2.8%	2.8%	Free	Free	Free	Free
722.46	7%	7%	2.8%	2.8%	Free	Free	Free	Free
722.50	7%	7%	2.8%	2.8%	Free	Free	Free	Free
722.52	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
722.55	9%	9%	3.6%	3.6%	Free	Free	Free	Free
724.20	0.2¢/lin. ft.	0.2¢/lin. ft.	0.1¢/lin. ft.	0.1¢/lin. ft.	Free	Free	Free	Free
724.35	0.2¢/lin. ft.	0.2¢/lin. ft.	0.1¢/lin. ft.	0.1¢/lin. ft.	Free	Free	Free	Free
725.08	7%	7%	2.8%	2.8%	Free	Free	Free	Free
725.20	12%	12%	4.8%	4.8%	Free	Free	Free	Free
725.46	6.8%	6.8%	2.7%	2.7%	Free	Free	Free	Free
725.47	6.8%	6.8%	2.7%	2.7%	Free	Free	Free	Free
726.20	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
726.55	6.6%	6.6%	2.6%	2.6%	Free	Free	Free	Free
727.11	7.5%	7.5%	3%	3%	Free	Free	Free	Free
727.13	7.5%	7.5%	3%	3%	Free	Free	Free	Free
727.14	7.5%	7.5%	3%	3%	Free	Free	Free	Free
727.45	7%	7%	2.8%	2.8%	Free	Free	Free	Free
727.82	4.8%	4.2%	3.6%	3%	2.4%	1.8%	0.6%	Free
727.86	6.6%	5%	3.6%	3%	2.4%	1.8%	0.6%	Free
730.15	40¢ each + 11%	40¢ each + 11%	16¢ each + 4.4%	16¢ each + 4.4%	Free	Free	Free	Free
730.23	8.1%	8.1%	3.2%	3.2%	Free	Free	Free	Free
730.25	9.1%	9.1%	3.6%	3.6%	Free	Free	Free	Free
730.29	7.5%	7.5%	3%	3%	Free	Free	Free	Free
730.37	10%	10%	4%	4%	Free	Free	Free	Free
730.39	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
730.61	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
730.80	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
730.85	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
731.15	7.6%	7.6%	3%	3%	Free	Free	Free	Free
731.20	9.2%	9.2%	3.7%	3.7%	Free	Free	Free	Free
731.30	7%	7%	2.8%	2.8%	Free	Free	Free	Free
731.65	9%	9%	3.6%	3.6%	Free	Free	Free	Free
731.70	9%	9%	3.6%	3.6%	Free	Free	Free	Free
732.02	12%	12%	4.8%	4.8%	Free	Free	Free	Free
732.06	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
732.08	12%	12%	4.8%	4.8%	Free	Free	Free	Free
732.12	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
732.14	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
732.21	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
732.24	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
732.26	12%	12%	4.8%	4.8%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IX
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
732.30	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
732.42	10%	10%	4%	4%	Free	Free	Free	Free
732.43	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
734.05	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
735.10	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
737.15	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
737.21	8.3%	6.4%	4.8%	4%	3.2%	2.4%	0.8%	Free
737.40	7%	7%	2.8%	2.8%	Free	Free	Free	Free
737.60	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
740.75	8%	8%	3.2%	3.2%	Free	Free	Free	Free
741.10	8%	8%	3.2%	3.2%	Free	Free	Free	Free
741.40	8%	8%	3.2%	3.2%	Free	Free	Free	Free
745.10	11%	11%	4.4%	4.4%	Free	Free	Free	Free
745.50	10%	10%	4%	4%	Free	Free	Free	Free
745.52	8.2%	8.2%	3.3%	3.3%	Free	Free	Free	Free
745.56	9%	9%	3.6%	3.6%	Free	Free	Free	Free
745.61	11%	11%	4.4%	4.4%	Free	Free	Free	Free
745.62	11%	11%	4.4%	4.4%	Free	Free	Free	Free
745.67	11%	11%	4.4%	4.4%	Free	Free	Free	Free
748.15	7%	7%	2.8%	2.8%	Free	Free	Free	Free
748.20	8.4%	8.4%	3.4%	3.4%	Free	Free	Free	Free
748.32	8.8%	8.8%	3.5%	3.5%	Free	Free	Free	Free
748.36	10%	10%	4%	4%	Free	Free	Free	Free
748.45	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
748.50	3.8%	3.3%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
750.10	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free
750.22	11%	11%	4.4%	4.4%	Free	Free	Free	Free
750.25	8.1%	8.1%	3.2%	3.2%	Free	Free	Free	Free
750.27	9.6¢ each	9.6¢ each	3.8¢ each	3.8¢ each	Free	Free	Free	Free
750.29	8%	8%	3.2%	3.2%	Free	Free	Free	Free
750.32	10%	10%	4%	4%	Free	Free	Free	Free
750.45	0.2¢ each + 7%	0.2¢ each + 7%	0.1¢ each + 2.8%	0.1¢ each + 2.8%	Free	Free	Free	Free
750.80	7.5%	7.5%	3%	3%	Free	Free	Free	Free
751.20	12%	12%	4.8%	4.8%	Free	Free	Free	Free
751.25	7.5%	7.5%	3%	3%	Free	Free	Free	Free
755.20	7.5%	7.5%	3%	3%	Free	Free	Free	Free
755.30	6.9%	6.9%	2.8%	2.8%	Free	Free	Free	Free
756.02	7.2%	7.2%	2.9%	2.9%	Free	Free	Free	Free
756.04	10%	10%	4%	4%	Free	Free	Free	Free
756.06	9%	9%	3.6%	3.6%	Free	Free	Free	Free
756.15	10%	10%	4%	4%	Free	Free	Free	Free
756.21	1¢ each + 16%	1¢ each + 16%	0.4¢ each + 6.4%	0.4¢ each + 6.4%	Free	Free	Free	Free
756.23	0.5¢ each + 8%	0.5¢ each + 8%	0.2¢ each + 3.2%	0.2¢ each + 3.2%	Free	Free	Free	Free
756.40	7%	7%	2.8%	2.8%	Free	Free	Free	Free
756.50	7.8%	7.8%	3.1%	3.1%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX IA
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Item in TSUS as modified by Annex I	Rates of duty,[1] effective with respect to articles which are products of Israel and entered on or after--							
	September 1, 1985	January 1, 1986	January 1, 1987	January 1, 1988	January 1, 1989	January 1, 1990	January 1, 1992	January 1, 1995
760.10	6.6%	6.6%	2.6%	2.6%	Free	Free	Free	Free
760.15	8%	8%	3.2%	3.2%	Free	Free	Free	Free
760.34	40¢/1,000 + 7%	40¢/1,000 + 7%	16¢/1,000 + 2.8%	16¢/1,000 + 2.8%	Free	Free	Free	Free
770.45	8.1%	8.1%	3.2%	3.2%	Free	Free	Free	Free
771.05	1.5¢/lb.	1.5¢/lb.	0.6¢/lb.	0.6¢/lb.	Free	Free	Free	Free
772.29	6%	4.4%	3%	2.5%	2%	1.5%	0.5%	Free
772.31	6%	4.4%	3%	2.5%	2%	1.5%	0.5%	Free
772.35	3%	2.5%	2%	1.7%	1.3%	1%	0.3%	Free
772.57	12%	12%	4.8%	4.8%	Free	Free	Free	Free
773.20	10.5%	10.5%	4.2%	4.2%	Free	Free	Free	Free
774.35	11.6%	11.6%	4.6%	4.6%	Free	Free	Free	Free
790.00	6.4%	6.4%	2.6%	2.6%	Free	Free	Free	Free
790.25	13.6%	13.6%	5.4%	5.4%	Free	Free	Free	Free
790.59	9%	9%	3.6%	3.6%	Free	Free	Free	Free
790.61	8.7%	8.7%	3.5%	3.5%	Free	Free	Free	Free
790.62	8.7%	8.7%	3.5%	3.5%	Free	Free	Free	Free
790.63	9%	9%	3.6%	3.6%	Free	Free	Free	Free
791.05	7.4%	7.4%	3%	3%	Free	Free	Free	Free
791.45	2.1%	1.8%	1.5%	1.3%	1%	0.8%	0.3%	Free
791.48	3.8%	3.1%	2.5%	2.1%	1.7%	1.3%	0.4%	Free
791.70	4.2%	3.5%	2.8%	2.4%	1.9%	1.4%	0.5%	Free
791.74	4.8%	4.2%	3.6%	3%	2.4%	1.8%	0.6%	Free
791.80	4.5%	3.9%	3.4%	2.8%	2.2%	1.7%	0.6%	Free
792.26	7.7%	7.7%	3.1%	3.1%	Free	Free	Free	Free
869.00	8%	8%	3.2%	3.2%	Free	Free	Free	Free

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX X

ARTICLES THAT ARE ELIGIBLE FOR DUTY FREE TREATMENT
EFFECTIVE JANUARY 1, 1995, WHEN IMPORTED FROM ISRAEL

140.30	165.36
140.40	192.18
140.60	402.78
140.65	403.51
140.74	403.54
141.65	403.59
141.66	403.62
148.42	404.33
148.44	405.51
148.46	407.01
148.48	420.82
148.50	740.11
148.56	740.12
165.27	740.13
165.29	740.70
165.32	

ANNEX XI

SPECIAL RATES APPLICABLE TO ITEMS IN
PART 1 OF THE APPENDIX TO THE TSUS

The rate of duty column entitled "Special" for each item set forth below which appears in part 1 of the Appendix is modified by inserting the rate status set forth below opposite each such item, as follows:

901.50	No change (E, I)
903.15	No change (A*, E*, I)
903.29	No change (A*, E, I)
903.33	No change (E, I)
905.50	No change (I)
907.15	6.9% ad val. (D) No change (A, E, I)
907.22	No change (A, D, E, I)
909.40	4.9% ad val. (D) No change (A, E, I)
911.02	No change (A, D, E, I)
911.50	No change (E, I)

ANNEX XII

Annex III to Presidential Proclamation 4707 of December 11, 1979, as amended, is further amended effective April 29, 1985--

a) by deleting from Section A of that Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

683.05 683.07 711.75 711.77

b) by inserting in Section A of that Annex the following TSUS item numbers, in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1--							
		198	1981	198	1983	1984	19 5	1986	1987
683.01 3/	3/	3/	3/	3/	3/	3/	6.1% 3/	5.7%	5.3%
683.05 3/	3/	3/	3/	7.3% 3/	6.9%	6.5%	6.1% 3/	3/	3/
683.07 3/	3/	3/	3/	7.3% 3/	6.9%	6.5%	6.1% 3/	3/	3/
683.12 3/	3/	3/	3/	3/	3/	3/	6.1% 3/	5.7%	5.3%
711.70 3/	3/	3/	3/	3/	3/	3/	64¢ each + 10.1% 3/	56¢ each + 8.9%	49¢ each + 7.9%
711.72 4/	4/	4/	4/	4/	4/	4/	12.4% 4/	10.7%	9%
711.75 3/	$1.12 each + 17.5% ad val.	$1.04 each + 16.3%	96¢ each + 15%	88¢ each + 13.8%	80¢ each + 12.6%	72¢ each + 11.3%	64¢ each + 10.1% 3/	3/	3/
711.77 4/	22.5% ad val.	20.8%	19.1%	17.4%	15.8%	14.1%	12.4% 4/	4/	4/

Footnote 3 for items 683.01, 683.05, 683.07, and 683.12:
3/ Item 683.10 is discontinued effective March 31, 1982, and is superseded by items 683.05 and 683.07. Effective April 29, 1985, items 683.05 and 683.07 are redesignated items 683.01 and 683.12, respectively.

Footnote 3 for items 711.70 and 711.75:
3/ Item 711.75 is redesignated item 711.70 effective April 29, 1985.

Footnote 4 for items 711.72 and 711.77:
4/ Item 711.77 is redesignated item 711.72 effective April 29, 1985.

ANNEX XIII

A. Executive Order No. 11888 of November 24, 1975, as amended, is further amended--

a) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 1, 1985 by deleting from Annex II of Executive Order No. 11888 TSUS item number "687.72".

b) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after April 29, 1985:

(1) by deleting from Annex II of Executive Order No. 11888 TSUS item numbers "683.07", "711.75", and "711.77" and inserting in lieu thereof "683.12", "711.70", and "711.72", respectively; and

(2) by deleting from Annex III of Executive Order No. 11888 TSUS item number "683.05" and inserting in lieu thereof "683.01".

c) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after July 1, 1985:

(1) by deleting from Annex II of Executive Order No. 11888 TSUS item numbers "683.07", "711.75", and "711.77" and inserting in lieu thereof "683.12", "711.70", and "711.72", respectively; and

(2) by deleting from Annex III of Executive Order No. 11888 TSUS item numbers "683.05" and "687.72" and inserting in numerical sequence TSUS item number "683.01".

B. General headnote 3(c)(iii) of the TSUS in effect--

a) On April 29, 1985 is modified effective on and after that date by deleting TSUS item number "683.05" and inserting in lieu thereof "683.01".

b) On July 1, 1985 is modified effective on and after that date by deleting TSUS item number "683.05" and inserting in lieu thereof "683.01" and by deleting TSUS item number and country "687.72 Mexico".

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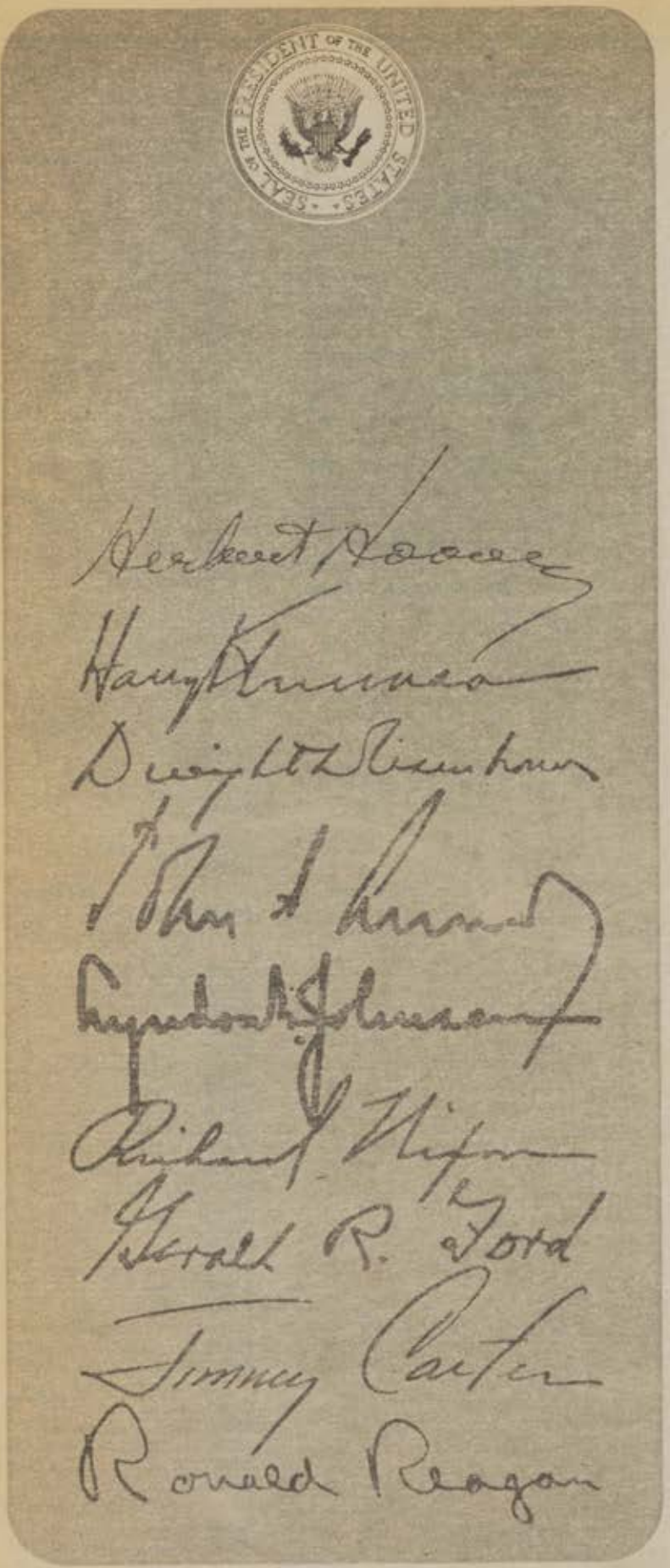
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