

Federal Register

Monday
September 16, 1985

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, see
announcement on the inside cover of this issue.

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Aviation Safety

Federal Aviation Administration

Claims

General Services Administration

Fisheries

National Oceanic and Atmospheric Administration

Government Employees

Personnel Management Office

Government Procurement

Defense Department

Loan Programs—Housing and Community Development

Farmers Home Administration

Marketing Agreements

Agricultural Marketing Service

Milk Marketing Orders

Agricultural Marketing Service

Mortgage Insurance

Housing and Urban Development Department

Motor Carriers

Interstate Commerce Commission

Navigation (Water)

Engineers Corps

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

Selected Subjects

Occupational Safety and Health

Occupational Safety and Health Administration

Organization and Functions (Government Agencies)

Housing and Urban Development Department

Poultry and Poultry Products

Food Safety and Inspection Service

Recreation and Recreation Areas

Land Management Bureau

Small Businesses

Small Business Administration

Telephone

Rural Electrification Administration

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 15; at 9 am.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: Call JoAnn Harte, Workshop Coordinator, 202-523-5239.

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. The January 1986 Washington, D.C. workshop will include facilities for the hearing impaired. Dates and locations will be announced later.

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Presidential Documents

Title 3—

Presidential Determination No. 85-20 of September 7, 1985

The President

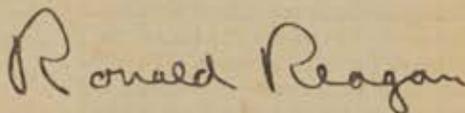
Determination With Respect to Ethiopia

Memorandum for the Secretary of State

Pursuant to Section 812(c) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83), I hereby determine on the basis of current evidence that the Ethiopian Government does not meet the condition specified in subsection (c)(1) of that section.

You are directed on my behalf to report this determination, together with the justification therefor, to the Congress immediately.

You are authorized and directed to publish this determination in the Federal Register.



THE WHITE HOUSE,

Washington, September 7, 1985.

[Fr Doc. 85-2222a

Filed 9-12-85; 3:46 pm]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 50, No. 179

Monday, September 16, 1985

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

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 360, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Amendment 1 of Regulation 360 increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 6-12, 1985. The amendment is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 360, Amendment 1 (§ 908.660) is effective for the period September 6-12, 1985.

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

SUPPLEMENTARY INFORMATION:

Findings

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

The amendment and the regulation are issued under Marketing Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The order

is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The actions are based upon the recommendation and information submitted by the Valencia Orange Administrative Committee (VOAC) and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the act.

The amendment and the regulation are consistent with the marketing policy for 1984-85. The committee met by telephone on September 9, 1985, to consider the current and prospective conditions of supply and demand and recommended an increase in the quantity of Valencia oranges that may be handled during the specified week. The committee reports that demand for Valencia oranges continues to increase.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because there is insufficient time between the date when information upon which these regulations are based became available and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the amendment and the regulation at an open meeting. To effectuate the declared policy of the act, it is necessary to make the regulatory provisions effective as specified, and handlers have been notified of the amendment and regulation and its effective date.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

1. The authority citation for Part 7 CFR 908 continues to read as follows:

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

2. Section 908.660 is added to read as follows:

§ 908.660 Valencia Orange Regulation 360.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period September 6, 1985, through September 12, 1985, are established as follows:

- (a) District 1: 314,000 cartons;
- (b) District 2: 536,000 cartons;
- (c) District 3: Unlimited cartons.

Dated: September 11, 1985.

Thomas R. Clark,

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

[FR Doc. 85-21800 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1079

Milk in the Iowa Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for the months of September through November 1985 portions of the Iowa Federal milk order. The suspension would increase the limits on the quantity 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. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The action is needed to achieve added economies in disposing of the cooperative's reserve milk supplies.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 2, 1985, published August 8, 1985 (50 FR 32084).

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. Such action lessens the regulatory impact of the order on certain milk handlers and tends to insure 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 Iowa marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on August 8, 1985, (50 FR 32064) concerning a proposed suspension of certain provisions of the order. Interested parties were afforded an opportunity to file data, views, and arguments thereon. Views in opposition to the proposed suspension were received from a cooperative association that supplies a portion of the market's fluid milk needs.

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

In § 1079.13(d) (2) and (3) the words "50 percent in the months of September through November and", and the words "in other months," as they appear in each paragraph.

Statement of Consideration

This action makes inoperative for September through November 1985 the 50-percent limitation on the proportion of a handler's producer milk that may be moved directly from the farm to a nonpool manufacturing plant and still be pooled. Under the current order, for example, a supply plant must ship 35 percent of its milk supply to fluid milk plants in order to be a pool supply plant. The remaining 65 percent of the supply plant's milk may be disposed of at manufacturing plants. However, only 50 percent can move directly from the farms to nonpool plants.

Associated Milk Producers, Inc. (AMPI), an association of producers that operates plants regulated by the Iowa milk order requested that the 50 percent diversion limitation be suspended for September through November 1985. The remaining diversion provisions in the order would permit a greater portion of a handler's producer milk receipts to be moved directly from farms to nonpool manufacturing plants and still be priced under the order.

AMPI stated that milk production by its members associated with the Iowa order has increased approximately 10 percent. AMPI further stated that its fluid milk sales have increased only slightly.

Market data indicates that the volume of milk pooled under the Iowa order for the months of April through June 1985 declined in comparison to the same months of the previous year. Milk production, however, increased from

213.4 million pounds in July 1984 to 226.1 million pounds in July 1985, or approximately 6 percent. Market data further indicates that daily average deliveries by producers have increased in all months since March 1985. Average daily deliveries by producers increased from 1,845 pounds in April 1984 to 1,906 pounds in April 1985, or approximately 3 percent. In July 1985, daily deliveries averaged 2,075 pounds compared to 1,765 pounds for July 1984, or approximately 18 percent higher. The Dairy Diversion Program, which was in effect throughout 1984, expired at the end of March 1985. Market data also indicates that milk production in surrounding markets since the expiration of this program has substantially increased.

The 50 percent limit on diversions to nonpool plants is inadequate to permit efficient handling of milk that is not needed for fluid milk uses in cases where nonpool plants are the only outlet used for disposing of reserve milk. For example, a supply plant must ship at least 35 percent of its milk supply to other plants to qualify as a pool plant. However, with diversions limited to 50 percent, the other 15 percent must be received at the supply plant and then transferred to a nonpool plant. AMPI contends that the extra handling involved adversely affects milk quality (more pumping than if diverted), and is an uneconomic means of pooling its reserve milk supplies. Suspending the 50 percent diversion limit will alleviate these concerns and allow improved handling efficiencies.

Under the conditions cited by AMPI and an analysis of market data, a suspension of the 50 percent limitation in the diversion provisions is appropriate so that producer milk receipts not needed for fluid use may be moved directly from farms to manufacturing plants and still be priced under the order. A suspension of the 50-percent limitation will tend to improve efficiencies in disposing of AMPI's reserve milk supplies.

Pool plant handlers should be aware that suspension of the 50-percent limitation does not mean that the diversion limit is now 70 percent. The effective diversion limit is the reciprocal of the pool performance standards. A supply plant, for example, would still have to ship 35 percent of its receipts; thus, for such plant operators the effective diversion limit is 65 percent rather than 70 percent. Distributing plant operators would be able to divert up to 60 percent of their producer milk.

Interested parties were given an opportunity to submit written data, views, and arguments concerning the

proposed suspension. One opposing comment was received from the National Farmers' Organization, Inc. (NFO), a cooperative association that supplies a portion of the fluid milk needs of the market.

The opposing cooperative association stated that the suspension was not warranted because milk production pooled under the Iowa Federal marketing order during the period of January through June 1985 declined. Also, the association stated that AMPI can pool their additional reserve milk supplies by combining for reporting purposes the Grade A and Grade B operations at each of its plants that handle reserve milk for the Iowa market. This alternative, according to the opponent, would eliminate the unnecessary and expensive milk handling cited by AMPI and make unnecessary the suspension of the diversion limitations. The opposing association also expressed a concern about the possibility of additional milk supplies from distant areas being associated with this market while the milk is moved directly to distant nonpool plants.

It may be possible that AMPI could avoid some of the handling and associated costs of disposing of surplus milk by adopting different reporting procedures as suggested by NFO. However, there may be a variety of factors which would make changes in reporting procedures impractical or economically not feasible.

The opponent's concern about the possibility of unneeded distant milk being associated with this market appears to be overstated since the pool performance standards continue to place an effective upper limit on the amount of milk that can be diverted and pooled under the Iowa Federal marketing order.

The suspension does not change the percentage of a supply plant's receipts that must be shipped to fluid plants to qualify the supply plant as a pool plant. The actual diversion limit for a supply plant for September through November 1985 will be 65 percent, which is the reciprocal of the 35 percent shipping requirement. Thus, the suspension should not result in any change in the proportions of a supply plant's receipts that are shipped to fluid milk outlets, or directed to manufacturing uses. What the suspension will do is permit milk that otherwise would have to be received at the supply plant and then shipped to a manufacturing plant to be moved directly from the farm to the manufacturing plant and still be pooled. This should provide additional

economies for AMPI by eliminating milk hauling and handling, which also adversely affects milk quality. Moreover, such benefits of this action will be available to other handlers who may have more reserve milk to dispose of this fall.

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. Otherwise, uneconomic movements of milk would be made solely for the purpose of pooling the milk of the proponent's members who have regularly been associated with the Iowa market;

(b) The 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.

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

List of Subjects in 7 CFR Part 1079

Milk marketing orders, Milk, Dairy products.

PART 1079—[AMENDED]

The authority citation for Part 1079 continues to read as follows:

Authority: Secs. 1-19, Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1079.13 [Temporarily suspended in part]

It is therefore ordered, that the following language in § 1079.13(d)(2) and (3) is suspended for the months of September through November 1985.

In § 1079.13(d)(2) and (3) the words "50 percent in the months of September through November and", the words "in other months," as they appear in each paragraph.

Effective date: September 16, 1985.

Signed at Washington, DC on: September 10, 1985.

Raymond D. Lett,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85-22118 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1772

REA Bulletin 345-39, REA Specification for Telephone Station Protectors

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR § 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference REA Bulletin 345-39, REA Specification for Telephone Station Protectors, which adopts, with several minor modifications by REA, PEG-2-1983, an industry standard.

Concurrently, REA hereby withdraws REA's PE-42, a proprietary REA standard addressing the same product.

The Protection Engineers' Group (PEG) is a subordinate body of the U.S. Telephone Association's (USTA) Engineering Committee. PEG develops uniform industry standards for protective devices used in telecommunications systems in addition to other activities. The group enjoys broad support and participation from operating companies as well as a number of government agencies, including REA, from throughout the United States and Canada. PEG-2-1983, Specification for Telephone Station Protectors, represents a consensus of these participants as to the minimum acceptable performance requirements for a telephone station protector.

EFFECTIVE DATE: August 19, 1985.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8663. The Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available upon request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference a revised Bulletin 345-39 (Previous issue dated May 5, 1980), REA Specification for Telephone Station Protectors. Copies of the bulletin are available upon request from the address stated above. It is also available for inspection at the Office of the Federal

Register Information Center, Room 8401, 1100 L Street, NW., Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register on August 28, 1985. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the *Federal Register*.

The action will not: (1) Have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovations, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. (1978)) and, therefore, does not require an environmental impact statement or an environmental assessment. This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final rule related Notice to 7 CFR 3015, Subpart V (48 FR 54317, December 1, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of PEG-2-1983 may be obtained for a nominal fee from the United States Telephone Association, 1801 "K" Street, NW, #1201, Washington, DC 20006, telephone (202) 872-1200.

Background

The present edition of PE-42 was developed in 1980 by REA. Industry comments were sought and considered by REA at several points in the development of PE-42. Various major operating telephone companies differed in the specifications they adopted for this product.

The Protection Engineers' Group (PEG) is a subordinate body of the U.S. Telephone Association's (USTA) Engineering Committee. PEG develops

uniform industry standards for protective devices used in telecommunications systems in addition to other activities. The group enjoys broad support and participation from operating companies as well as a number of government agencies, including REA, from throughout the United States and Canada. PEG-2-1983, Specification for Telephone Station Protectors, represents a consensus of these participants as to the minimum acceptable performance requirements for a telephone station protector.

REA is adopting and incorporating by reference this specification as issued with minor modifications by REA. This is in accordance with OMB Circular A-119 which urges Federal agencies to adopt private sector standards whenever practicable. The REA modifications to PEG-2-1983 essentially are reference changes. The references to certain other PEG specifications, not adopted by REA, are changed to reference specified REA bulletins or REA itself.

REA Bulletin No.	Specification No.	Date last issued	Title of standard or specification
345-39		Aug. 19, 1985	REA Specification for Telephone Station Protectors.

Dated: August 19, 1985.

Jack Van Mark,

Acting Administrator.

[FR Doc. 85-21861 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-15-M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 83-007F]

New Turkey Inspection System

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal poultry products inspection regulations by establishing a voluntary and alternate method of post-mortem inspection for turkeys known as the New Turkey Inspection (NTI) System. The NTI System requires one or two inspectors on each eviscerating line to examine the whole carcass and viscera of each bird. Under the NTI System establishments are responsible for independently performing the necessary trim of designated defects on passed carcasses and for operating a quality control program designed to assure that

REA published a Proposed Rule in the Federal Register on November 20, 1984, Volume 49, No. 225, page 45752. There were no comments as a result of this proposal.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, the Administrator hereby amends 7 CFR Part 1772 by incorporating by reference REA Bulletin 345-39.

1. The authority citation for Part 1772 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*

2. The table in § 1772.97 is amended by adding the entry 345-39 to read as follows:

§ 1772.97 Incorporation by reference of telephone standards and specifications.

* * * * *

poultry is wholesome and properly prepared. The final rule also establishes staffing and facility requirements for the NTI System based on work measurement data. While continuing to provide consumers with wholesome products, the NTI System will increase the speed at which birds can be effectively inspected and increase inspection service and poultry plant efficiency.

EFFECTIVE DATE: October 16, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas L. Berndt, Acting Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this rule is not a "major rule" under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effect 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.

The principal effect of this final rule is to offer the Department and industry a voluntary alternative to current turkey inspection procedures that would increase productivity. An establishment using the NTI System will be required to install new equipment and modify its production line, but the cost of these changes will be outweighed by savings from increased productivity and possible reduction of costs to the establishment for inspectors working overtime.

Effect on Small Entities

The Administrator, FSIS, has determined that this rule 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).

The NTI System is a voluntary and alternate inspection procedure which will allow an establishment using it to increase processing speeds over what is currently possible. The Agency estimates that of the approximately 110 federally inspected turkey slaughter facilities, the 60 largest producers—those that slaughter over 100,000 birds annually—will adopt the NTI System. Those facilities not adopting the NTI System will not be affected by this final rule.

Background

The Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) requires that the Department conduct a post-mortem inspection of the carcass of each domesticated bird (turkey, chicken, duck, goose, or guinea) processed in official establishments subject to inspection under the Act. Working on a moving production line, Department veterinarians or trained food inspectors under veterinary supervision follow standardized inspection procedures and examine the exterior, interior, and viscera (internal organs) of each bird slaughtered to detect disease or other conditions which could make the carcass of any part unwholesome or otherwise unfit for human food.

FSIS is the Agency responsible for carrying out the provisions of the Act. Because the cost of meat and poultry inspections is a large part of the FSIS budget, FSIS is especially concerned about the efficiency of inspection procedures. Achieving faster line speeds using the current traditional turkey inspection procedure has proven to be very difficult. FSIS, therefore, initiated

the development of an alternate inspection system which would increase inspector efficiency and permit higher line speeds. After conducting tests with the NTI System, FSIS has determined that use of the NTI System can make turkey post-mortem inspections more efficient and benefit both FSIS and the turkey processing industry without decreasing consumer protection.

Turkey Inspection Procedures

A. Traditional Inspection

The Traditional Inspection procedure is presently the only procedure available to the turkey processing industry. Using traditional turkey inspection, one inspector inspects the whole bird and is responsible for the proper disposition of the bird, including any required trimming, before it leaves the inspection station.

The inspector examines the entire turkey carcass in one continuous sequence. The inspector examines the outside, lifts the abdominal flap, examines the body cavity, and, finally, manipulates and observes the viscera. If trimming—that is, the removal of defects not serious enough to require condemnation of the entire bird—is required, then the inspector during the inspection process determines what must be trimmed, instructs a plant helper what to trim, and then verifies that the trim was done as instructed. The entire inspection takes from 3 to 6 seconds per bird. The time required for identifying, supervising and verifying the trim is a significant part of that 3 to 6 seconds.

B. The New Turkey Inspection (NTI) System

The Traditional Inspection procedure was satisfactory to FSIS and the turkey industry for many years. However, the turkey industry has grown and matured significantly over the last several years. The annual per capita consumption of turkey has increased from 8 pounds in 1970 to 11.2 pounds in 1984, a 40 percent increase. Turkey is no longer simply a holiday product but is consumed year-round. This increase in turkey consumption has been due in large part to improvement in genetics, nutrition, health and flock management. As a result of these improvements plus advances in processing methods, the turkey industry can now present uniform lots of birds to inspectors faster than inspectors can properly inspect the birds under the Traditional Inspection procedure. Merely increasing the use of the current procedure would be impractical and inefficient, and would place demands upon Department

resources which would be difficult to meet. Therefore FSIS has developed the NTI System to accommodate this demand.

Recent studies have reinforced the Department's longstanding view that Federal inspection is more efficient and effective in establishments where quality control is emphasized. This is in contrast to establishments which do not have or maintain the facilities, personnel or procedures necessary to assure the highest practicable degree of quality control. Such establishments may tend to rely on Federal inspection as a substitute for the proper control of their own operations, and to place the Federal inspectors in a burdensome, quasi-supervisory role not appropriate under the Act. The NTI System eliminates much of the need for post-mortem inspectors to act in such a role. It requires that participating establishments have and maintain specific quality control facilities, personnel and procedures, as spelled out in a written partial quality control program approved by the Department, and thereby assure the inspector in charge that certain functions are being effectively performed by the establishment.

The "New Turkey Inspection" or "NTI" System utilizes one or two post-mortem inspectors on each eviscerating line. The inspector(s) inspect the outside, the inside, and the viscera of every bird presented. The inspector determines whether the bird should be condemned, salvaged, retained for disposition by a veterinarian, reprocessed, or proceed down the line as a passed bird subject to trim and reinspection.

After post-mortem inspection is completed at the inspection station(s), plant employees independently perform any necessary outside trim on all passed carcasses after the giblets are harvested. Under the Traditional Inspection procedure, the inspector is responsible for identifying those carcasses needing to be trimmed, directing the establishment employee to trim the defects, and verifying that the bird has been properly trimmed. However, the NTI System shifts the responsibility of performing specified outside trim to the establishment employees.

Thus, the complete NTI System consists of one or two inspectors performing whole bird inspection, and an inspector monitoring the application of the approved partial quality control program to assure that the program is being followed.

Poultry Carcass On-Line Quality Control (PCOLQC) Program

The poultry carcass on-line quality control (PCOLQC) program is a statistically based sampling system designed to assure control of an establishment's processing operations. It is the basis for approving use of the NTI System in any establishment. The program consists of two parts—plant quality control (QC) and the Department's monitoring of the QC program.

The plant QC program is a partial QC program, applied for and approved by the Administrator under 9 CFR 381.145(d) and the requirements in the regulation. It consists of identifying all points on the eviscerating line critical to the quality of the carcass, and checking periodically at each point during operation to determine compliance with predetermined standards. Products not meeting the standards would be subject to corrective actions predetermined and described in the approved QC program.

A carcass reinspection station is located at a point on the eviscerating line after the carcasses have been trimmed and washed. At this point, carcasses are sampled and examined, and findings are reported by plant quality control personnel as prescribed in the PCOLQC program.

The Department's monitoring program consists primarily of reviewing data and sampling product at the reinspection station and at those points on the eviscerating line critical to the performance of inspection activities and the wholesomeness of product.

Under the NTI System, USDA inspectors are responsible for carcass inspection, monitoring the plant's application of the quality control program, reviewing all data collected under the partial QC program, conducting regular verification and evaluation sampling and observations to assure that the plant's data are accurate and truthful, and assuring that ready-to-cook poultry conforms to all applicable regulatory requirements.

Designing and Testing the NTI System

Effectiveness studies to test the NTI System and compare it with the Traditional Inspection procedure were conducted. Testing was performed in three plants using Traditional Inspection for comparison.

The effectiveness test results indicated that there were no significant differences in error rates between Traditional Inspection and the NTI System.

Inspection Rates/Line Speeds

As part of the effectiveness studies of the NTI System, the Agency measured the amount of work performed by inspectors using the NTI System. The Agency used the results to determine both the time required to perform inspection tasks and maximum line speeds for the NTI System.

Turkeys are commonly slaughtered at weights ranging from approximately 10 to 25 pounds. It is slightly more work to inspect a heavier bird than a lighter bird because (1) the inside and outside surface areas are greater, and (2) the body cavity is longer, deeper, and more difficult to observe. Also, the greater amount of abdominal leaf fat and the increased size of the viscera organs on heavier birds require more time and effort to manipulate. As a consequence, inspection rates for heavier turkeys are somewhat slower than the rates for lighter turkeys. Since hens and fryer roasters generally weigh less than 16 pounds, and toms are usually not slaughtered until they weigh more than 16 pounds, the Agency is setting maximum inspection rates using 18 pounds as the division between light and heavy turkeys. The 18-pound

standard is based upon the weight of the carcass and viscera when presented for inspection with the blood, feathers and feet removed.

With the NTI System using one inspector (NTI-1), the Agency has determined line-speed maximums to be 32 light turkeys and 30 heavy turkeys per minute with the J-type opening cut and 25 light turkeys and 21 heavy turkeys with the Bar-type opening cut. With two inspectors (NTI-2), the maximum line speeds are 51 light turkeys and 41 heavy turkeys per minute with the J-type cut and 45 light turkeys and 35 heavy turkeys per minute with the Bar-type cut.

The line speeds were obtained using measurement data and test results obtained on lines using the standard 9-inch shackle on 12-inch centers, with birds on every shackle. Since some establishments use 9-inch or 16-inch centers, or skip shackles, or have other variations from the standard, each establishment using nonstandard facilities will be reviewed to determine appropriate maximum rates for that establishment. These rates will be the same or slower, but never faster than those in the following table.

MAXIMUM TURKEY INSPECTION RATES

Inspection procedure	Line configuration	Number of inspectors	Birds/Minute:			
			J-type		Bar-type	
			(< 16#) light	(> 16#) ¹ heavy	(< 16#) light	(> 16#) ¹ heavy
NTI-1	12-1	1	32	30	25	21
NTI-2	24-2 ²	2	51	41	45	35

¹ This weight refers to the bird at the point of post-mortem inspection without blood, feathers, or feet.

² The turkeys are suspended on the slaughter line at 12-inch intervals with two inspectors each looking at alternating birds at 24-inch intervals.

The maximum line speeds in the table are not to be exceeded for any reason and will be achieved only when all plant conditions are optimal. The inspector in charge is responsible for reducing the line speeds when in his or her judgment the existing NTI System does not permit adequate inspection because the birds are not presented properly or the health conditions of a particular flock dictate a need for a more extended inspection.

Impact of the NTI System and Facility Requirements

The NTI System is an alternate way of inspecting turkeys. The NTI System allows establishments to run their eviscerating lines at a faster rate than is now available using traditional inspection. It requires establishments to develop and submit to the Administrator for approval a partial QC program designed to assure that poultry is

wholesome and properly prepared. As previously discussed, the new system requires the industry to be responsible for trimming specified defects on the outside of carcasses after the giblets are harvested.

Establishments also must meet certain equipment and facility requirements in order to utilize the NTI System.

These requirements are all listed in the regulation herein. Although these facility changes will involve some cost to the establishments, FSIS anticipates those costs will be quickly outweighed by savings from operating at the higher line speeds achievable with the NTI System.

Discussion of Comments

Comments on the proposed rule were solicited from interested parties in the November 8, 1984, Federal Register (49 FR 44640) and again in the proposed rule

extension of comment period published in the January 3, 1985, Federal Register (50 FR 280). The comment period closed February 21, 1985. The Agency received eight comments within the allotted time period—five from poultry processors and three from consumers.

The following are summaries of those comments and the Agency's response to each issue:

A. Poultry Processors

While many of the comments from the poultry processors were favorable and commended the Agency for its effort to modernize turkey inspection, they raised questions in four major areas: Facility requirements, line speeds, trimming, and the Quality Control (QC) program application.

Comment: Foot-operated, hand-rinsing facilities should be allowed in lieu of continuous water flow at each inspection and helper station.

Response: The requirement for "on-line" hand-rinsing facilities with a continuous flow of water at each inspector and helper station cannot be changed for two reasons. First, the amount of time for an inspector to rinse his/her hands, which has been measured by work measurement calculations, must be kept to an absolute minimum to achieve maximum inspection time. Any device requiring hand or foot operation places a greater workload on the inspector which may cause unnecessary delays in operations or slower line speeds. Second, the workload of the helper varies with the disease conditions of the birds. The birds on the line are continuously moving and when the amount of work increases, such as operating a water valve, helpers also may not have sufficient time to carry out their required functions properly.

Comment: The requirements for the reinspection station are too specific and superfluous. The inspector in charge (IIC) should be able to accept or reject the reinspection station in each plant. Separate reinspection stations for each line are unnecessary and redundant.

Response: The reinspection station is a critical point in the plant's quality control (QC) program and is one of the five inspectional critical points for the Department. During the development of the QC programs in the pilot plants, the Department believed that 6 feet of floor space along the conveyor line would be necessary to properly reinspect the 10-bird samples. Since then, it has become evident that the reinspection station can be placed near the conveyor line and adequately serve more than one line. Therefore, the requirement for separate

reinspection stations was eliminated and the final rule has been modified to require a minimum of 3 feet of floor space on each conveyor line so carcasses can be removed for evaluation. The remaining requirements for the reinspection station are necessary to allow reinspection activities to be performed effectively and efficiently. No comments were received on these requirements. The Department believes that approval of these facilities should be performed by one office in Washington, D.C., to prevent improper modifications to the requirements.

Comment: Criteria used by the IIC to govern line speeds should be clear and not subjective.

Response: The NTI System is designed to operate at maximum speeds when normal birds are slaughtered and the birds are presented to the inspectors correctly. Presentation defects have been identified and weighted values assigned to each error. These weighted values reflect an objective line speed determination based upon work measurement calculations. Actions to be taken by the plant when the presentation standard is exceeded are addressed in the plant's QC program. Due to the variability of disease conditions, it is very difficult to have objective guidelines for line speed reduction. When unusual disease conditions occur, the IIC does have the authority and responsibility of adjusting the line speed to allow the inspector(s) the proper amount of time to inspect such birds.

Comment: Plants desiring to use the Bar-Type cut to open the birds should be allowed to run the NTI System with equivalent line speeds to those plants using the J-Type opening cut.

Response: During the earlier development of the NTI System, plants did not show an interest in performing the Bar-Type of opening cut. Since then, requests have been made by companies wishing to switch to the Bar-Type cut from the J-Type cut. Therefore, the Department has work measured the inspection procedure for the Bar-Type cut, and line speeds have been determined and included in the final rule (9 CFR 381.63 (a) and (c)).

Comment: Appropriate line speeds should be set for each establishment, and industry-wide rates should be eliminated from the rule.

Response: The elimination of maximum inspection rates for the industry as a whole leads to the development of local standards which tend to be subjective, arbitrary, and capricious. The maximum inspection rates in the final rule are established by

work measurement calculations and are based on the amount of time necessary for an inspector to properly perform the correct inspection procedure. Placing the maximum inspection rates in the final rule provides fair and equal treatment for all turkey establishments.

Comment: Plants should be given more flexibility for determining where trimming will occur and, if included in the QC program, be permitted to trim birds after chilling.

Response: The NTI System was tested and evaluated when all trim functions were completed prior to the final wash and the chillers. Additional studies are being considered to evaluate the effect of chilling on trim defects and to determine if the wholesomeness of commingled carcasses would be changed as they pass through the chiller.

Comment: The U.S. Department of Agriculture should not demand tighter standards for processing and trim defects than under Traditional Inspection.

Response: The finished product standards (FPS) for the NTI System were established by collecting processing and trim defect data from USDA passed birds in randomly selected turkey plants. These standards were compared against Acceptable Quality Level (AQL) standards used in traditional turkey operations and determined to be comparable. The two standards were also compared in the NTI System pilot plants, and the results revealed compatibility. The Department has determined that the two standards are the same although each is applied differently. The FPS are an integral part of the plant's QC program. With the NTI System, the Department is only asking for an equivalent level of quality as that produced under Traditional Inspection.

Comment: The defect classification criteria of "Trimable Lesion/Condition" and "Failure to complete task as indicated by marking system" should be removed from the Finished Product Standards since they overshadow how well or poorly the trimmers are doing.

Response: The NTI System does not accept any unwholesome carcass or part. The FPS are one of many checks for determining the effectiveness of the plant-operated QC program. In the event that a sampled carcass is found to have defects which should have been trimmed during the processing operation, the defect shall be removed, the finding recorded, and the production supervisor notified. These actions are designed to monitor the performance of each plant trimmer and to provide the necessary feedback to correct performance deficiencies. Consequently,

the Department feels these criteria are critical to the trim finished product standards.

Comment: There are various meat and poultry inspection bulletins in the field which conflict with the NTI System.

Response: A review of all active MPI bulletins revealed that most of the bulletins in question dealt with the traditional AQL reinspection program. Plants under the NTI System will perform only FPS tests. All actions and requirements will be included in the plant's QC program. Bulletins dealing with sanitary handling of product and equipment requirements will remain effective and the NTI System plants are required to comply.

Comment: A formal approval system should be established for QC program changes that the plant may want to make.

Response: A NTI System QC program will be approved by the Slaughter Inspection Standards and Procedures (SISP) Division, Meat and Poultry Inspection Technical Services, Washington, D.C. Certain subsequent modifications to the program of a minor nature may be conditionally approved at the local level. Such approvals will be reviewed for final approval by the SISP Division. Major revisions of the QC program must be directed to the SISP Division through the Meat and Poultry Inspection Operations' chain of command. The Agency has developed guidelines to allow plants to change to the NTI System while adjusting and correcting their QC programs.

B. Consumers

All three consumers' comments were in regard to quality and wholesomeness of product.

Comment: The NTI System will lead to a reduction in the quality and wholesomeness of turkey products in commerce.

Response: The NTI System was tested and compared with traditional inspection procedures. The test results indicated no differences in either the wholesomeness or quality of poultry produced under the NTI System.

Miscellaneous Amendments

On October 23, 1984, the Agency published a final rule in the Federal Register (49 FR 42550) establishing an alternate voluntary method of post-mortem inspection for broilers and cornish game hens known as the "New Line Speed" (NELS) Inspection System. The NELS Inspection System regulation affected identical sections in 9 CFR as the proposed rule on the NTI System. The NTI System final rule was already

in the rulemaking process and close to publication at the time the NELS Inspection System regulation was published. This situation prevented the Agency from including references of the NELS Inspection System regulation into the NTI System proposed rule.

Therefore, this final rule has been amended to incorporate the NTI System provision into the applicable sections of the NELS Inspection System regulation, mainly those dealing with the partial quality control programs required under both the NELS Inspection System and the NTI System.

Final Rule

FSIS has determined that the NTI System offers a viable alternative to the traditional method of inspection. Any producer who chooses to implement the NTI System must comply with the facility requirements as listed in the final rule and maintain a PCOLQC program which meets Department approval. After careful consideration of the comments received following the publication of the proposed rule in the *Federal Register* on November 8, 1984 (49 FR 44640) and again in the proposed rule extension of comment period published January 3, 1985 (50 FR 260), and subsequent testing of the NTI System, FSIS is adopting the proposal as published with the modifications previously discussed herein.

List of Subjects in 9 CFR Part 381

Facilities, Poultry products inspection, Post-mortem, Quality control, Reporting and recordkeeping requirements.

PART 381—[AMENDED]

Accordingly, the poultry products inspection regulation (9 CFR Part 381) is amended as follows:

1. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

2. Section 381.36 (9 CFR 381.36) is amended by adding a new paragraph (e) to read as follows:

§ 381.36 Facilities required.

(e) Facilities for the New Turkey Inspection (NTI) System. The following requirements for lines operating under the NTI System are in addition to the normal requirements to obtain a grant of inspection and to the requirements for the NTI System in § 381.76 (b) and (c).

(1) The following provisions apply to every inspection station:

(i) The conveyor line must be level for

the entire length of the inspection station. The vertical distance from the bottom of the shackles to the top of the adjustable platform (paragraph (e)(1)(iii) of this section) in its lowest position shall not be less than 60 inches.

(ii) Floor space shall consist of 8 feet along the conveyor line; at least 4 feet for the inspector, and at least 4 feet for the establishment helper.

(iii) The inspector's station shall have an easily and rapidly adjustable platform with a minimum width of 2 feet which covers the entire length of the station (4 feet). The platform must adjust vertically a minimum of 14 inches, and must have a 42-inch rail on the back side and ½-inch foot bumpers on the sides and the front to allow safe working conditions.

(iv) Conveyor line stop/start switches shall be located within easy reach of each inspector.

(v) A trough or other facilities complying with § 381.53(g)(4) shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the trimming has been performed. The trough must be wide enough to prevent trimmings, drippage, and debris from accumulation on the floor or platforms. The clearance between suspended carcasses and the trough must be sufficient to prevent contamination of carcasses by splash.

(vi) A minimum of 200 foot-candles of shadow-free lighting with a minimum color rendering index value of 85¹ where the birds are inspected to facilitate inspection is required. The minimum lighting requirement for inspection stations in § 381.52(b) shall not apply.

(vii) On-line handrinsing facilities with a continuous flow of water shall be provided for and within easy reach of each inspector and each establishment helper.

(viii) Hangback racks shall be provided for and within easy reach of the establishment helper.

(ix) Receptacles shall be provided for condemned carcasses and parts conforming with the requirements of § 381.53(m).

(2) The following provisions shall apply only to the reinspection station:

(i) Floor space shall consist of a minimum of 3 feet along the conveyor line so carcasses can be removed from each line for evaluation. The space shall

¹This requirement may be met by deluxe cool white fluorescent lighting.

be level and protected from all traffic and overhead obstructions.

(ii) The vertical distance from the bottom of the shackles to the floor must not be less than 48 inches.

(iii) A table at least 3 feet wide and 2 feet deep designed to be readily cleanable and drainable shall be provided for reinspecting the sampled birds.

(iv) A minimum of 200 foot-candles of shadow-free lighting with a minimum color rendering index of 85¹ at the table surface is required.

(v) A clipboard holder shall be provided for holding the recording sheets.

(vi) Handwashing facilities shall be provided for and within easy reach of persons working at the station.

(vii) Hangback racks designed to hold 10 carcasses shall be provided for and positioned within easy reach of the person at this station.

3. 9 CFR Part 381 is amended by adding a new § 381.68 under Subpart I to read as follows:

§ 381.68 Maximum inspection rates—New turkey inspection system.

(a) The maximum inspection rates for one inspector New Turkey Inspection (NTI-1) and two inspector New Turkey Inspection (NTI-2) are listed in the table below. These line speeds are for lines using standard 9-inch shackles on 12-inch centers with birds hung on every shackle and opened with J-type or Bar-type opening cuts. Maximum rates for those establishments having varying configurations will be established by the Administrator but will not exceed those in the table. Neither the rates in the table nor those established for establishments with varying configurations shall be exceeded under any circumstances.

(b) There are two categories of turkeys for determining inspection rates, "light turkeys" and "heavy turkeys". Light turkeys are all turkeys weighing less than 16 pounds. Heavy turkeys are all turkeys weighing 16 pounds or more. The weights refer to the bird at the point of post-mortem inspection, with blood, feathers and feet removed.

(c) The inspector in charge may reduce inspection line rates when in his/her judgment the prescribed inspection procedure cannot be adequately performed within the time available because the health conditions of a particular flock dictate a need for a more extended inspection.

MAXIMUM TURKEY INSPECTION RATES

Inspection system	Line configuration	Number of inspectors	Birds/Minute			
			J-Type		Bar-Type	
			(< 16#) ¹ light	(> 16#) ¹ heavy	(< #) ¹ light	(> 16#) ¹ heavy
NTI-1	12-1	1	32	30	25	21
NTI-2	* 24-2	2	51	41	45	35

¹ This weight refers to the bird at the point of post-mortem inspection, without blood, feathers, or feet.

² The turkeys are suspended on the slaughter line at 12-inch intervals, with two inspectors each looking at alternating birds at 24-inch intervals.

4. Section 381.76 (9 CFR 381.76) is amended by revising the section heading and paragraphs (b)(1), (b)(2), the introductory text of (c), (c)(1), (c)(3), (c)(4), and (c)(6) and by adding a new paragraph (b)(5) to read as follows:

§ 381.76 Post-mortem inspection, when required; extent; Traditional, Modified Traditional, New Line Speed (NELS) Inspection System; and the New Turkey Inspection (NTI) System; rate of inspection.

(b)(1) There are four systems of post-mortem inspection: Modified Traditional Inspection which shall be used only for young chickens;² the New Line Speed (NELS) Inspection System, which shall be used only for broilers and cornish game hens; the New Turkey Inspection (NTI) System, which shall be used only for turkeys; and Traditional Inspection.

(i) Modified Traditional Inspection shall be used only for young chickens if:

(a) The operator requests Modified Traditional Inspection and the Administrator determines that the system will result in no loss of inspection efficiency; or

(b) The Administrator determines that Modified Traditional Inspection will increase inspector efficiency.

(ii) The NELS Inspection System shall be used only for broilers and cornish game hens if:

(a) The operator requests the NELS Inspection System, and

(b) The Administrator determines that the establishment has the intent and capability to operate at line speeds greater than 70 birds per minute, meets all the facility requirements in § 381.36(d), and receives approval of its partial quality control program as specified in paragraph (c) of the section.

(iii) The NTI System shall be used only for turkeys if:

(a) The operator requests it, and

(b) The Administrator determines that the establishment meets all the facility requirements in § 381.36(e), and receives approval of its partial quality control

program as specified in paragraph (c) of this section.

(iv) Traditional Inspection shall be used for turkeys when the NTI System is not used. For other classes of poultry, Traditional Inspection shall be used when neither Modified Traditional Inspection nor the NELS Inspection System is used.

(2) The requirements of paragraph (a) of this section are applicable to all four inspection systems.

(5) The following requirements are also applicable to the NTI System:

(i) Inspection under the NTI System is conducted in two phases, a post-mortem inspection phase and a reinspection phase. The NTI-1 Inspection System requires that the establishment provide one inspection station for each line and adequate reinspection facilities so carcasses can be removed from each line for evaluation. The NTI-2 Inspection System requires that the establishment provide two inspection stations for each line and adequate reinspection facilities so carcasses can be removed from each line for evaluation.

(a) *Post-mortem inspection.* Each inspection station must comply with the facility requirements in § 381.36(e)(1). Each inspector shall be flanked by an establishment employee assigned to be the inspector's helper. The one inspector on an NTI-1 Inspection System line shall be presented every bird. Each inspector on an NTI-2 Inspection System line shall be presented every other bird on the line. An establishment employee shall present each bird to the inspector properly eviscerated with the back side toward the inspector and the viscera uniformly trailing or leading. Each inspector shall inspect the inside, viscera, and outside of all birds presented. The inspector shall determine which birds shall be salvaged, reprocessed, condemned, retained for disposition by a veterinarian, or allowed to proceed down the line as a passed bird subject to trim and reinspection. Turkey carcasses with certain defects not requiring condemnation of the entire carcass and specified in the partial

quality control program described in paragraph (d) of this section as defects the establishment shall remove, shall be passed by the inspector, but shall be subject to reinspection to ensure the physical removal of the specified defects. The helper, under the supervision of the inspector, shall mark such carcasses for trim when the defects are not readily observable. Trimming of birds passed subject to reinspection shall be performed by: (a) The helper, time permitting, and (b) one or more plant trimmers positioned after the giblet harvest and prior to reinspection.

(b) *Reinspection.* A reinspection station shall be located at the end of the lines. This station shall comply with the facility requirements in § 381.36(e)(2). The inspector shall ensure that establishments have performed the indicated trimming of each carcass passed subject to reinspection by visually monitoring, checking data, and/or sampling product at the reinspection station and, if necessary, at other points, critical to the wholesomeness of product, on the eviscerating line. Specific reinspection activities shall be based on the establishment's partial quality control program described in paragraph (d) and its performance under that program as determined by the inspector.

(ii) The approved partial quality control program described in paragraph (c) for the establishment shall include critical control points on the eviscerating line, which shall be monitored by the inspector. Establishment quality control employees shall operate the quality control program and shall make immediately available to inspection personnel any and all data collected and maintained under the partial quality control program.

(iii) An inspector shall monitor the establishment's application of the quality control program described in paragraph (c) and shall take corrective action when he/she determines that the establishment has failed to maintain or correct its process as described in the approved partial quality control program.

(c) Applying for and terminating the Partial Quality Control Agreements for the NELS Inspection System and the NTI System.

[1] Any owner or operator of an official establishment preparing poultry products who wishes to apply for the NELS Inspection System or NTI System must submit to the Administrator a partial quality control program designed to assure that poultry is wholesome and properly prepared and shall request a

² The standards in § 381.170(a) of the regulations (9 CFR 381.170(a)) specify which classes of chickens constitute young chickens.

determination as to whether or not that program is adequate to result in product being in compliance with the requirements of the Act and, therefore, qualify for the NELS Inspection System or NTI System. Such a request shall, as a minimum, include:

(i) A letter to the Administrator from the establishment owner or operator stating the objective of the program and willingness to adhere to the requirements of the program as approved by the Department; that all data and information generated under the program will be maintained and be available to departmental personnel to enable the Department to monitor compliance; that establishment quality control personnel will have authority to halt production or shipping of product in cases where the submitted quality control program requires it; and that the owner or operator (or his/her designee) will be available for consultation at any time departmental personnel consider it necessary.

(ii) Identification of establishment partial quality control personnel responsible for the partial control program. In the case of an establishment having one or more full-time persons whose primary duties are related to the partial quality control program, the request shall also include agreement that such people shall ultimately report to an establishment official whose partial quality control responsibilities are independent of or not predominantly production responsibilities. In the case of an establishment which does not have full-time quality control personnel, detailed information indicating the nature of the duties and responsibilities of the person who will be responsible for the quality control program shall be included.

(iii) Detailed information concerning the manner in which the program will function. Such information shall include, but not be limited to, the critical check or control points on each eviscerating line from the unloading area to the finished product, the nature and frequency of tests to be made at each check or critical point, the nature of charts and other records that will be maintained by the official establishment, the type of deficiencies the program is designed to identify and control, the defect criteria which will be used and the points at which corrective action will occur and the nature of the corrective action—ranging from the least to the most severe.

(3) The approval of the partial quality control program under the NELS

Inspection System or the NTI System may be terminated at any time by the owner or operator of the official establishment upon written notice to the Administrator. Establishments which operated under the NELS Inspection System will be provided inspection under either Traditional Inspection or Modified Traditional Inspection, as appropriate. Establishments which operated under the NTI System will be provided inspection under the Traditional Inspection procedure.

(4) The approval of the partial quality control programs under the NELS Inspection System or the NTI System will terminate upon receipt by the establishment of written notice from the Administrator (or his designee). Such notice will specify the deficiency and will be issued:

(i) If unwholesome or otherwise adulterated poultry products are found by the Administrator to have been prepared for or distributed in commerce by the subject establishment, or

(ii) If the establishment fails to comply with the partial quality control program to which it has agreed.

(6) If approval of the partial quality control program under the NELS Inspection System or the NTI System has been terminated in accordance with the provisions of this section, an application and request for approval of the same or modified quality control program will not be evaluated by the Administrator for at least 2 months from the termination date. In order for the Department to provide the Federal inspection required under the Act, an establishment whose partial quality control program has been terminated will be allowed to continue operating under (i) Traditional Inspection or Modified Traditional Inspection if previously operating under the NELS Inspection System, or (ii) Traditional Inspection if previously operating under the NTI System, provided all requirements of the Act and regulations thereunder are met.

(The recordkeeping requirements contained in this section have been approved by the Office of Management and Budget under OMB No. 0583-0008.)

Done at Washington, DC, on: August 23, 1985.

L.L. Gast,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 85-22062 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AWP-18]

Amended Description of the Casa Grande, AZ, Transition Area.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Amended definition to the existing Casa Grande, Arizona, Transition Area is necessary as a result of the name and identification change of the Casa Grande Very High Frequency Omni-directional Radio Range and Tactical Air Navigation Aid (VORTAC) facility to the Stanfield VORTAC. This action will not change the actual dimensions of the existing transition area, but will only provide editorial changes to the description.

DATES: 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, 1500 Aviation Boulevard, Hawthorne, California 90261; telephone (213) 536-6649.

SUPPLEMENTARY INFORMATION:

History

The Casa Grande Transition Area description used the Casa Grande VORTAC as the reference point. The renaming of the VORTAC requires updating the description accordingly. This action only provides editorial changes and does not change the dimension of the existing transition. The amended description refers to geographical coordinates to provide a more permanent reference that is not subject to location and name changes.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulation (14 CFR Part 71) is to change the description of the Casa Grande, Arizona, Transition Area. This action does not change the existing transition area, but only provides editorial changes. Section 71.181 of the Federal Aviation Regulations was published 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 Casa Grande, Arizona, Transition Area.

Therefore, I find that notice or public procedure under 5 U.S.C. 553(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 procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

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) and 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:

Casa Grande, AZ [Revised]

"That airspace extending upward from 700 feet above the surface beginning at lat. 32°57'30" N., long. 111°51'00" W., thence clockwise via the 5-mile radius of the Casa Grande Municipal Airport [lat. 32°57'11" N., long. 111°45'54" W.]; to lat. 32°53'00" N., long. 111°48'00" W., to lat. 32°50'50" N., long. 111°53'00" N.; to lat. 32°55'20" N., long. 111°56'00" W.; thence to the point of beginning."

Issued in Los Angeles, California on August 30, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-22034 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 24756; Amdt. No. 326]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: September 26, 1985.

FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are

essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

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

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Issued in Washington, DC on September 9, 1985.

John S. Kern,

Acting Director of Flight Operations.

Adoption of the Amendment

PART 95—[AMENDED]

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.: September 26, 1985.

1. The authority citation for Part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354 and 1510; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended as follows:

BILLING CODE 4910-13-M

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-91			
IS AMENDED BY ADDING			
ALBANY, NY VORTAC	GLENS FALLS, NY VORTAC	12	ALBANY
V-266			
IS AMENDED BY ADDING			
SOUTH BOSTON, VA VORTAC	LAWRENCEVILLE, VA VORTAC	32	SOUTH BOSTON
V-489			
IS AMENDED BY ADDING			
ALBANY, NY VORTAC	GLENS FALLS, NY VORTAC	12	ALBANY

[FR Doc. 85-22030 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-13-C

**COMMODITY FUTURES TRADING
COMMISSION****17 CFR Part 31****Regulation of Certain Leverage
Transactions***Correction*

In FR Doc. 85-21032 beginning on page 36405 in the issue of Friday, September 6, 1985, make the following corrections:

1. On page 36410, second column, sixth line, insert the word "because" between "rate" and "of".

2. On page 36411, second column, in the first complete paragraph, eighteenth line, insert the word "of" between "None" and "those".

§ 31.26 [Corrected]

3. On page 36416, third column, in § 31.26(a), eleventh line, insert the word "to" between "or" and "the".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Part 4**

[T.D. 85-109]

**Passengers on Foreign Vessels Taken
on Board and Landed in the United
States; Correction**

AGENCY: U.S. Customs Service, Treasury.
ACTION: Final rule; correction.

SUMMARY: This document corrects an error of omission in a document which amended the Customs Regulations relating to passengers on foreign vessels taken aboard and landed in the U.S. The document was published in the *Federal Register* on Monday, July 1, 1985 (50 FR 26981).

FOR FURTHER INFORMATION CONTACT: Paul G. Hegland, Carrier Rulings Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:**Background**

In FR Doc. 85-15753, appearing at page 26981 in the issue of Monday, July 1, 1985, on page 26984, in the second column, the definition of "Nearby foreign port" in § 4.80a, Customs Regulations (19 CFR 4.80a), erroneously omitted the words "the Bermuda Islands" from the list of ports considered to be nearby foreign ports. The Bermuda Islands have been included in the definition of nearby foreign port in the Customs Regulations

since 1969, and there was never any intention to omit their mention in the most recent amendment to § 4.80a, Customs Regulations, accomplished by T.D. 85-109. Accordingly, the words "the Bermuda Islands," should be inserted into the paragraph so that it reads as follows:

(2) *Nearby foreign port* means any foreign port in North America, Central America, the Bermuda Islands, or the West Indies (including the Bahama Islands, but not including the Leeward Islands of the Netherlands Antilles, i.e., Aruba, Bonaire, and Curacao). A port in the U.S. Virgin Islands shall be treated as a nearby foreign port.

Dated: September 11, 1985.

B. James Fritz,Director, Regulations Control and Disclosure
Law Division.

[FR Doc. 85-22153 Filed 9-13-85; 8:45 am]

BILLING CODE 4820-02-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner****24 CFR Part 200**

[Docket No. R-85-1253; FR-2008]

**Multifamily Participation Review
Committee**

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the designated membership of the Multifamily Participation Review Committee to reflect the joint utilization of the Committee by the Assistant Secretary for Housing—Federal Housing Commissioner and the Assistant Secretary for Public and Indian Housing. This change reflects HUD's 1983 reorganization that established the position of Assistant Secretary for Public and Indian Housing.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Jon Will Pitts, Director, Participation and Compliance Division, Department of Housing and Urban Development, Room 6284, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6779 (This is not a toll free number).

SUPPLEMENTARY INFORMATION: In 1983, the Secretary of Housing and Urban Development established the position of Assistant Secretary for Public and Indian Housing to carry out the

Department's programs relating to public and Indian housing. These functions were transferred to the new Assistant Secretary by a delegation of authority signed by the Secretary on September 7, 1983 (published in the *Federal Register* on September 13, 1983, 48 FR 41097).

On March 27, 1984, the Assistant Secretary for Housing—Federal Housing Commissioner and the Assistant Secretary for Public and Indian Housing agreed to continue to operate the Compliance and Previous Participation Review Program on a joint basis. Under the agreement, the Participation and Compliance Division of the Office of Management, under the direction of the Assistant Secretary for Housing—Federal Housing Commissioner, will continue to process compliance cases, conduct compliance reviews, and make determinations on previous participation records of principal participants in multifamily programs for both Assistant Secretaries. These functions are to be performed using the same staff, records resources, ADP system and procedures that were in use before the reorganization. Each Assistant Secretary, however, will retain the ability to determine compliance policy for matters within his or her jurisdiction.

As part of the agreement, the Assistant Secretaries agreed to continue the functions of the Multifamily Participation Review Committee. This Committee acts for the Assistant Secretaries in determining the acceptability of principal participants in multifamily proposals. The agreement, however, changed the membership of the Committee to ensure the representation of both affected offices. To reflect the agreement, this final rule revises 24 CFR 200.93, which governs the membership, organization, and functions of the Committee.

This final rule also makes minor revisions to § 200.93 to reflect the fact that the power of the Director, Participation and Compliance Division, to sign all notices, letters and directives on behalf of the Committee is being transferred to the Executive Secretary of the Committee, and that the Executive Secretary is the Participation Control Officer in the Office of Management, rather than an appointee of the Chairperson of the Committee.

The subject matter of this rulemaking action relates to Department organization and is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act.

A Finding of No Significant Impact with respect to the environment is

unnecessary. This rulemaking involves an internal administrative procedure, the content of which does not constitute a development decision nor affect the physical condition of project areas or building sites. It relates only to designations of officials and delegations of authority. This rulemaking is therefore categorically excluded from National Environmental Policy Act procedures under 24 CFR 50.20(k).

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule involves only internal matters of agency management.

This rule was listed as item 28 in the Department's Semiannual Agenda of Regulations published April 29, 1985 (50 FR 17286, 17300) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program Numbers are 14.105 through 14.165.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards, Incorporation by reference.

Accordingly, 24 CFR Part 200 is amended as follows:

PART 200—INTRODUCTION

1. The authority citation for Part 200 continues to read as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701 through 1715z-18); sec.

7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Section 200.93 also issued under Secs. 2, 4, 5, 8, and 14 of the United States Housing Act of 1937 (42 U.S.C. 1437, 1437b, 1437c, 1437f and 1437i).

2. Section 200.93 is revised to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* (1) The Multifamily Participation Review Committee is composed of the following voting members or their designees: (i) The Director, Office of Management, the Director, Office of Insured Multifamily Housing Development, the Director, Office of Lender Activities and Land Sales Registration, the Director, Office of Elderly and Assisted Housing, the Director, Office of Multifamily Housing Management and the Director, Participation and Compliance Division represent the Assistant Secretary for Housing-Federal Housing Commissioner; and (ii) the Director, Office of Indian Housing and the Director, Office of Public Housing represent the Assistant Secretary for Public and Indian Housing. The Director, Office of Management, serves as Chairperson and votes only in cases of a tie.

(2) The Committee is composed of the following non-voting members: The General Counsel or his or her designee, who provides legal counsel, and the Participation Control Officer in the Office of Management. The Participation Control Officer is the Executive Secretary to the Committee and is empowered to issue and sign all notices, orders, letters and directives on behalf of the committee, to keep minutes, and to perform other duties assigned by the Chairperson or directed by the Committee.

(b) *Functions.* The Committee will act for the Assistant Secretary for Housing-Federal Housing Commissioner and for the Assistant Secretary for Public and Indian Housing to determine the acceptability of participants in multifamily proposals under Subpart H of this part.

Dated: September 9, 1985.

Janet Hale,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-22120 Filed 9-13-85; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 232

[Docket No. R-85-1212; FR-1960]

HUD Board and Care Homes Regulations

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule permits HUD to provide mortgage insurance for the construction or rehabilitation of board and care homes, as authorized under section 437 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Lewis, Room 6135, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6223. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On January 22, 1985, the Department published a proposed rule (50 FR 2830) in the Federal Register which would permit HUD to provide mortgage insurance for the construction or rehabilitation of board and care homes under section 437 of the Housing and Urban-Rural Recovery Act of 1983 (Act). A board and care home is a residential facility providing room, board, and continuous protective oversight to residents of the home.

Sixteen public comments were received on the proposed rule. All of the comments were favorable; however, several commenters had suggestions for substantive changes in the rule.

A commenter inquired whether the proposed revision of 24 CFR Part 232 permitted the construction of a board and care home adjacent to an existing section 221(d)(3) project. Another commenter stated that the program should cover board and care facilities which are connected with only a retirement complex. Such construction is permissible under this rule; however, in each case the board and care home must have its own separately insured mortgage.

Several detailed standards were suggested for the construction or rehabilitation of bathrooms in board and care homes. Instead of incorporating these standards into the rule, the

Department has determined that the applicant for mortgage insurance should be governed by the standards set by the State where the board and care home is located. (See § 232.39(b).)

Another commenter wanted the rule revised to allow either community bathing facilities (six persons per commode and ten persons per bathtub or shower) or one full bathroom for every two accommodations, as outlined in the proposed rule. Section 232.39(b) of the final rule has been revised to state that a maximum ratio of four persons per full bathroom shall be permitted in each board and care home (except where state and local occupancy requirements are more restrictive).

The same commenter wanted a maximum of two persons in each bedroom accommodation, rather than four, as in the proposed rule. HUD believes that, within certain minimum standards, the regulations should be flexible so that the program may respond to market needs. Accordingly, the Department has decided to retain the one-to-four person per room maximum, and to set a maximum ratio of four persons to every full bathroom. As noted above, a board and care home must also adhere to State and local occupancy requirements, even if a stricter degree of regulation is required under State or local law.

A commenter recommended that HUD clearly explain the requirements of section 1616(e) of the Social Security Act in order to eliminate any confusion in the board and care home mortgage insurance application process. Section 1616(e) is largely self-explanatory, and provides that:

(1) Each State shall establish or designate one or more State or local authorities which shall establish, maintain, and insure the enforcement of standards for any category of institutions, foster homes, or group living arrangements in which (as determined by the State) a significant number of recipients of supplemental security income benefits is residing or is likely to reside. The standards must be appropriate to the needs of recipients and the character of the facilities involved, and shall govern such matters as admission policies, safety, sanitation, and protection of civil rights.

(2) Each State shall annually make available for public review a summary of the standards established under the above-described requirements, and shall make available to any interested individual a copy of the standards, along with the procedures available in the State to insure the enforcement of the standards, and remedies for any violations of the standards that come to the attention of the authority responsible for their enforcement.

(3) Each State shall certify annually to the Secretary that it is in compliance with the requirements of section 1616(e).

One commenter thought that the rule should be revised to allow the mixing of nursing home beds with board and care beds. The final rule was not so revised because to do so would defeat legislative intent, which was to facilitate the financing of alternative housing arrangements for elderly and other persons who do not need the health-related care available in nursing homes and intermediate care facilities, but who need continuous protective oversight.

Three commenters opposed the proposed ten accommodation minimum in a board and care home. The Department has reduced the minimum required in a board and care home to five. (See § 232.39(b).) This will allow smaller homes to be covered under the program.

A commenter stated that HUD should not use the site appraisal and market analysis (SAMA) letter to establish monthly bed rates. HUD does not set bed rates to be charged. In its processing of each SAMA letter, the Department adjusts the applicant's proposed bed rates to what market research indicates is obtainable in the current market for such facilities. This calculation is used for feasibility purposes only. If this amount is not sufficient for project feasibility, HUD must turn the project down or reduce the insurable mortgage amount to a figure that would be supportable by the market rate.

The same commenter also urged that HUD not require compliance with the Life Safety Code of the National Fire Protection Association, because the Code is not used in many States and local jurisdictions. Section 232.500 of the final rule provides that the applicant for mortgage insurance (nursing home, intermediate care facility or board and care home) may adhere to other fire safety requirements or codes approved by the Secretary of Health and Human Services, in lieu of the Life Safety Code. The commenter further suggested revision of § 232.500 to allow for the purchase of fire safety equipment to comply with State standards, and for the purchase of equipment that may exceed Federal standards but is generally acceptable and reasonable. Section 232.500 of the final rule allows the owner to (1) comply with state-imposed fire safety standards and (2), purchase fire safety equipment that is not mandatory under HHS' requirements, but which HHS determines to be acceptable and reasonable for fire-hazard protection.

This final rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the

President on February 17, 1981. Analysis of the final rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The board and care program could potentially reduce or eliminate the costs of unnecessary institutionalization of persons. The number of small entities impacted by the rule, however, is not expected to be substantial.

The information collection requirements contained in this rule have been approved by OMB and have been assigned the approval numbers indicated following the appropriate provisions of the rule.

This rule was listed as item number 87 in the Department's Semiannual Agenda of Regulations published on April 29, 1985 (50 FR 17289) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 232

Fire prevention, Health facilities, Loan programs: Health, Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities, Board and care homes.

Accordingly, 24 CFR Part 232 is amended as follows:

1. The Authority citation for 24 CFR Part 232 continues to read as follows:

Authority: Sections 211 and 232 of the National Housing Act (12 U.S.C. 1715b, 1715w); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

2. The Part Heading for 24 CFR Part 232 is revised to read as follows:

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES

3. In § 232.1, paragraph (j) is revised, and a new paragraph (l) is added, to read as follows:

§ 232.1 Definitions.

(j) "Project" means a nursing home or intermediate care facility or combined nursing home and intermediate care facility, approved by the Commissioner under provisions of this subpart. A project may include such additional facilities as may be authorized by the Secretary for the nonresident care of elderly individuals and others who are able to live independently but who require care during the day. "Project" also means a board and care home or a board and care home in combination with a nursing home or an intermediate care facility, or both.

(l) "Board and care home" means a proprietary residential facility or a residential facility owned by a private nonprofit corporation or association, providing room, board and continuous protective oversight that is regulated by a State in accordance with section 1616(e) of the Social Security Act, so long as the home is located in a State that, at the time an application is made for insurance under this part, has demonstrated to the Secretary that it is in compliance with the provisions of section 1616(e). Continuous protective oversight involves a range of activities or services which might include, for relatively independent occupants, such things as awareness on the part of management staff of an occupant's condition and whereabouts (and the ability to intervene in the event of crisis) or, for relatively dependent occupants, such services as supervision of nutrition or medication, assistance as necessary with activities of daily living, such as bathing, dressing, shopping, or eating, or a 24-hour responsibility for the welfare of the resident. Continuous protective oversight is not limited to the above activities, nor must it include the examples given.

4. In § 232.6, paragraph (a) is revised and the OMB Control Number is added to the end of the section to read as follows:

§ 232.6 Required certificates.

(a) *Certification by State agency.* (1) Every application for insurance of a nursing home or an intermediate care facility shall be accompanied by a certificate executed by the appropriate

State agency for the State in which the project is or will be located, designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. Such certificate shall evidence that:

- (i) There is need for the project.
- (ii) There are in force in the State or other political subdivision of the State reasonable minimum standards for licensure and for methods of operation for the project.
- (2) Every application for insurance involving a board and care home shall be accompanied by a statement executed by the appropriate State agency for the State in which the project is or will be located, certifying that the State is in compliance with section 1616(e) of the Social Security Act.

Information collection requirements approved by the Office of Management and Budget under Control Nos. 2502-0210.

5. Section 232.39 is revised to read as follows:

§ 232.39 Construction standards.

The project shall conform to standards satisfactory to the Commissioner.

(a) Nursing homes or intermediate care facilities shall consist of not fewer than 20 beds after completion of the construction or rehabilitation. The nursing home or intermediate care facility structure, or designated portion of a structure, must not contain board and care units.

(b) A board and care home shall be one or more free-standing structures or identifiable, separate portions of one or more free-standing structures containing not fewer than five residential one-bedroom or efficiency accommodations after completion of the construction or rehabilitation. A maximum ratio of four persons per full bathroom shall be permitted in each board and care home. Group dining facilities shall be available. Kitchen facilities are not required in each accommodation. Only one- to four-person occupancy will be permitted in each bedroom accommodation. A board and care home owner must also meet State and local occupancy requirements, including State or local requirements permitting fewer than four persons per accommodation. The board and care structure, or designated portion of the structure, shall not contain any nursing home or intermediate care beds.

6. In § 232.50, paragraphs (a)(1) (ii) and (iii) are revised to read as follows:

§ 232.50 Effect and term of SAMA letter, conditional and firm commitment.

(a) * * *

(1) * * *

(ii) The acceptability of the proposed project site, the proposed number of beds or accommodations, and the market for the number of proposed beds or accommodations. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number of beds or accommodations, the SAMA letter may establish the specific lesser number of beds or accommodations that would be acceptable and any acceptable alternative plan.

(iii) The acceptability of the monthly bed rates or accommodation charges proposed. Where monthly bed rate or accommodation charge levels are unacceptable, the SAMA letter may establish specific levels that would be acceptable.

7. In § 232.81, paragraph (d) is revised to read as follows:

§ 232.81 Form of contract.

(d) *Federal or State assisted projects.* Where the mortgagee is to receive a Federal or State grant in connection with the development of the project, a lump sum contract may be used whether or not a cost plus form of contract would otherwise be required by the provisions of paragraph (C) of this section.

8. In § 232.500, paragraphs (c) and (d) are revised to read as follows:

§ 232.500 Definitions.

(c)(1) "Fire safety equipment" means equipment that is purchased, installed, and maintained in a nursing home, intermediate care facility, or board and care home and that meets the requirements for the appropriate level of occupancy under one of the following standards:

(i) The Life Safety Code of the National Fire Protection Association (any edition after 1966); or

(ii) A standard mandated by a State, under the provisions of section 1616(e) of the Social Security Act; or

(iii) Any appropriate requirement approved by the Secretary of Health and Human Services for providers of services under title XVIII or title XIX of the Social Security Act.

(2) In addition to those requirements approved by the Secretary of Health and Human Services as necessary for the appropriate level of occupancy, "fire safety equipment" may also include fire safety-related improvements that are not mandatory under the requirements of the Secretary of Health and Human Services, but which the Secretary of

Health and Human Services considers acceptable and reasonable for protection against the hazards of fire and which the borrower agrees to install.

(3) For the purposes of this definition, the terms "nursing home" and "intermediate care facility" shall include those facilities designated as skilled nursing facilities or intermediate care facilities by the Department of Health and Human Services.

(d) "Fire safety loan" means any form of secured or unsecured obligation determined by the Commissioner to be eligible for insurance under this subpart and, in the case of a board and care home, made with respect to such a home located in a State which the Secretary has determined is in compliance with the provisions of section 1616(e) of the Social Security Act.

9. In § 232.505, paragraph (b) is revised and the OMB control number is added to the end of the section to read as follows:

§ 232.505 Application and application fee.

(b) *Filing of application.* An application for insurance of fire safety loan for a nursing home, intermediate care facility or board and care home shall be submitted on an approved HUD form by an approved lender and by the owners of the project through the local HUD office.

(Information collection requirement approved by the Office of Management and Budget under Control No. 2502-0029)

10. Section 232.615 is amended by designating the present text as paragraph (a), and by adding a new paragraph (b), to read as follows:

§ 232.615 Eligible borrowers.

(b) Also eligible as a borrower shall be a profit or non-profit entity which owns a board and care home for which HUD has determined that the installation of fire safety equipment is approvable under the definition contained in § 232.500(c).

Dated: September 9, 1985.

Janet Hale,
Acting General Deputy Assistant Secretary
for Housing—Deputy Federal Housing
Commissioner.

[FR Doc. 85-22121 Filed 9-13-85; 8:45 am]

BILLING CODE 4210-27-M

Government National Mortgage Association

24 CFR Part 300

[Docket No. N-85-1550; FR-2121]

List of GNMA Attorneys-in-Fact

AGENCY: Government National Mortgage Association, HUD.

ACTION: Rule-related notice.

SUMMARY: This document updates the current list of persons appointed attorneys-in-fact by the Government National Mortgage Association (GNMA). Attorneys-in-fact are authorized to act for GNMA by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs. These appointments assist GNMA in carrying out its responsibilities under the National Housing Act.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: John Maxim, Associate General Counsel, Insured Housing and Finance, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW Washington, DC 20410. Telephone (202) 755-6274. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Government National Mortgage Association (GNMA) periodically approves staff members of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Mortgage Corporation (Freddie Mac) to be delegated signatory authority to act in GNMA's behalf as attorneys-in-fact.

Until recently, lists of persons appointed to act have appeared in the Code of Federal Regulations (see 24 CFR 300.11(c) and (d), 1983 edition). In related documents published on August 12, 1983 (see 48 FR 36572, 36573) GNMA announced that it was removing these lists from the CFR, changing the procedure of announcing appointments to a notice document, and publishing a complete list of persons currently appointed to act as attorneys-in-fact. The rule removing the lists from the CFR, as well as the complete list of attorneys-in-fact, was effective on October 11, 1983. Additional changes to the list of persons appointed attorney-in-fact were published on December 29, 1983 (see 48 FR 57371), May 29, 1984 (49 FR 22278), August 27, 1984 (49 FR 33872), and on November 15, 1984 (49 FR 45128).

This notice today announces changes to the list of persons authorized to act as attorneys-in-fact. The changes include additions to and deletions from the Federal National Mortgage Association

list. To enhance the usability of these notices, the Department has decided to republish the entire list of attorneys-in-fact each time changes are made.

Accordingly, the following lists represent all persons currently appointed as attorneys-in-fact delegated signatory authority to act in GNMA's behalf:

I. Staff Members of the Federal National Mortgage Association, a Government-Sponsored Private Corporation, Appointed Attorneys-in-Fact

Name	Region
Leo E. Ahsaeg	Los Angeles, CA
Robert E. Allen	Los Angeles, CA
Angelina P. Alleva	Philadelphia, PA
Ellen W. Allison	Atlanta, GA
Pam Andrus	Los Angeles, CA
David P. Antczak	Chicago, IL
Victoria L. Arrington	Chicago, IL
Glenn T. Austin, Jr.	Atlanta, GA
J.J. Bacchus	Atlanta, GA
Irene S. Baggio	Philadelphia, PA
Darlene Bagley	Atlanta, GA
Susan L. Bale	Los Angeles, CA
Lynne Ballow	Atlanta, GA
J.C. Bellinger	Atlanta, GA
J.M. Benavides	Dallas, TX
Frances E. Bennett	Atlanta, GA
James H. Benson	Los Angeles, CA
E.N. Biggerstaff	Atlanta, GA
James R. Blakley	Los Angeles, CA
Norman T. Bolas	Los Angeles, CA
W.R. Bowen	Los Angeles, CA
W. James Bradley	Washington, D.C.
Stephen M. Brent	Los Angeles, CA
Joseph E. Brody	Chicago, IL
Craig J. Bromann	Chicago, IL
Larry W. Brown	Dallas, TX
Rosemary M. Brown	Washington, D.C.
Patricia L. Burgess	Atlanta, GA
Burleigh O. Burshem	Washington, D.C.
Rena L. Busby	Los Angeles, CA
J.L. Busselle	Dallas, TX
Roland B. Bynum	Los Angeles, CA
David Byrd	Atlanta, GA
Donna M. Cabrera	Los Angeles, CA
Dennis G. Campbell	Philadelphia, PA
E.P. Carr	Atlanta, GA
Loretta Casey	Philadelphia, PA
James S. Cash	Atlanta, GA
Robert A. Chambers	Atlanta, GA
Heinrich F. Charles	Los Angeles, CA
Patricia R. Charrier	Philadelphia, PA
Mary Churchwell	Dallas, TX
Russell B. Clifton	Washington, D.C.
John M. Conn	Washington, D.C.
Vincent Coletti, II	Philadelphia, PA
Bettye Cook	Los Angeles, CA
Diane E. Cozad	Los Angeles, CA
Jean V. Cunniff	Chicago, IL
Edward F. Czubernat	Chicago, IL
Nitin J. Dave	Atlanta, GA
John C. Diebel	Chicago, IL
Edward Dodson	Philadelphia, PA
James E. Domenico	Chicago, IL
Lawrence J. Dondero, Jr.	Philadelphia, PA
Elizabeth A. Downing	Los Angeles, CA
Samuel A. Duca	Philadelphia, PA
Wandra Durham	Atlanta, GA
J. Ellis Dykes	Atlanta, GA
Joseph R. Elred	Philadelphia, PA
Julietta England	Los Angeles, CA
David J. Evans	Atlanta, GA
R. Douglas Ezzell	Atlanta, GA
Leon Fine	Philadelphia, PA
Pamela K. Fite	Atlanta, GA
Carlton T. Foster, Jr.	Atlanta, GA
Robert R. Foster	Philadelphia, PA

Jimmy L. Callahar
 Hettye D. Gates
 Thomas J. Gay
 Robert R. Glinski
 James D. Grady, Jr.
 John J. Hagerty
 Ann B. Hamilton
 Philip E. Harrington
 Mark S. Haney
 Robert E. Haren
 Charles W. Harvey, Jr.
 Ronald W. Harwig
 John R. Hayes
 Robert J. Hearn
 B.J. Hendryx
 C.W. Haptninstall
 J.W. Hester, Jr.
 JoAnne Holbert
 R.R. Hoist
 D. Howard
 Carmen I. Huertas
 Jeanne Hunter
 Robert A. Hunter
 Louise E. Isabel
 Stuart J. Jaffee
 William S. Jones
 Shelley J. Kauzlaric
 Arthurine C. Kent
 Carol King
 Thomas L. Kinney
 John H. Kline, Jr.
 William Jackson
 Denise Lee
 Alfredo S. Loyola
 Robert J. Mahn
 Elizabeth Mahoney
 Noel J. Mangan
 P. Jack Maniscalco
 Renay A. McKenzie
 Susan McMahon
 Camillo Melchiorre
 Allen P. Miller
 Doris A. Morrow
 Frederick W. Mowatt
 Charleen N. Munson
 Randolph C. Nail, Jr.
 Harbir S. Narang
 Vincent H. Nelson
 Brenda J. Newbill
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 James W. Noack
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 B.J. Odom
 Zach Oppenheimer
 Bentley C. Palez, Jr.
 Leslie A. Parsons
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 Robert G. Pike
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 Clotelia S. Riddell
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 Samuel M. Smith, III
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 Mary Lou Stelman
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 Robert F. Sumbry
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Atlanta, GA
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 Nancy L. Webster
 Edward W. Wendell
 James H. Whitehead
 Sherry L. Williamson
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SUMMARY: This final rule updates and simplifies the general regulations applicable to all Secretary's Discretionary Fund Programs and the sections specifically related to Insular Area applicants for grants under the Secretary's Fund within the Community Development Block Grant (CDBG) program.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Hazel P. Braxton or Leroy P. Gonnella, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On August 7, 1984, the Department published a proposed rule revising provisions of the CDBG program related to Insular Areas, 49 FR 31446. HUD proposed to revise 24 CFR 570.400 and 570.405. The former section contains general provisions applicable to Subpart E of Part 570 (the Secretary's Fund), while the latter contains the provisions specifically applicable to the Insular Areas Program. The proposed rule removed certain program requirements that are no longer required by statute, made technical changes necessitated by changes to Part 570 published on September 23, 1983 (48 FR 43538), and also revised regulations related to the use of data from the Census Bureau; standards to be used in HUD review of applications; the criteria by which program amendments will be approved; the application period; permission to incur costs before approval of the application in hardship cases; threshold requirements for funding; and conditional grant approval.

No public comments were filed in response to the Notice of Proposed Rulemaking. Accordingly, the proposed rule will be adopted as final, with only the following technical revisions:

1. Under proposed § 570.400(c)(iii), applications for assistance under Subpart E would be reviewed by HUD to ensure that "required certifications have been properly executed". This provision will be revised to require that the "required certifications have been included in the application". This revision conforms the rule provision with the actual procedures that are, and have been, employed under the program.

2. Application and performance reporting requirements are set out under proposed § 570.405(e). Paragraph (e)(3) requires a recipient to submit an annual performance report of progress made on

II. Staff Members of the Federal Home Loan Mortgage Corporation, Created Under the Laws of the United States, Appointed Attorneys-in-Fact

Name	Region
William T. Bings	Washington, D.C.
Philip R. Brinkerhoff	Washington, D.C.
Jerry Brooks	Atlanta, GA
Michael Coffey	Dallas, TX
Douglas R. Cottrell	Atlanta, GA
Kenneth Coulter	Los Angeles, CA
George E. Delgado	Arlington, VA
James L. Garrison	Arlington, VA
C. Gordon Gray	Chicago, IL
Ken Halterman	Dallas, TX
Philip N. Harrington	Washington, D.C.
Carl Hillis	Dallas, TX
John Horseman, Sr.	Washington, D.C.
Victor H. Indiek	Washington, D.C.
David S. Latimore	Atlanta, GA
Leon L. Linkroum	Los Angeles, CA
John E. Lott	Chicago, IL
Peter R. McNulty	Arlington, VA
J. Michael Materie	Atlanta, GA
Walter P. Moenning, Jr.	Chicago, IL
Ronald Morck	Atlanta, GA
Randall M. Nay	Dallas, TX
Jerry C. Nelson	Dallas, TX
Robert K. Ostengaard	Los Angeles, CA
Paul Quinn	Denver, CO
F. Michael Saib	Arlington, VA
Kenneth J. Sandin	Atlanta, GA
Fred Schwartz	Chicago, IL
Stu Strand	Los Angeles, CA
Ronald D. Struck	Washington, D.C.
Melvin L. Taylor	Seattle, WA
William R. Thomas, Jr.	Dallas, TX
Glenn Vaupel	Los Angeles, CA
William J. Verant	Los Angeles, CA
Edward Voss	Chicago, IL
Clifford A. Walters	Chicago, IL

Dated: September 9, 1985.

Louis C. Gasper,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 85-22122 Filed 9-13-85; 8:45 am]

BILLING CODE 4210-32-M

Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-85-1134; FR-1822]

Community Development Block Grants; Secretary's Fund—Insular Areas

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

previously funded grants. The report must contain a narrative description of a recipient's progress related to such matters as its activity completion rate, changes in scheduling, and funding allocations among projects. This provision will be revised to also require a comparison between the funds allocated to a recipient and funds obligated by the recipient. This requirement constitutes a logical extension of the informational requests already in the rule. While compliance with this requirement will not require any significant additional expenditure of resources by recipients, compliance will significantly assist both HUD and the recipient in assessing the recipient's progress.

3. Subpart O, made applicable to this regulation by § 570.400(a), authorizes reviews of the grantees' performance, and contains provisions for remedial actions and sanctions based on such reviews. Since the provisions in Subpart O are specifically written in terms of the entitlement, small cities and action grant programs, comparable provisions have been added to this regulation at § 570.400 (f) and (g).

Finally, an amendment to the Housing and Community Development Act of 1974 contained in the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181 (approved November 1983), added section 104(j) which provides that: "Each grantee shall provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of assistance received under this title to acquire or substantially rehabilitate property." (The provision mandates the benefits to such displacees where the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 does not apply.) Until a final regulation implementing section 104(j) is published for effect, the requirement will be imposed through a special contract condition in the grant agreements.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, at the above address.

This rule does not constitute a major rule as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the

economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. For Insular Areas, there are fewer than 10 eligible applicants. The rules will simplify and reduce the requirements of applications. The other grantees under the program are relatively large entities and the changes made here should not have any significant economic impact on them. Additionally, in making grants, the program provides ample funds to cover those expenditures related to the administrative costs of the program.

This rule was listed as item number 176 in the Department's most recent Semiannual Agenda of Regulations published on April 29, 1985 under Executive Order 12291 and the Regulatory Flexibility Act, (50 FR 17286 at page 17327).

The Catalog of Federal Domestic Assistance program number and title is 14.225-Secretary's Discretionary Fund/Territories Program.

List of Subjects in 24 CFR Part 570

Community development block grant, Grant programs: housing and community development, Loan programs: housing and community development, Low and moderate income housing, New communities, Pockets of poverty, Small cities.

Accordingly, the Department amends 24 CFR Part 570 as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

1. The authority citation for Part 570 is revised to read as set forth below and any authority citation following any section in Part 570 is removed:

Authority: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301-5321); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

2. Section 570.400 is revised to read as follows:

§ 570.400 General.

(a) *Applicability.* The policies and procedures set forth in Subparts A, C, J, K, and O of this part shall apply to this

subpart, except to the extent that they are specifically modified or augmented by the contents of this subpart, including specified exemptions described herein. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this subpart, unless otherwise specifically provided herein.

(b) *Data.* Wherever data are used in this subpart for selecting applicants for assistance or for determining grant amounts, the source of such data shall be the most recent information available from the United States Bureau of the Census which is referable to the same point or period of time.

(c) *Review of applications for discretionary assistance.* (1) *Review Components.* An application for assistance under this subpart shall be reviewed by HUD to ensure that: (i) The application is postmarked or received on or before any final date established by HUD; (ii) The application is complete; (iii) required certifications have been included in the application; and (iv) The application meets the specific program requirements listed in the **Federal Register** Notice published in connection with a competition for funding, and any other specific requirements listed under this subpart for each of the programs.

(2) *Timing and Review.* HUD is not required by the Act to review and approve an application for assistance or a contract proposal within any specified time period. However, HUD will attempt to complete its review of any application/proposal within 75 days.

(3) *Notification to applicant/proposer.* HUD will notify the applicant/proposer in writing that the applicant/proposal has been approved, partially approved, or disapproved. If an application/proposal is partially approved or disapproved, the applicant/proposer will be informed of the basis for HUD's decision. HUD may make conditional approvals under section § 570.304(d).

(d) *Program amendments.* (1) Recipients shall request prior written HUD approval for all program amendments involving changes in the scope or the location of approved activities.

(2) Any program amendments, whether or not they require HUD approval, must be fully documented in the recipient's records.

(e) *Performance reports.* Any performance report required of a discretionary assistance recipient shall be submitted in the form specified in this subpart, in the award document, or (if the report relates to a specific competition for an assistance award) in a form specified in a Notice published in the **Federal Register**.

(f) *Performance reviews and findings.* HUD may review the recipient's performance in carrying out the activities for which assistance is provided in a timely manner and in accordance with its approved application, all applicable requirements of this part and the terms of the assistance agreement. Findings of performance deficiencies may be cause for appropriate corrective and remedial actions under § 570.910.

(g) *Funding sanctions.* Following notice and opportunity for informal consultation, HUD may withhold, reduce or terminate the assistance where any corrective or remedial actions taken under § 570.910 fail to remedy a recipient's performance deficiencies, and the deficiencies are sufficiently substantial, in the judgment of HUD, to warrant sanctions.

3. § 570.405 is revised to read as follows:

§ 570.405 The insular areas.

(a) *Eligible applicants.* Eligible applicants are Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(b) *Threshold requirements.* HUD shall review each grantee's progress on outstanding grants made under this section based on the grantee's performance report, the timeliness of close-outs and compliance with fund management requirements and pertinent regulations, taking into consideration the size of the grant and the degree and complexity of the program. If HUD determines upon such review that the applicant does not have the capacity effectively to administer a new grant, or a portion of a new grant, in addition to grants currently under administration, the applicant shall not be invited to submit an application for the current year's funding.

(c) *Previous audit findings and outstanding monetary obligations.* HUD shall not accept for review an application from an applicant that has either an outstanding audit finding for any HUD program, or an outstanding monetary obligation to HUD that is in arrears, or for which a repayment schedule has not been established and agreed to. The Field Office manager may waive this restriction if he or she finds that the applicant has made a good faith effort to clear the audit. In no instance, however, shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

(d) *Criteria for funding.* The Secretary shall establish, for each fiscal year, an amount for which eligible applicants may apply. Grant amounts will be based on population of the applicant and its performance in previous years. In determining performance, HUD will consider program achievements and the applicant's effectiveness in using program funds. Effectiveness in using program funds shall be measured by reviewing audit, monitoring and performance reports.

(e) *Application and performance reporting.* Application and performance reporting requirements are as follows:

(1) Applicants must submit applications within 90 days of the notification of the grant amount from HUD.

(2) Applicants must meet the application requirements in § 570.430 relating to small cities single purpose grants.

(3) At a time determined by the Field Office, grant recipients shall submit an annual performance report of progress made on previously funded grants. The status report shall be in narrative form addressing three areas:

(i) *Progress:* Progress in completing activities, the work remaining, changes in the implementation schedule, a breakdown of funds expended on each approved project and a comparison between the amount allocated to the recipient and amounts obligated by the recipient;

(ii) *Grantee assessment:* A description of the effectiveness of funded activities in meeting the recipient's community development needs; and

(iii) *Environment:* A status report on each of the following:

- (A) The environmental assessments and environmental impact statements prepared by the recipient;
- (B) Action taken in compliance with other environmental obligations;
- (C) For exempt activities, compliance with the conditions of 24 CFR 58.34; and
- (D) If appropriate, environmental reviews of emergency projects under 24 CFR 58.33.

(f) *Costs incurred by the applicant.* (1) Notwithstanding any other provision of this part, HUD will not reimburse or recognize any costs incurred by an applicant before submission of the application to HUD.

(2) Normally, HUD will not reimburse or recognize costs incurred before HUD approval of the application for funding. However, under unusual circumstances, the Field office manager may consider and conditionally approve written requests to recognize and reimburse costs that will be incurred after submission of the application but before

it is approved where failure to do so would impose undue or unreasonable hardship on the applicant. Conditional approvals will be made only before the costs are incurred and where the conditions for release of funds have been met in accordance with 24 CFR 58.22, and with the understanding that HUD has no obligation whatsoever to approve the application or to reimburse the applicant should the application be disapproved.

(g) *Criteria for conditional approval.* HUD may approve a grant subject to specified conditions. In any such case, the obligation and utilization of funds may be restricted. The reasons for the conditional approval and the actions necessary to remove the conditions shall be specified. Failure of the applicant to satisfy the conditions may result in a termination of the grant. A conditional approval may be granted under any of the following circumstances:

(1) When local environmental reviews under 24 CFR Part 58 have not yet been completed;

(2) To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;

(3) To ensure that a project can be completed within its estimated costs;

(4) Where the grantee is required to satisfy an outstanding debt due to HUD under a payment plan executed between the grantee and the Department;

(5) Pending resolution of problems related to specific projects or the capability of the grantee to obtain resources needed to carry out, operate or maintain the project; or

(6) Pending approval of site and neighborhood standards for proposed housing projects.

(h) *Citizen participation.* (1) The applicant shall provide for appropriate citizen participation in the application and amendment process. The applicant must, at least, do each of the following:

(i) Furnish citizens with information concerning the amount of funds available for community development and housing activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income, and the plans of the grantee for minimizing displacement of persons as a result of activities assisted with such funds and to assist persons actually displaced;

(ii) Hold one or more public hearings (scheduled at convenient times and places) to obtain the views of citizens on community development and housing needs;

(iii) Develop and publish or post the community development statement in such a manner as to afford affected citizens an opportunity to examine its contents and to submit comments;

(iv) Afford citizens an opportunity to review and comment on the applicant's performance under any community development block grant.

(2) Before submitting the application to HUD, the applicant shall certify that it has (i) met the requirements of paragraph (b)(1) of this section; (ii) considered any comments and views expressed by citizens; and (iii) if appropriate, modified the application accordingly and made the modified application available to citizens.

Dated: September 9, 1985.

Alfred C. Moran,

Assistant Secretary for Community Planning and Development.

[FR Doc. 85-22123 Filed 9-13-85; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 169

[DoD Directive 4100.15]

Commercial Activities Program

AGENCY: Department of Defense.

ACTION: Final Rule.

SUMMARY: The Department of Defense revised its rules regarding the Commercial Activities Program to incorporate substantive changes to Part 169 required by Office of Management and Budget (OMB) Circular A-76, "Performance of Commercial Activities," August 3, 1983. The Department of Defense reaffirms the Government's general policy of reliance on the private sector for commercial activities while recognizing that Government personnel must perform intrinsic governmental functions and must consider cost effectiveness.

EFFECTIVE DATE: August 12, 1985.

FOR FURTHER INFORMATION CONTACT:

Mr. Douglas B. Hansen, Office of the Assistant Secretary of Defense (Acquisition and Logistics), Installation Assistance, Pentagon, Washington, DC 20301-8000. Telephone: 202-325-0537.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-10688, appearing in the Federal Register (50 FR 18886) on May 3, 1985, the Office of the Secretary of Defense published Part 169 as a proposed rule to provide more definitive guidelines to ensure consistency and equity to all parties in its implementation. The Office

of the Secretary of Defense previously published Part 169 in FR Docs. 67-10186 (32 FR 12607) August 31, 1967; 69-6119 (34 FR 14184) May 23, 1969; 71-10943 (36 FR 14184) July 31, 1971; and 80-8173 (45 FR 17138) March 18, 1980. Some comments and editorial changes received from the private sector and internal DoD Components were incorporated into the final rule.

List of Subjects in 32 CFR Part 169

Armed forces, Government procurement.

Accordingly, 32 CFR Chapter I, is amended by revising Part 169, reading as follows:

PART 169—COMMERCIAL ACTIVITIES PROGRAM

Sec.

- 169.1 Purpose.
- 169.2 Applicability and scope.
- 169.3 Definitions.
- 169.4 Policy.
- 169.5 Responsibilities.

Authority: 5 U.S.C. 301 and 552 and Pub. L. 93-400.

§ 169.1 Purpose.

This part reissues OMB Circular A-76. It also updates DoD policies and assigns responsibilities for commercial activities (CAs) as required by OMB Circular A-76.

§ 169.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) Encompasses DoD policy for CAs in the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) Is not mandatory for CAs staffed solely with civilian personnel paid by nonappropriated funds, such as military exchanges. However, its provisions are mandatory for CAs when they are staffed partially with civilian personnel paid by or reimbursed from appropriated funds, such as libraries, open messes, and other morale, welfare, and recreation (MWR) activities. When related installation support functions are being cost-compared under a single solicitation, a DoD Component may decide that it is practical to include activities staffed solely with civilian personnel paid by nonappropriated funds.

(d) This part does not:

(1) Apply to governmental functions as defined in § 169.3.

(2) Apply when contrary to law, executive orders, or any treaty or international agreement.

(3) Apply in times of a declared war or military mobilization.

(4) Provide authority to enter into contracts.

(5) Apply to the conduct of research and development, except for severable in-house CAs in support of research and development, such as those listed in enclosure 3 of DoD Instruction 4100.33.¹

(6) Justify conversion to contract solely to avoid personnel ceilings or salary limitations.

(7) Authorize contracts that establish an employer-employee relationship between the Department of Defense and contractor employees as described in Federal Acquisition Regulation (FAR) 37.104.

§ 169.3 Definitions.

Commercial Activity Review. The process of evaluating CAs for the purpose of determining whether or not a cost comparison will be conducted.

Commercial Source. A business or other non-Federal activity located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico that provides a commercial product or service.

Conversion to Contract. The changeover of a CA from performance by DoD personnel to performance under contract by a commercial source.

Conversion to In-House. The changeover of a CA from performance under contract to performance by DoD personnel.

Cost Comparison. The process of developing an estimate of the cost of performance of a CA by DoD employees and comparing it, in accordance with the requirements in DoD Instruction 4100.33 to the cost to the Government for contract performance of the CA.

Directly Affected Parties. DoD employees and their representative organizations and bidders or offerors on the solicitation.

Displaced DoD Employee. Any DoD employee affected by conversion to contract operation (including such actions as job elimination, grade reduction, or reduction in rank). It includes both employees in the function converted to contract and employees outside the function who are affected adversely by conversion through reassignment or the exercise of bumping or retreat rights.

DoD Commercial Activity (CA). An activity that provides a product or service obtainable (or obtained) from a

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19129, ATTN: Code 301.

commercial source. A DoD CA is not a Governmental function. A DoD CA may be an organization or part of another organization. It must be a type of work that is separable from other functions or activities so that it is suitable for performance by contract. A representative list of the functions performed by such activities is provided in enclosure 3 of DoD Instruction 4100.33. A DoD CA falls into one of two categories:

(a) *In-House CA*. A DoD CA operated by a DoD Component with DoD personnel.

(b) *Contract CA*. A DoD CA managed by a DoD Component operated with contractor personnel.

DoD Employee. Refers to only civilian personnel of the Department of Defense.

DoD Governmental Function. A function that is related so intimately to the public interest as to mandate performance by DoD personnel. These functions require either the exercise of discretion in applying Government authority or the use of value judgment in making the decision for the Department of Defense. Services or products in support of Governmental functions such as those listed in enclosure 3 of DoD Instruction 4100.33 are normally subject to this part and its implementing instructions. Governmental functions normally fall into two categories:

(a) The act of governing; that is, the discretionary exercise of Governmental authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgments, as in direction of the national defense; management and direction of the Armed Services; activities performed exclusively by military personnel who are subject to deployment in a combat, combat support, or combat service support role; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers, and other natural resources; direction of intelligence and counterintelligence operations; and regulation of industry and commerce, including food and drugs.

(b) Monetary transactions and entitlements, such as tax collection and revenue disbursements; control of the money supply treasury accounts; and the administration of public trusts.

DoD Personnel. Refers to both military and civilian personnel of the Department of Defense.

Expansion. The modernization, replacement, upgrading, or enlargement

of a DoD CA involving a cost increase exceeding either 30 percent of the total capital investment or 30 percent of the annual personnel and material costs. A consolidation of two or more CAs is not an expansion unless the proposed total capital investment or annual personnel and material costs of the consolidation exceeds the total of the individual CAs by 30 percent or more.

New Requirement. A recently established need for a commercial product or service. A new requirement does not include interim in-house operation of essential services pending reacquisition of the services prompted by such action as the termination of an existing contract operation.

Preferential Procurement Programs. Mandatory source programs such as Federal Prison Industries (FPI) and the workshops administered by the Committee for Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act. Also included are small, minority, and disadvantaged businesses; and labor surplus area set-asides and awards made under section 8(a) of the Small Business Act.

§ 169.4 Policy.

It is DoD policy to:

(a) *Ensure DoD Mission*

Accomplishment. This part and its implementing instructions shall consider the overall mission of the Department of Defense and the defense objective of maintaining readiness and sustainability to ensure a capability to mobilize the defense force and support structure.

(b) *Retain Governmental Functions In-House*. Certain functions inherently are Governmental in nature, being so intimately related to the public interest as to mandate performance only by DoD personnel. These functions are not in competition with commercial sources; therefore, these functions shall be performed by DoD personnel.

(c) *Rely on the Commercial Sector*. DoD Components shall rely on commercially available sources to provide commercial products and services. Except when required for national defense, when no satisfactory commercial source is available, or when in the best interest of direct patient care, DoD Components will not start, expand, or carry on any CAs to provide commercial products or services if the products or services can be procured more economically from commercial sources.

(d) *Achieve Economy and Enhance Productivity*. Competition enhances quality, economy, and productivity. Whenever performance by a commercial

source of a DoD in-house CA is permissible, in accordance with this part and its implementing instructions, a comparison of the cost of contracting and the cost of in-house performance normally shall be performed to determine who will do the work. The restriction of a solicitation to a preferential procurement program does not negate this requirement.

(e) *Permit Interim In-House Operation*. A DoD in-house CA may be established on a temporary basis if a contractor defaults. Action shall be taken to resolicit bids or proposals in accordance with DoD Instruction 4100.33.

§ 169.5 Responsibilities.

(a) The Assistant Secretary of Defense (Acquisition and Logistics), or his designee, shall:

(1) Formulate and develop policy consistent with this part for the DoD CA program.

(2) Issue instructions to implement the policies of this part.

(3) Maintain an inventory of in-house DoD CAs.

(4) Monitor program implementation.

(5) Establish the use of automatic data processing (ADP) for DoD CA program surveillance and managerial control.

(6) Develop, register, coordinate, and maintain data elements for use in ADP systems and reporting in accordance with the requirements of DoD Directive 5000.11.¹

(7) Review DoD Component decisions to perform DoD CAs in-house for reasons other than cost, new requirements, or expansions.

(8) Establish criteria for determining whether a CA is required to be operated for reasons of national defense by either DoD military or civilian employees.

(b) The Assistant Secretary of Defense (Comptroller) shall provide policy guidance to the DoD Components on procedures and systems for obtaining cost data for use in preparing the in-house cost estimate.

(c) The Heads of DoD Components shall:

(1) Implement this part in accordance with the instructions issued by the ASD (A&L).

(2) Designate an official at the Assistant Secretary or equivalent level to implement this part.

(3) Establish an office to serve as a central point of contact for implementing this part.

(4) Evaluate their functions and activities to determine which CAs are subject to this part.

(5) Prepare, maintain, and report CA

Program data in accordance with DoD Instruction 4100.33.

(6) Schedule reviews of the in-house CAs listed in their inventories and ensure that the initial reviews and cost comparisons are completed by September 30, 1987. Commercial activities approved for retention in-house, for any reason, shall be reviewed again at least once every 5 years.

(7) Approve or disapprove in-house performance of DoD CAs, new requirements, and expansions for reasons of national defense (under the criteria established in subparagraph E.2.a.(1)(a) of DoD Instruction 4100.33), a lack of a satisfactory commercial source, or when in the best interest of direct patient care.

(8) Schedule for cost comparison (unless a waiver is appropriate) CAs not justified for in-house performance for national defense, a lack of a satisfactory commercial source, or when in the best interest of direct patient care.

(9) Ensure that contracts resulting from cost comparisons conducted under this Directive are solicited and awarded in accordance with the Federal Acquisition Regulation (FAR) and DoD FAR Supplement (DFAR) which require the inclusion of provisions relating to labor matters such as equal employment opportunities, safety and occupational health, veterans' preference, minimum wages and fringe benefits, and right of first refusal for employment by the contractor for displaced DoD employees.

(10) Ensure that the Office of Federal Procurement Policy (OFPP) Policy Letter No. 78-3 is considered in responding to requests for disclosure of contractor-supplied information obtained in the course of procurement.

(11) Ensure that high standards of objectivity and consistency are maintained in compiling and maintaining the CA inventory and conducting the reviews and cost comparisons.

(12) Exert maximum effort to find suitable employment for any displaced DoD Component employee, including:

- (i) Placing them in the DoD Priority Placement Program.
- (ii) Paying reasonable costs for training and relocation when these will contribute directly to placement.
- (iii) Coordinating with the Office of Personnel Management (OPM) to ensure displaced DoD Component employees have access to Government-wide placement programs, including the OPM-operated Displaced Employee Program (DEP) and the Interagency Placement Assistance Program (IPAP).

(iv) Coordinating with the Department of Labor and other agencies to promote

private sector employment for separated workers.

(v) Consistent with postemployment restrictions, advising DoD Component displaced employees that they have the right of first refusal for employment on the contract in positions for which they are qualified, and assisting them in applying for such employment.

(13) Maintain the technical competence necessary to ensure effective and efficient management of the CA program.

(14) Notify the Joint Committee on Printing (JCP) at least 30 days before commencing a cost comparison of a field printing operation. These JCP notifications shall be coordinated with the appropriate legal counsel.

Dated: September 11, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-22064 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2893-1]

Approval and Promulgation of State Implementation Plan: Oregon; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to the Oregon State Implementation Plan which was published at 50 FR 31370, August 2, 1985. In FR Doc. 85-18271 appearing on August 2, 1985, the following correction is made to the Code of Federal Regulations portion of the document.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Ann Williamson, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Telephone No. (206) 442-8633, FTS: 399-8633.

In § 52.1970(c), the paragraph numbered (70) should instead read (71).

Authority: 42 U.S.C. 7401-7642.

Dated: August 20, 1985.

Ernesta Barnes,

Regional Administrator.

[FR Doc. 85-22063 Filed 9-13-85; 8:45 am]

BILLING CODE 8560-90-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-55

Collection of Claims Owed the United States

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) recently proposed regulations implementing the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1754) (49 FR 30080, July 26, 1984). GSA is required by law to issue these regulations.

In response to GSA's proposal, a number of parties submitted comments. These comments have been reviewed and GSA is now adopting a modified rule which responds to the suggestions received. The rule incorporates a new § 105-55.003, dealing with the applicability of the Debt Collection Act to claims arising from activities under GSA's jurisdiction.

By following the procedures outlined in this part, GSA will be able to more efficiently collect, compromise, or terminate, by administrative offset, outstanding claims for money.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Jr., Chief Counsel (LG), General Services Administration, 18th & F Streets, NW., Washington, DC 20405. 202-566-1460.

SUPPLEMENTARY INFORMATION: On July 26, 1984 (49 FR 30080), GSA published for comment in the Federal Register a proposed rule implementing the Federal Claims Collection Act, as amended in 1982 by the Debt Collection Act. The proposal provided procedures by which GSA would:

- (a) Collect claims owed to the United States arising from activities under GSA's jurisdiction;
- (b) Determine and collect interest and other charges on those claims;
- (c) Compromise claims; and,
- (d) Refer unpaid claims for litigation.

The proposed part was designed to supplement regulations previously published by the General Accounting Office in conjunction with the Department of Justice (4 CFR Parts 101-105).

GSA received five comment letters in response to its notice of proposed rulemaking, two from staff offices within GSA, two from private law firms, and one from the Public Contract Law Section of the American Bar Association. The letter from the ABA

Section, as well as both of the law firm letters, addressed in detail GSA's proposed § 105-55.003. In addition, one of the law firm letters also addressed § 105-55.004 dealing with the Government's right to demand payment of outstanding claims; this section was the focus of one of the GSA letters, as well. The other GSA letter commented on § 105-55.010, "Disclosure to consumer reporting agencies and referrals to collection agencies."

The three comments which addressed the applicability of the regulations to activities under GSA's jurisdiction focused on paragraph (c) of § 105-55.003. Paragraph (c)(1) exempted "acquisition contracts subject to the . . . Federal Acquisition Regulations (FAR) and the General Services Administration Acquisition Regulations (GSAR) . . ." 49 FR 30081. Paragraph (c)(2) provided that contract claims not subject to either the FAR or GSAR which were "the subject of a contracting officer's final decision" pursuant to the Contract Disputes Act of 1978 were susceptible to collection, compromise, or termination under this part, except that "no additional review of the debt" was to be granted beyond that provided by the Contract Disputes Act. *Id.*

Each of the comments received complained that paragraph (c)(1) was ambiguous and was not in accordance with the provisions of the Debt Collection Act. The Debt Collection Act expressly exempted only certain types of federal contracts from the administrative offset provisions; acquisition contracts, as a class, were not among those excused. Therefore, the commenters argued, paragraph (c)(1) was without legal force. The commenters also pointed out that there was no system known as the Federal Acquisition Regulations Systems, the term used by GSA to refer to the body of regulations codified in the FAR and GSAR.

Two commenters complained that paragraph (c)(2) was in conflict with both paragraph (c)(1) and the provisions of the Debt Collection Act. First, the commenters pointed out, the language of paragraph (c)(2), "[i]f not otherwise provided in the FAR system," conflicted with paragraph (c)(1). Second, the commenters asserted that the provisions of paragraph (c)(2) violated the Debt Collection Act because any review additional to that provided by the contracting officer pursuant to the Contract Disputes Act was prohibited.

Section 105-55.004, "Demand for payment," was the subject of two comment letters. One comment stated that the 30-day interval between demand letters called for by paragraph

(a) was too lengthy a period of time. Instead, the commenter urged, the interval should be 15 calendar days. The effect of this shorter period, it was argued, would both speed the collection process and ensure the protection of the Government's rights. The other comment letter focused on paragraphs (b)(7) and (b)(8) of § 105-55.004, which deal with the rights of the debtor to review of the Government's claim and to offer to make a written agreement with the Government, respectively. The regulations contained in these proposed sections, it was argued, would violate both the Debt Collection Act and the Contract Disputes Act.

In the view of the commenter, paragraph (b)(7) violated the Debt Collection Act because the right to review provided was prohibited by the provisions of § 105-55.003(c)(2), discussed above. Even if this barrier were overcome, the commenter asserted, the provisions of paragraph (b)(7) of § 105-55.004 would violate the Contract Disputes Act because it created a new review mechanism without Congressional authorization. The Contract Disputes Act provided contractors with two avenues of review: an agency board of contract appeals or the United States Claims Court. The Debt Collection Act did not, argued the commenter, authorize the creation of a third mechanism.

Paragraph (b)(8) was allegedly in violation of the Debt Collection Act because it granted GSA discretion to not enter into written repayment agreements with a debtor, even if the debtor favored the making of an arrangement of this type. The Debt Collection Act, claimed the commenter, created a presumption that a debtor had a right to a written repayment agreement, a presumption which could be overcome by the Government only by demonstrating why an agreement should not be permitted.

Finally, one commenter addressed the provisions of § 105-55.010, "Disclosure to consumer reporting agencies and referrals to collection agencies." At the present time the section states, in part, that: "The Comptroller [of GSA] and Regional Controllers and their designees may disclose delinquent debts to consumer reporting agencies. . . ." 49 FR 30083. In order to eliminate administrative burden and expense, the commenter suggested that the above language be revised to read: "The Comptroller and his designees may disclose commercial accounts and delinquent consumer accounts. . . ."

After considering these comments, GSA attempted to revise paragraph (c) of § 105-55.003 to clarify the applicability of the regulations to

contract claims due the United States. During this process, however, it was determined that paragraph (c) should be deleted in its entirety in order to bring GSA's regulations in line with the legal position of the Department of Justice that, when offsetting claims arising under contract subject to the Contract Disputes Act of 1978, 41 U.S.C. 601 et seq., the Government need not comply with the Debt Collection Act since the Contract Disputes Act sets forth a complete mechanism of administrative procedure for settling disputes.

No other changes have been made to this part. The decision to leave unaltered a particular provision was made, in each instance, only after carefully analyzing the section in question in light of the comments received.

One comment recommended shortening the interval between Government demand letters from thirty to fifteen days. The longer period was retained, however, because insufficient evidence exists to support the commenter's claim that a fifteen day period was necessary to ensure that the Government's rights would be protected. Given the evidence available, it was felt that a slightly longer period would be more equitable to the debtor and would not significantly hamstring the Government's efforts to collect, by administrative offset, debts owed to it.

Paragraph (b)(8) of § 105-55.004 was criticized for improperly conferring discretion upon the Government to decide whether to enter into deferred payment schedules with a debtor. It was argued by one commenter that this provision was not authorized by the Debt Collection Act. We do not agree.

Section 3716(a) of title 31, United States Code, states, in pertinent part, that:

The head of [an executive or legislative] agency may collect [a claim] by administrative offset only after giving the debtor—

- (2) an opportunity to inspect and copy the records of the agency related to the claim;
- (3) an opportunity for a review within the agency of the decision of the agency related to the claim; and
- (4) an opportunity to make a written agreement with the head of the agency to repay the amount of the claim.

The commenter argued that, in the context of subsection (a), "opportunity" should be read to mean "right." In addition, the commenter asserted that there is a presumption that a debtor is entitled to a deferred payment agreement, with the burden on the Government to show otherwise.

The commenter has confused the granting of a procedural entitlement by Congress—i.e. the options of seeking or not seeking a deferred payment agreement—with the entering into of a substantive agreement of legal significance. The commenter does not argue that, merely by exercising his "right" to have an agency's decision on a claim reviewed by a higher authority, the debtor thereby creates a presumption that the decision should be overturned in his favor. In fact, the converse is true; a heavy presumption of regularity attaches to an agency's administrative decisions. The analysis is the same for paragraph (b)(8). A presumption that a debtor is entitled to a deferred payment agreement cannot be created simply because the debtor takes advantage of a procedure made available by Congress.

This conclusion is strengthened by the provisions of subsection (b) of section 3716. Subsection (b) states, in pertinent part, that:

Before collecting a claim by administrative offset . . . the head of an executive or legislative agency must prescribe regulations on collecting by administrative offset based on—

(1) the best interests of the United States Government.

Part 105-55 was promulgated with this command in mind. A deferred payment plan is a contract that confers rights and imposes obligations upon the parties to it. The Government places many requirements upon contractors which must be satisfied before it will even consider entering into a contract. Paragraph (b)(8) of § 105-55.004 contains several requirements of this nature. One of these is the requirement that a debtor who requests a repayment schedule because an offset of the entire amount due would create a "financial hardship" must first submit to an evaluation, by the appropriate GSA Regional Finance Division, of his financial status. Based upon this evaluation, a decision is made whether to grant the debtor's request. This procedure is in the "best interests of the Government." Therefore, paragraph (b)(8) was not revised.

Finally, one commenter addressed § 105-55.010. The first comment suggested that the first sentence in § 105-55.010 be changed to read, in part: "The Comptroller and Regional Controllers and their designees may disclose commercial accounts and delinquent consumer accounts to credit reporting agencies and may refer . . ." (Emphasis added.) To be consistent, the commenter also suggested a change in the heading of the section. The basis for these proposed

alterations was the elimination of administrative burden and expense to be incurred by notifying debtors that a record of their delinquent accounts had been forwarded to credit bureaus. In the absence of documentary evidence supporting this assertion, we fail to see the need for the proposed change. It is felt that the current provisions serve upon commercial debtors adequate notice that credit information may be made available by GSA to credit reporting agencies.

This commenter also noted that certain words in the sentence beginning with "Information" had been omitted. We have made the necessary correction and we thank the commenter for bringing the omission to our attention.

We thank all of the commenters for taking the time to submit thoughtful comments.

List of Subjects in 41 CFR Part 105-55

Disclosures and referrals, Credit reports, Claims.

Title 41 of the Code of Federal Regulations is amended by adding Part 105-55 to read as follows:

PART 105-55—COLLECTION OF CLAIMS OWED THE UNITED STATES

Sec.	
105-55.001	Background.
105-55.002	Purpose.
105-55.003	Applicability.
105-55.004	Demand for payment.
105-55.005	Interest, administrative charges, and penalty charges.
105-55.006	Responsibility for collection.
105-55.007	Collection by offset.
105-55.008	Settlement of claims.
105-55.009	Referral for litigation.
105-55.010	Disclosure to credit reporting agencies and referrals to collection agencies.
105-55.011	Credit report.

Authority: 31 U.S.C. 3701-3719; Pub. L. 97-365, 96 Stat. 1754.

§ 105-55.001 Background.

The Department of Justice and the General Accounting Office have jointly issued amended Federal Claims Collection Standards (4 CFR Parts 101-105) which reflect changes to the Federal Claims Collection Act of 1966 (31 U.S.C. 3701-3719) made by the passage of the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1754). The preamble to the amended Federal Claims Collection Standards instructs individual agencies to adopt their own regulations as to detailed procedures in furtherance of the Federal Claims Collection Standards. Additionally, the Debt Collection Act of 1982 directs, as reflected in the Federal Claims Collection Standards, that each agency must prescribe regulations on collecting by administrative offset and

that each agency may prescribe regulations identifying circumstances appropriate to waive collection of interest and charges in conformity with the Federal Claims Collection Standards.

§ 105-55.002 Purpose.

In keeping with the suggestion in the preamble to the amended Federal Claims Collection Standards and the directives in the Debt Collection Act of 1982 and the Federal Claims Collection Standards as to administrative offset and the collection of interest and charges, this part provides procedures for the General Services Administration to collect, compromise, or terminate collection action on claims owed to the United States arising from activities under GSA jurisdiction. It implements the Federal Claims Collection Act as amended by the Debt Collection Act. It supplements the regulations published jointly by the General Accounting Office and the Department of Justice. It sets forth procedures by which GSA:

- (a) Will collect claims owed to the United States;
- (b) Will determine and collect interest and other charges on those claims;
- (c) Will compromise claims; and
- (d) Will refer unpaid claims for litigation.

§ 105-55.003 Applicability.

(a) This part applies to all claims due the United States under the Federal Claims Collection Act, as amended by the Debt Collection Act, arising from activities under the jurisdiction of the General Services Administration, except those claims arising out of contracts subject to the Contract Disputes Act of 1978, 41 U.S.C. 601 et. seq. The word claims includes but is not limited to amounts due the United States from fees, overpayments, fines, civil penalties, damages, interest, and other sources.

(b) Claims arising from the audit of transportation accounts pursuant to 31 U.S.C. 3726 shall be determined, collected, compromised, terminated or settled in accordance with regulation published under the authority of 31 U.S.C. 3726 (see 41 CFR Part 101-41, administered by the Director, Office of Transportation Audits) and are otherwise excepted from these regulations.

§ 105-55.004 Demand for payment.

(a) A total of three progressively stronger written demands at approximately 30-day intervals will normally be made, unless a response or other information indicates that

additional written demands would either be unnecessary or futile. When necessary to protect the Government's interest, written demand may be preceded by other appropriate actions under the Federal Claims Collection Standards, including immediate referral for litigation and/or offset.

(b) The initial written demand for payment shall inform the debtor of:

(1) The basis for the claim;
 (2) The amount of the claim;
 (3) The date when payment is due; (30 days from date of mailing or hand delivery of the initial demand for payment);

(4) The provision for interest, penalties, and administrative charges in accordance with 31 U.S.C. 3717, if payment is not received by the due date [See § 105-55.005 for details regarding interest, administrative charges, and penalty charges.];

(5) The intent of the agency to collect by administrative offset, including asking the assistance of other Federal agencies to help in the offset whenever possible, if the debtor has not made payment by the payment due date, has not requested a review of the claim within the agency as set out in paragraph (b)(8) of this section or has not made an arrangement for payment by the payment due date;

(6) The right of the debtor to inspect and copy the records of the agency related to the claim. Any costs associated therewith shall be borne by the debtor. The debtor shall give reasonable notice in advance to the agency of the date upon which it intends to inspect and copy the records involved;

(7) The right of the debtor to a review of the claim within the agency. If the claim is disputed in full or part, the debtor shall respond to the demand in writing by making a request for a review of the claim within the agency by the payment due date stated in the demand. The debtor's written response shall state the basis for the dispute. If only part of the claim is disputed, the undisputed portion should be paid by the date stated in the initial demand. The agency shall acknowledge receipt of the request for a review, and upon completion of consideration shall notify the debtor whether its determination has been sustained, amended, or canceled within 15 days of the receipt of the request for a review. If the agency either sustains or amends its determination, it shall notify the debtor of its intent to collect by administrative offset unless payment is received within 15 days of the mailing of the notification of its decision following a review of the claim.

(8) The right of the debtor to offer to make a written agreement to repay the amount of the claim. The acceptance of such an agreement is discretionary with the agency. If the debtor requests a repayment arrangement because a payment of the amount due would create a financial hardship, the appropriate GSA Regional Finance Division will analyze the debtor's financial condition. Dependent upon the Regional Finance Division's evaluation of the financial strength of the debtor, the Comptroller or the appropriate designee and the debtor may agree to a written installment repayment schedule. The debtor shall execute a confession-judgment note which specifies all of the terms of the arrangement. The size and frequency of installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. Interest, administrative charges, and penalty charges shall be provided for in the note. The debtor shall be provided with a written explanation of the consequences of signing a confession-judgment note. The debtor shall sign a statement acknowledging receipt of the written explanation which shall recite that the statement was read and understood before execution of the notice and that the note is being signed knowingly and voluntarily. Some form of objective evidence of these facts should be maintained in the agency's file on the debtor.

(c) If no response to the demand is received by the date stated in the demand, GSA will take further action under this subpart or under the Federal Claims Collection Standards. These actions may include reports to credit bureaus, referrals to collection agencies, termination of contract, debarment, offset of Federal salary, and other administrative offset, as authorized in 31 U.S.C. 3701-3719.

§ 105-55.005 Interest, administrative charges, and penalty charges.

(a) GSA shall assess interest on unpaid claims at the rate of the current value of funds to the Treasury as prescribed by the Secretary of the Treasury on the date interest begins to run. GSA shall assess administrative charges to cover the costs of processing and handling overdue claims. GSA shall assess penalty charges of six percent a year on any part of a debt more than 90 days past due. The imposition of interest, administrative charges, and penalty charges are made in accordance with 31 U.S.C. 3717.

(b) Interest will be computed from the date of mailing or hand delivery of the initial demand if the amount of the claim is not paid within 30 days. The 30-day

period may be extended in individual cases if there is good cause to do so and it is in the public interest. Interest will only be computed on the principal of the claim and the interest rate will remain fixed for the duration of the indebtedness, except where a debtor has defaulted on a repayment agreement and seeks to enter into a new agreement. A new rate which reflects the current value of funds to the Treasury at the time the new agreement is executed may be set if applicable and interest on interest and related charges may be charged where the debtor has defaulted on a previous repayment agreement. Charges which accrued but were not collected under the defaulted agreement shall be added to the principal to be paid under the new repayment schedule.

(c) GSA may waive interest, administrative charges, or penalty charges if it finds that:

(1) The debtor is unable to pay any significant sum toward the claim within a reasonable period of time;

(2) Collection of interest, administrative charges, or penalty charges will jeopardize collection of the principal of the claim; or

(3) It is otherwise in the best interests of the United States, including the situation where an offset or installment payment agreement is in effect.

§ 105-55.006 Responsibility for collection.

(a) Heads of Central Office Services and Staff Offices and Regional Administrators must initiate actions on claims arising from their program operations and immediately notify the appropriate Regional Finance Division. A claim will be recorded and controlled by the Regional Finance Division upon receipt of documentation from a competent authority establishing the amount due.

(b) The collection of claims under the control of Regional Finance Divisions will be aggressively pursued in accordance with the provisions of Part 102 of the Federal Claims Collection Standards (4 CFR, Part 102). Whenever feasible, debts owed to the United States, together with interest, administrative charges and penalty charges, should be collected in full in one lump sum. If the debtor requests installment payments, the Regional Finance Divisions shall be responsible for determining the financial hardship of debtors and when appropriate shall arrange installment payment schedules. Claims which cannot be collected either directly or by administrative offset shall either be written off as administratively uncollectible in accordance with

authority delegated to the Director, Office of Finance and the Directors, Regional Finance Divisions, or referred to the appropriate Assistant General Counsel or Regional Counsel for further consideration.

(c) The General Counsel, delegated officials in the Office of General Counsel, and each Regional Counsel may compromise or suspend or terminate the collection of, referred claims under \$20,000, exclusive of interest, penalties and administrative charges under the Act and the Federal Claims Collection Standards 4 CFR Parts 103 and 104.

(d) The Office of General Counsel officials listed in paragraph (c) of this section have the responsibility for referring to the Department of Justice all claims over \$20,000 exclusive of interest, penalties and administrative charges which cannot be compromised, suspended or terminated in accordance with the Federal Claims Collection Act and the Federal Claims Collections Standards. Referrals to the Department of Justice shall be made in accordance with 4 CFR Part 105 of the Federal Claims Collections Standards.

§ 105-55.007 Collection by offset.

(a) Whenever feasible, after a debtor fails to pay the claim, request a review of the claim, or make an arrangement for payment, the Comptroller or his appropriate regional designee will collect claims under this part by means of administrative offset against obligations of the United States to the debtor, pursuant to 31 U.S.C. 3716, except offset of Federal salaries.

(b) Salary offsets and offsets against military retired pay are governed by 5 U.S.C. 5514.

(c) Collection by administrative offset of amounts payable from Civil Service Retirement and Disability Fund will be made pursuant to 5 U.S.C. 5514 and 5 U.S.C. 5705 and regulations thereunder.

(d) In making collection by administrative offset under 31 U.S.C. 3716, GSA must do so in accordance with the requirements set forth in § 105-55.004(b).

(e) GSA will promptly make requests for offset to other agencies holding funds payable to a debtor and provide instructions for the transfer of these funds. Requests for offset received from other agencies shall be processed promptly and the funds transferred to the requesting agency.

(f) If administrative offset cannot be effected through GSA or other known agency accounts receivable, then GSA will place a complete stop order against amounts otherwise payable to the debtor by placing the name of that

debtor on the Department of the Army "List of Contractors Indebted to the United States." If any amounts are discovered under this procedure, they will be offset against the debt owed to GSA.

(g) GSA should not attempt to effect collection by administrative offset when:

(1) The debtor has ceased to do business and there are no known or potential obligations payable by any agency of the United States Government to the debtor.

(2) The debt in question is over ten years old.

(3) The debtor has either gone into receivership and has liquidated all of its assets or has filed a petition in bankruptcy as a no asset debtor, and there is no likelihood of the debtor resuming operations; and there are no known or potential obligations payable by any agency of the United States Government to the debtor. In the case of a bankruptcy petition, the automatic stay against setoff must be honored pending release from the stay.

(4) The debtor is deceased, and there are no attachable assets in the estate.

(5) Any other circumstances which would indicate that the likelihood of collection by administrative offset is less than probable.

§ 105-55.008 Settlement of claims.

(a) In accordance with the provisions of 4 CFR Part 103, GSA officials listed in § 105-55.006(c) may settle claims not exceeding \$20,000 exclusive of interest, penalties and administrative charges by compromise at less than the principal of the claim if:

(1) The debtor shows an inability to pay the full amount within a reasonable time;

(2) The Government would be unable to enforce complete collection by any means within a reasonable time;

(3) The amount of the claim does not justify the actual foreseeable collection cost of the claim; or

(4) A combination of the above reasons.

(b) GSA may suspend or terminate collection action in accordance with the terms and procedures contained in 4 CFR Part 104.

§ 105-55.009 Referral for litigation.

Claims which cannot be settled under § 105-55.008 or for which collection action cannot be suspended or terminated under 4 CFR Parts 103 and 104, will be referred to the General Accounting Office or the Department of Justice, whichever is appropriate, in accordance with the procedures in 4 CFR Part 105.

§ 105-55.010 Disclosure to credit reporting agencies and referrals to collection agencies.

The Comptroller and his designees may disclose debtor information to credit reporting agencies and may refer delinquent debts to debt collection agencies under the Federal Claims Collection Act, as amended, and other applicable authorities, provided, however, that no claim arising from the dishonor of any check or other negotiable instrument shall be disclosed to a credit reporting agency or referred to a collection agency without the concurrence of the appropriate Regional Inspector General for Investigations. Information will be disclosed to reporting agencies and referred to debt collection agencies in accordance with the terms and conditions of agreements entered into between GSA and the reporting and collection agencies. The terms and conditions of such agreements shall specify that all of the rights and protections afforded to the debtor under 31 U.S.C. 3711(f) have been fulfilled.

§ 105-55.011 Credit report.

In order to aid the agency in making appropriate determinations as to the collection and compromise of claims; the collection of interest, administrative charges, and penalty charges; the use of administrative offset; the use of other collection methods; and the likelihood of collecting the claim, the Comptroller or his designees may institute a credit investigation of the debtor immediately following receipt of knowledge of the claim.

Dated: July 19, 1985.

Raymond A. Fontaine,
Comptroller, General Services
Administration.

[FR Doc. 85-22065 Filed 9-13-85; 8:45 am]

BILLING CODE 6820-AM-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039, 1056, 1063, 1135,
1136, 1137, 1160, 1165, and 1312

[Docket No. 37321]

Revision of Tariff Regulations, All Carriers; Technical Amendments

AGENCY: Interstate Commerce
Commission.

ACTION: Final rules; technical
amendments.

SUMMARY: At 49 FR 38614, October 1,
1984, the Commission revised its rules
governing the construction, filing, and

posting of tariffs and related documents. The new rules were assigned to a new Part 1312, Part 1300 was transferred to Title 18, and Parts 1303-1310 were removed. These technical amendments make conforming changes to appropriate sections in Title 49 of the Code of Federal Regulations.

EFFECTIVE DATE: September 13, 1985.

FOR FURTHER INFORMATION CONTACT: Larry Herzig, (202) 275-7151.

SUPPLEMENTARY INFORMATION:

List of Subjects

49 CFR Parts 1039, 1135, 1137, and 1312
Railroads.

49 CFR Part 1056

Motor carriers.

49 CFR Part 1063

Buses, Motor carriers.

49 CFR Part 1136

Buses, Motor carriers.

49 CFR Parts 1160 and 1165

Buses, Freight forwarders.

Title 49 of the Code of Federal Regulations is amended as follows:

PART 1039—CONTRACTS AND EXEMPTIONS

(1) The authority citation for 49 CFR Part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10713, 10762, and 11105; 5 U.S.C. 553.

§ 1039.2 [Amended]

(2) Paragraph (a) of § 1039.2 is amended by removing the reference to "49 CFR 1300.313(a)(4)" and inserting in its place "49 CFR 1312.41(d)(1)(iv)".

§ 1039.3 [Amended]

(3) Paragraph (a) of § 1039.3 is amended by removing the reference to "45 CFR 1300.300-1300.315" and inserting in its place "49 CFR 1312.41".

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

(4) The authority citation for 49 CFR Part 1056 continues to read as follows:

Authority: 49 U.S.C. 10321, 11109, 11110, and 5 U.S.C. 553.

(5) Paragraph (b)(11) of § 1056.6 is revised to read as follows:

§ 1056.6 Receipt or bill of lading.

• • • • •

(b) • • •

(11) The required released rates valuation statement.

• • • • •

PART 1063—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE

(6) The authority citation for 49 CFR Part 1063 continues to read as follows:

Authority: 49 U.S.C. 301 et seq., secs. 304(a)(1), 304(a)(6), 308(a), 316, 317, 319, 320, and 322, and 5 U.S.C. 553 and 559.

§ 1063.3 [Amended]

(7) Paragraph (g) of § 1063.2 is amended by removing the reference to "§ 1306.0(d)" and inserting in its place "1312.1(b)(33)".

PART 1135—RAILROAD COST RECOVERY PROCEDURES

(8) The authority citation following § 1135.1 continues to read as follows:

(49 U.S.C. 10321 and 10707; 5 U.S.C. 550)

§ 1135.1 [Amended]

(9) Paragraph (f) of § 1135.1 is amended by removing the reference to "49 CFR 1300.13(f)" and inserting in its place "49 CFR 1312.17(k)".

PART 1136—RAIL AND MOTOR CARRIER COMMUTATION OF SUBURBAN PASSENGER FARE INCREASE PROCEEDINGS

(10) The authority citation for 49 CFR Part 1136 continues to read as follows:

Authority: 49 U.S.C. 10321, 10707, and 10706; 5 U.S.C. 559.

§ 1136.4 [Amended]

(11) Section § 1136.4 is amended by removing the reference to "49 CFR 1303.34(j) or 1306.6(e)" and inserting in its place "49 CFR 1312.5(c)".

PART 1137—PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

(12) Part 1137 is amended by removing the authority citation which follows § 1137.2 and by adding an authority citation to the part to read as follows:

Authority: 49 U.S.C. 10321, 10705, and 10728; 5 U.S.C. 553, 559.

§ 1137.2 [Amended]

(13) Paragraph (c) of § 1137.2 is amended by removing the reference to "49 CFR 1300.3" and inserting in its place "1312.12".

(14) Paragraph (d) of § 1137.2 is amended by removing the reference to "49 CFR 1300.29" and inserting in its place "1312.4".

PART 1160—HOW TO APPLY FOR OPERATING AUTHORITY

(15) Part 1160 is amended by removing the authority citations under §§ 1160.10,

1160.20, 1160.66, 1160.78, 1160.87 and for Subparts D, E and F and by revising the authority citation for the part to read as follows:

Authority: 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, and 11102; 5 U.S.C. 553 and 559.

§ 1160.19 [Amended]

(16) Paragraph (a), (b), (d), and (e) are amended by removing the references to Parts "1310", "1307", "1308", and "1309", respectively, and inserting in their places "1312".

§ 1160.86 [Amended]

(17) Section 1160.86 is amended by removing the reference to Part "1306 (tariffs)" and inserting in its place "1312 (tariffs)".

PART 1165—REMOVAL OF RESTRICTION FROM AUTHORITIES OF MOTOR CARRIERS OF PROPERTY, MOTOR CARRIERS OF PASSENGERS AND FREIGHT FORWARDERS

(18) The authority citation for 49 CFR Part 1165 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10922(h)(1); 5 U.S.C. 553.

§ 1165.15 [Amended]

(19) Section 1165.15 is amended by removing the references to Part "1310" and inserting in its place "1312".

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

(20) The authority citation for 49 CFR Part 1312 continues to read as follows:

Authority: 49 U.S.C. 10762; 5 U.S.C. 553.

§ 1312.28 [Amended]

(21) Section 1312.28 is amended by redesignating paragraph (e) as paragraph (d).

James H. Bayne,

Secretary.

[FR Doc. 85-22102 Filed 9-13-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 31012-199]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of annual adjustment to General category quota.

SUMMARY: NOAA issues this notice (1) allocating 50 short tons (st) of the 650 st General category fishery quota to the New York Bight area west of a line at 72°50'W. longitude to be used beginning September 15, 1985, and (2) allocating the balance of 89 st of the inseason adjustment amount to the General category fishery for a total annual quota of 689 st. The 50 st allocation for the New York Bight area west of the above coordinates will provide fishermen a reasonable opportunity to fish without exceeding the overall quota.

EFFECTIVE DATE: September 12, 1985. Fishing for the 50 st allocation in the New York Bight area may begin on September 15, 1985.

FOR FURTHER INFORMATION CONTACT: William C. Jerome, Jr., 617-281-3600, extension 325, or David S. Crestin, 617-281-3600, extension 253.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971-971h) regulating the take of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction were published in the *Federal Register* on June 17, 1983 (48 FR 27745). They were amended by rules published in the *Federal Register* on July 24, 1984 (49 FR 29796).

Section 285.22(a) (49 FR 29796) for the General category provides: "If the Assistant Administrator determines (based on dealer reports, availability of giant Atlantic bluefin tuna on the fishing grounds, and any other relevant information) that variations in seasonal distribution, abundance, or migration patterns of Atlantic bluefin tuna and the catch rate may prevent fishermen in an identified area from harvesting their share of the quota, the Assistant Administrator may set aside an allocation for such area. The amount of any allocation will not exceed the greater of 50 st or the maximum reported landings in the identified area in any of the preceding three years. The daily catch rate limit for the identified area will be set at one giant Atlantic bluefin tuna per day per vessel."

The unanticipated and unusually high catch rate of giant Atlantic bluefin tuna in the General category fishery east of a straight line originating on the southern shore of Long Island at 72°50'W. longitude (approximately the town of Moriches) and running SSE 150° true, will result in an early closure of the General category fishery. This frustrates the intent of the rules to provide fishermen throughout the range of the

fishery a reasonable opportunity to fish. Early closure of the fishery will prevent the traditional giant Atlantic bluefin tuna fishery which occurs later in the season in the New York Bight area from taking place. Therefore, the Assistant Administrator has determined based on dealer reports that variations in seasonal distribution, abundance, and the catch rate (landings) will prevent an identified area from harvesting its share of the quota. Consequently, the Assistant Administrator hereby allocates 50 st of the 650 st General category quota to the New York Bight area west of a straight line originating on the southern shore of Long Island at 72°50'W. longitude (approximately the town of Moriches) and running SSE 150° true to be taken at the rate of one giant Atlantic bluefin tuna per day per vessel. Giant Atlantic bluefin tuna harvested under this 50 st allocation may only be landed in the area identified above, beginning September 15, 1985.

Section 285.22(a) (49 FR 29796) provides for an annual quota of 650 st of giant Atlantic bluefin tuna to be taken by vessels permitted in the General category in the regulatory area, which has been adjusted down to 600 st, as stipulated above. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is authorized under § 285.22(g) (48 FR 27745) to release amounts from the reserve for inseason adjustments to increase the quota for any fishery segment. Data reported on the catch of Atlantic bluefin tuna in the General category indicate that the quota for this category will be exceeded very shortly. Therefore, under the inseason adjustment authority, the remaining balance of 89 st of the inseason adjustment amount is hereby transferred to the General category for a new total of 689 st. This will extend the opportunity to fish in the General category for as long as possible.

Notice of this action has been mailed to all Atlantic bluefin tuna dealers and vessel owners holding a valid vessel permit for this fishery.

Other Matters

This action is taken under the authority specified at 50 CFR 285.22, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 285

Administrative practice and procedure, Fish, Fisheries, Fishing, Imports, International operations, Penalties, Reporting and recordkeeping requirements.

(16 U.S.C. 971 *et seq.*)

Dated: September 11, 1985.

William G. Gordon,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 85-22141 Filed 9-12-85; 8:45 am]

BILLING CODE 3510-06-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 Queets River, and Leadbetter Point, Washington, at midnight, September 11, 1985, to ensure that the coho 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 74,000 coho salmon for the area will be reached by midnight, September 11, 1985. The intended effect is to ensure conservation of coho salmon.

EFFECTIVE DATE: Closure of the FCZ between the Queets River and Leadbetter Point, Washington, to recreational salmon fishing is effective at 2400 hours Pacific Daylight Time, September 11, 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 N.E., Building 1, Seattle, Washington, from 8:00 a.m. to 4:30 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitt (Regional Director), 206-526-6150.

SUPPLEMENTARY INFORMATION: The regulations implementing the framework amendment to the ocean salmon fishery management plan (49 FR 43879, 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 Queets River, and Leadbetter Point, Washington, was established as June 30 through the earliest of September 19 or attainment of a quota of either 74,000 coho salmon or 23,300 chinook salmon. Based on the most recent catch and effort information supplied by WDF, the recreational fishery catch in the area is

projected to reach the 74,000 coho salmon quota by midnight, September 11, 1985. The Secretary therefore issues this notice to close the recreational fishery in the FCZ between the Queets River, and Leadbetter Point, Washington, effective midnight, September 11, 1985. This notice does not apply to treaty Indian fisheries operating in the same area or to 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 also

close the recreational fishery in State waters adjacent to this area of the FCZ.

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.

Dated: September 11, 1985.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 85-22140 Filed 9-11-85; 5:04 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 50, No. 179

Monday, September 16, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Proposed Rulemaking.

SUMMARY: The Office of Personnel Management is proposing to amend its regulations governing the submission and adjudication of job grading appeals under the Federal Wage System. These revisions will correct erroneous information in current regulations regarding available avenues of appeal. These revisions are the result of a Merit System Protection Board decision clarifying the job grading appeals adjudication authority.

DATE: Comments must be submitted on or before November 15, 1985.

ADDRESS: Send to Mr. Reginald M. Jones, Jr., Assistant Director for Pay Programs, Compensation Group, Room 3353, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Lee Hall, (202) 632-7830.

SUPPLEMENTARY INFORMATION:

a. Section 532.701 is revised to clarify that the filing of a job grading appeal does not negate any other employee appeal or grievance rights.

b. Paragraph § 532.703(b)(3) is revised in its entirety. Currently, this paragraph permits the appeal of classification issues to MSPB under 5 CFR Part 752. MSPB has ruled that classification issues are properly within the purview of OPM, and the Board's scope of review is limited to determining whether the action comports with law.

c. Paragraph § 532.703(b)(8) is revised to delete the reference to adverse action appeals.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they are changes which will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Job Grading Appeals.

Office of Personnel Management.

Constance Horner,

Director.

PART 532—PREVAILING RATE SYSTEMS

Accordingly, OPM is proposing to amend 5 CFR Part 532 as follows:

1. The authority citation for Part 532 continues to read:

Authority: 5 U.S.C. 5343, 5346.

2. OPM is proposing to revise 5 CFR 532.701 and 532.703(b)(3) and (b)(8) to read as follows:

§ 532.701 General.

A prevailing rate employee may at any time appeal the occupational series, grade, or title to which the employee's job is assigned, but may not appeal under this subpart the standards established for the job, nor other matters such as the accuracy of the job description, the rate of pay, or the propriety of a wage schedule rate. The filing of a job grading appeal does not negate any other appeal or grievance rights which may be available under applicable law, rule, regulation or negotiated agreement.

§ 532.703 Agency review.

(b) * * *

(3) An application may be filed at any time. However, when the application involves a downgrading or other job grading action which resulted in a reduction in grade or loss of pay, in order to be entitled to retroactive corrective action, an employee must request a review under the provisions of this subpart within 15 calendar days of the effective date of the change to lower grade in order to obtain any retroactive benefits.

* * * * *

(8) When an employee applies for a review of a downgrading or other job

grading action that resulted in a reduction of pay, and the decision of an agency reverses in whole or in part the downgrading or other job grading action, the effective date of that decision shall be retroactive to the effective date of the action being reviewed when the initial application to the agency was submitted in accordance with paragraph (b)(3) of this section. However, when the agency decision raises the grade or level of the job above its grade or level immediately preceding the downgrading, retroactivity shall apply only to the extent of restoration to the grade or level immediately preceding the downgrading.

[FR Doc. 85-22029 Filed 9-13-85; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 540

Performance Management and Recognition System; Minimum Performance Award Funding

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing the minimum percentage for calculating funds to pay performance awards to Performance Management and Recognition System (PMRS) employees for Fiscal Year 1986. Establishing a new minimum percentage each year is required by title II of the Civil Service Retirement Spouse Equity Act of 1984, which established the PMRS.

DATE: Comments will be considered if received no later than October 1, 1985.

ADDRESS: Send or deliver written comments to: John W. Fossum, Assistant Director for Performance Management; Office of Personnel Management; 1900 E Street, N.W., Room 7520; Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Jack Pokoyk (202) 632-7620.

SUPPLEMENTARY INFORMATION: The funding for performance awards to be paid to PMRS employees is determined as a percentage of the estimated aggregate amount of PMRS employees' pay for each fiscal year. Section 5406(c)(2)(A)(i)(II) of title 5, U.S. Code, provides that the minimum percentage used by an agency to determine the aggregate amount of performance

awards paid during any fiscal year shall, for each of the four fiscal years after FY 85 ". . . be adjusted incrementally (by equal increments or otherwise) over the percentage for the preceding fiscal year by the appropriate agency head in accordance with regulations which the Office of Personnel Management shall prescribe."

The interim regulations implementing the PMRS, issued on March 25, 1985 (50 FR 11788), provide that the minimum percentage will be adjusted each year in accordance with OPM instructions. This proposed rule provides instructions on calculating the aggregate amount of performance awards to be paid for Fiscal Year 1986.

OPM is proposing that the minimum percentage for calculating the aggregate amount of PMRS performance awards to be paid by each agency during Fiscal Year 1986 will be .85 percent of the estimated aggregate amount of PMRS employees' pay for Fiscal Year 1986.

Procedures agencies must follow to calculate the aggregate amount of performance awards to be paid for each fiscal year are described at 5 CFR 540.109(b).

I find that because agencies must determine estimated award budgets at the beginning of the fiscal year (October 1985), good cause exists for setting the comment period on this proposed rulemaking at 15 days. This will allow interested parties to comment, but will allow agencies time to prepare their award budgets by October 1985.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations will only affect Government employees and agencies.

List of Subjects in 5 CFR Part 540

Government employees, Wages.
U.S. Office Of Personnel Management.
Constance Horner,
Director.

PART 540—PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

Accordingly, OPM proposes to amend 5 CFR Part 540 as follows:

(1) The authority citation for Part 540 continues to read as follows:

Authority: 5 U.S.C. Chapters 43 and 54.

(2) Section 540.109(b)(1)(i) is revised to read as follows:

§ 540.109 Performance awards.

(b) * * *

(1) * * *

(i) Each agency is required to pay a minimum of .85 percent of the estimated aggregate amount of PMRS employees' basic pay for fiscal year 1985 for performance awards;

[FR Doc. 85-22127 Filed 9-13-85; 8:45 am]

BILLING CODE 5325-01-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Farm Labor Housing

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulation in order to define substantial portion income as it relates to domestic farm laborers which includes migrant laborers. This action is necessary in order to satisfy a judicial requirement to define in the Labor Housing procedures and authorizations, "substantial portion of income" and "domestic farm laborers." The intended effect of this action is to: (1) sufficiently cover activities performed by farm laborers, (2) furnish guidelines for determining substantial portion income through universal and quantifiable terminology, (3) comply with judicial requirements.

DATES: Comments must be received on or before November 15, 1985.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Room 6346, South Agriculture Building, Washington, D.C. 20250. All comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Rebecca W. Johnson, Loan Officer, (202) 382-1604, Farmers Home Administration, Room 5337, South Agriculture Building, 14th and Independence Avenues SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291, and

has been determined to be nonmajor, because there is no substantial change from practices under existing rules that would have an annual effect on the economy of \$100 million or more. Also, there is no major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions. Furthermore, there is no 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.

The FmHA programs and projects which are affected by this instruction will be subject to intergovernmental consultation in the manner delineated in FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities, (available in any FmHA Office).

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an environmental impact statement is not required.

The Catalogue of Federal Domestic Assistance program affected is No. 10.405, Farm Labor Housing Loans and Grants.

Dwight O. Calhoun, Acting Associate Administrator, has determined that the proposed action will not have a significant economic impact on a substantial number of small entities because the proposed action will only effect a small number of rural communities.

This action is required because the Honorable William M. Hoevener, Judge for the Southern Federal District of Florida, has required the FmHA to define, in the Labor Housing procedures and authorizations, "substantial portion of income" and "domestic farm laborers" which includes laborers housed in seasonal housing.

List of Subjects in 7 CFR Part 1944

Farm labor housing, Grant programs—Housing and community development, Loan programs—Housing and community development, Migrant labor, Nonprofit organizations, Public housing, Rent subsidies, Rural housing.

Therefore, as proposed, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

2. Section 1944.153 is amended by revising paragraphs (a) and (x) and by adding paragraphs (y) and (z) to read as follows:

§ 1944.153 Definitions.

(a) *Domestic farm laborer.* Persons who receive a substantial portion of their income as laborers on farms in the United States, Puerto Rico, or the Virgin Islands and either are citizens of the United States, or reside in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence, and may include the immediate families of such persons. Retired or disabled domestic farm laborers who are eligible tenants at the time of their retirement or becoming disabled may continue to occupy a project that they initially occupied as an eligible domestic farm laborer.

(1) On a farm, in the employ of the owner, tenant or other operator of a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or aquaculture commodity; or

(2) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or aquacultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed; or

(3) In the employ of a group of farm operators in the performance of services described in paragraph (a)(2) of this section, but only if such operators produced all of the commodities with respect to which such service is performed; but shall not be applicable with respect to services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or aquacultural commodity after its delivery to a terminal market for distribution for consumption.

(x) *Migrant agricultural laborers.* Are defined as agricultural laborers and family dependents who establish a temporary resident while performing agricultural work at one or more locations away from the place he/she calls home or *home base*. (This does not include day/haul agricultural laborers whose travels are limited to work areas within one day of their work locations). A home base State is a State which the migrant farmwork claims as his/her domicile.

(y) *Seasonal housing.* Described in Exhibit I of Subpart A of Part 1924 of this chapter.

(z) *Substantial portion of income.* That portion of income received which has been derived from *farm labor* performed by a *domestic farm laborer* as defined in paragraph (a) of this section.

(1) To determine if income is considered substantial, two measures may be used:

(i) Actual dollars earned from farm labor by farm laborers other than migrant laborers must equal at least 60 percent of the very low-income limit according to the size of household (up to the 4 persons household) as established by the Department of Housing and Urban Development (HUD) for that country or Metropolitan Statistical Area (MSA). For migrant farm laborers living in seasonal housing the actual dollars earned from farm labor must equal at least 35 percent of the very low-income limit according to the size of household (up to 4 person household) as established by HUD. Very low income limits are set forth in Exhibit C of Subpart A of Part 1944 of this chapter.

(ii) The duration of time actually worked as a farm laborer, during the preceding 12 months, or over the past two to three years, should amount to at least 110 whole days. When using a period of more than one year, a yearly average amounting to at least 110 days per year must be computed.

(2) When a natural disaster has occurred, such as a drought, flood or freeze, figures for the last full year of work will be used to determine if the income received from farm labor is substantial under paragraph (z)(1) of this section.

Dated: June 24, 1985.

Charles A. Jewell,

Acting Associate Administrator, Farmers Home Administration.

[FR Doc. 85-22117 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-07-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Engineering, Architectural, and Surveying Services

AGENCY: Small Business Administration.

ACTION: Proposed Rule.

SUMMARY: SBA is proposing to amend its size standards regulation for engineering, architectural, and surveying services (except for military and aerospace equipment and weapons, and except for marine engineering and naval architecture) to \$1.5 million. This proposed action is being done as a result of a reevaluation of Federal procurement requirements, public comments, industry structure, and the impact of the proposed change upon firms in the industry. Under this proposal, the only issue under consideration is whether to retain the current size standards of \$7.5 million for engineering and \$3.5 million for architectural and surveying services, or to lower them to \$1.5 million. This action is intended to more precisely define that segment of the industry in need of SBA assistance.

DATE: Written comments must be submitted on or before November 15, 1985 and should contain the reasons for the commentator's position as well as clearly identify the commentator and any organization that employs him or her.

ADDRESS: Address all comments to: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20418.

FOR FURTHER INFORMATION CONTACT: Norman S. Salenger, Size Standards Staff, (202) 653-6373.

SUPPLEMENTARY INFORMATION: On February 9, 1984, the Small Business Administration published a Final Rule in the Federal Register (49 FR 5023) revising most of its size standards. Almost all size standards expressed in dollars were increased to account for inflation since they were last adjusted, generally since 1975. Prior to February 9, 1984, all engineering services, except marine engineering, were subject to one size standard, \$7.5 million in average annual receipts (averaged over the firm's last three completed fiscal years). Architectural and surveying services had a \$2.0 million size standard.

There has been considerable controversy about the engineering standard, especially as it applies to Federal procurement of construction

related engineering services. Many firms wanted the size standard much lower, while others wanted it retained or raised for inflation, as was the case with size standards for other industries. For engineering services directly related to military and aerospace equipment and weapons, however, there was public support for an increase in the size standard. Consequently, SBA in its Final Rule separated engineering into four components. An inflationary increase was made for architecture and surveying, and engineering services related to military and aerospace equipment and weapons. The civil and marine engineering components were left unchanged.

SBA then began a study to reexamine the engineering size standards. The size standard for marine engineering was separate from other engineering size standards prior to the 1984 revision and it remains so now. The application of this proposal is for all engineering services other than marine engineering, and other than for military and aerospace equipment and weapons.

Approximately 84 percent of Federal civil engineering, the type of engineering of concern in this proposal, is for design services used in construction.¹ Over the past 5 years, more comments have been received from construction related engineering firms in response to SBA's proposals than from any of the other approximately 800 industries for which SBA has size standards. During the 5 year period, all comments were directed to the applicability of the engineering size standard for Federal procurement purposes, none to its use for loan eligibility. Thus, this discussion is directed to the effect of the size standard on Federal procurements.

The engineering industry is not highly dependent on Federal procurement, relative to the national market. Less than 6 percent of total industry receipts come from Federal contracts. An examination of Federal contract data clearly establishes that there is a wide distribution of engineering awards among firms and no firm can be identified as highly dependent on Federal awards. Most of the recipients were awarded less than \$100,000 in contracts in a year and most received only one award. Since there are many more engineering firms than Federal contracts, most firms received no awards in any year. Additionally, it is the policy of the Department of Defense, which accounts for about 80 percent of

the Federal government's construction related engineering contracts, to "spread the work" among many engineering firms. This policy does not exist for other industries. A recent law prohibited the Department of Defense from setting aside military construction related engineering contracts in excess of \$85,000. This is the only industry with a set-aside limit.

Firms under the current size standard of \$7.5 million and above \$1.5 million are successful in bidding in unrestricted competition against large firms except for awards in excess of \$250,000. Less than 10 percent of all contracts awarded in both FY's 1983 and 1984 were in excess of \$250,000 and most of these were not set aside, but purchased on an unrestricted basis. Lowering the size standard to \$1.5 million is not expected to significantly change the small business share, since most contracts are less than \$100,000 and are within the capabilities of firms with revenues of \$1.5 million or less.

Prior to the Final Rule of 1984 revising the size standard in general, the size standard for engineering covered services for military and aerospace equipment and weapons. Firms in this type of engineering activity are considerably larger than the typical engineering firm in the remainder of the industry. Thus, this industry has a higher size standard in recognition of the requirements of sophisticated weapons systems and the larger average size of these firms.

There are approximately 15,000 engineering firms not primarily involved in military and aerospace equipment, weapons or ships. Of these 15,000 firms, only 250 exceed the current size standard of \$7.5 million, 1,550 have revenues between \$1.5 million and \$7.5 million, and the remaining 13,200 have receipts of less than \$1.5 million. Under the proposed \$1.5 million size standard, 88 percent of these firms would be eligible to bid for set-asides, compared to 98 percent under the current \$7.5 million size standard.

Based on the most recent Census Bureau data, the average employment of engineering firms with employees is approximately 20 employees, the equivalent in annual 1985 revenue of about \$1.1 to \$1.2 million. The current size standard of \$7.5 million is equivalent to 125 to 135 employees, while the proposed size standard of \$1.5 million is equivalent to about 26 employees.

Federal agencies have informed SBA that, in general, they are not opposed to a much lower size standard. Their objection to a reduction concerns only

those few highly specialized engineering contracts such as nuclear or other energy projects.

During the past several years, most of the comments from the public to SBA's notices for revision of the engineering size standard support a considerable decrease. Out of 69 comments to SBA's most recent proposal in May 1983, only 10 firms wished to retain the \$7.5 million size standard, 3 firms wanted it increased above \$7.5 million, 54 firms wanted the standard reduced below \$7.5 million (of which 46 were large firms), and 2 firms were vague as to their position. The 10 firms desiring to retain the current standard were all identified as having between \$3.5 and \$7.5 million in annual revenues and would lose their eligibility to bid on set asides at the proposed lower standard, although they would still be eligible for unrestricted procurements. Of those wanting a reduction, almost all wanted the standard at \$1 million or less. Both currently as well as in the past, several associations of engineering firms have strongly advocated a decrease in the size standard from \$7.5 million to \$1 million or less. No evidence has been presented to show that engineering firms with revenue between \$1.5 and \$7.5 million are at a disadvantage in competing with larger engineering firms except for a very few sophisticated contracts.

The most recent Economic Census reported 10,954 architectural firms in the United States with at least one employee. The average firm has approximately 8 employees. Average annual receipts of these firms is \$450,000. Approximately 400 firms exceed \$1.5 million in annual receipts, whereas approximately 225 exceed the current \$3.5 million standard. Under the proposed standard of \$1.5 million 96 percent of architectural firms would be within the size standard, comparable to the percent for other industries. Comments from architectural firms favor a size standard for \$1 to \$1.5 million.

The 5800 surveying firms average approximately 6 employees and \$250,000 in annual receipts. Sixty firms would exceed the proposed size standard of \$1.5 million. Comments to prior proposals favored a lower size standard for this service.

The proposed size standard for engineering is based on SEA's belief that firms larger than \$1.5 million are able to compete successfully for engineering contracts without set-asides. This is illustrated by the high percentage of unrestricted awards to small business. Also, firms larger than \$1.5 million typically are viable enough

¹ In 1984, the Federal government purchased \$2.1 billion in engineering services. No breakdown by type of engineering is available, i.e., civil, marine, military.

to branch out into additional offices. Thus, firms greater than \$1.5 million in size are less in need of SBA assistance than firms below this level.

SBA certifies that this regulation is a nonmajor rule as defined by Executive Order 12291. The anticipated impact is on those firms with annual revenues between \$1.5 and the current size standards, since these would lose eligibility for set-asides. There are about 2,000 such firms, but not all are interested in Federal contracts, and those interested would still be able to bid on contracts not set aside for small business. The economic impact on these firms is unlikely to be in excess of \$30 million, because no firm is heavily dependent on Federal contracts due to the Government's "spread the work" policy described above. This regulation is not likely to result in a major increase of cost or prices or have a significant adverse effect on the United States economy.

SBA also certifies that this regulation contains no reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

This rule defines the maximum size a firm may be to bid on contracts set aside for small firms in this industry. The legal basis for this proposal is section 5(b) of the Small Business Act, 15 U.S.C. 634(b). There are no Federal rules which duplicate, overlap, or conflict with the proposed rule. There are no reporting, recordkeeping or other compliance requirements of the proposed rule.

List of Subjects in 13 CFR Part 121

Small businesses.

PART 121—[AMENDED]

Accordingly, SBA proposes to amend Part 121 of 13 CFR as follows:

1. The authority citation for Part 121 of 13 CFR continues to read as follows:

Authority: 15 U.S.C. 634(b)

§ 121.2 [Amended]

2. In § 121.2(c)(2), Major Group 89—Miscellaneous Services, the entries for Item 8911—are revised as follows:

- 8911—Engineering, Architectural and Surveying Services; Except for Military and Aerospace Equipment, Military Weapons, Marine Engineering and Naval Architecture—\$1.5 million.
- 8911—Engineering Services for Military and Aerospace Equipment (Except Marine Engineering) and for Military Weapons—\$13.5 million.
- 8911—Marine Engineering and Naval Architecture—\$9.0 million

Dated: July 24, 1985.

James C. Sanders,

Administrator.

[FR Doc. 85-21520 Filed 9-13-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-ASO-13]

Proposed Designation of Transition Area; Metter, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate the Metter, Georgia, transition area to accommodate Instrument Flight Rule (IFR) operations at Metter Municipal Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the proposed Metter Non-directional Radio Beacon (RBN), is being developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical activities.

DATES: Comments must be received on or before: October 27, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall

regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-ASO-13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will designate the Metter, Georgia, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Metter Municipal Airport. If the proposed designation of the transition area is found acceptable, the operating status of the airport will be changed to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to

keep them operationally current. It, therefore; (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) 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 10654; 49 U.S.C. 1064(g) [Revised Pub. L. 97-449, January 12, 1983]; [14 CFR 11.85]; 49 CFR 1.47.

2. By amending § 71.181 as follows:

Metter, GA—[New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Metter Municipal Airport [Lat. 32°22'30"N., Long. 82°04'45"W.]; within 3 miles each side of the 283' bearing from the Metter RBN [Lat. 32°22'20"N., Long. 82°05'03"W.], extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

Issued in East Point, Georgia, on September 4, 1985.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 85-22032 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWP-32]

Proposed Alteration of Santa Ynez, CA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to extend the existing transition area at Santa Ynez, California. The extension of the 700-foot transition area is required to contain the Standard Instrument

Approach Procedures established for Santa Ynez Airport, Santa Ynez, California. This action is necessary to ensure aircraft operating under Instrument Flight Rules (IFR) would have exclusive use of that airspace when visibility is less than 3 miles, thereby enhancing the safety of such operations.

DATES: Comments must be received on or before November 1, 1985.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, Docket No. 85-AWP-32, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

The official docket may be examined in the Office of the Western-Pacific Regional Counsel, Room 6W14, at 15000 Aviation Boulevard, Hawthorne, California.

An informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Room 6E4, at the above address.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AWP-32." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available

for examination at the address listed above, both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, 15000 Aviation Boulevard, Hawthorne, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace to ensure that aircraft conducting IFR operations at Santa Ynez Airport are segregated from aircraft conducting Visual Flight Rules (VFR) operations when the visibility is less than 3 miles, thereby enhancing the safety of such operations. Section 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

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:

Santa Ynez, CA—[Revised]

"That airspace extending upward from 700 feet above the surface beginning at a point lat. 34°33'30" N., long. 120°00'10" W.; to lat. 34°29'00" N., long. 120°06'00" W.; to lat. 34°29'00" N., long. 120°12'20" W.; to lat. 34°37'10" N., long. 120°22'30" W.; to lat. 34°45'40" N., long. 120°18'40" W.; to lat. 34°40'30" N., long. 120°02'00" W.; thence within a 5-mile radius circle of Santa Ynez Airport (lat. 34°36'25" N., long. 120°04'30" W.); to the point of beginning."

Issued in Los Angeles, California on September 3, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-22033 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-301A]

Concrete and Masonry Construction Safety Standards

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: With this notice, the Occupational Safety and Health Administration (OSHA) proposes to revise the construction industry safety standards addressing concrete and masonry construction. The standards proposed for revision regulate general concrete and masonry construction, specifically addressing the hazards of reinforcing steel, concrete placement, equipment, formwork, precast concrete and masonry work.

The proposed revisions are intended to correct problems related to the existing standards, including ambiguities, redundancies and gaps in coverage. All incorporations by reference to national consensus standards have been deleted, as the applicable requirements from those standards are proposed for inclusion in the body of this proposed standard. This inclusion is intended to assist employers in determining what is required by a

provision without having to refer to documents outside Part 1926.

This approach is another step in OSHA's plan to review its safety standards and to revise them as necessary to provide safer working conditions without unnecessarily imposing burdensome requirements. The proposed revisions would continue to address employee exposure to the hazards of concrete and masonry construction, but would do so using performance criteria, where possible, rather than specification standards. This proposal is being issued after appropriate consultation with the Advisory Committee on Construction Safety and Health (ACCSH).

DATES: Comments on this proposed rulemaking must be postmarked by November 15, 1985. Hearing requests must be postmarked by November 15, 1985.

ADDRESS: Comments, notifications, and requests for a hearing are to be sent to the Docket Officer, Docket No. S-301A U.S. Department of Labor, Room N3670, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION: The author of this proposed rulemaking is Roger McClellan, Office of Construction and Civil Engineering Safety Standards, Occupational Safety and Health Administration.

I. Background

The shortened forms listed below are used throughout this preamble to refer to the following sources: Advisory Committee on Construction Safety and Health-ACCSH; American National Standards Institute-ANSI; American Concrete Institute-ACI; American Society for Testing and Materials-ASTM; and exhibits in the rulemaking record-(Ex.—).

Congress amended the Contract Work Hours Standards Act (CWHSA) (40 U.S.C. 327 et seq.) in 1969 by adding a new Section 107 (40 U.S.C. 333) to provide employees in the construction industry with a safer work environment and to reduce the frequency and severity of construction accidents and injuries. The amendment, commonly known as the Construction Safety Act (CSA) (Pub. L. 91-54; August 9, 1969), significantly strengthened employee protection by providing for occupational safety and health standards for employees of the building trades and

construction industry in Federal and Federally-financed or Federally-assisted construction projects. Accordingly, the Secretary of Labor issued Safety and Health Regulations for Construction in 29 CFR Part 1518 (36 CFR Part 7340, April 17, 1971) pursuant to section 107 of the Contract Work Hours and Safety Standards Act.

The Occupational Safety and Health Act (the Act) [84 Stat. 1590; 29 U.S.C. 655 et seq.], which was enacted by Congress in 1970, authorized the Secretary of Labor to adopt established Federal Standards issued under other statutes, including the Construction Safety Act, as occupational safety and health standards. Accordingly, the Secretary of Labor adopted the Construction Standards, which were issued under the Construction Safety Act in 29 CFR Part 1518, in accordance with section 6 of the Act (36 FR 10466, May 23, 1971). The Safety and Health Regulations for Construction Part 1518 were redesignated as part 1926 at the end of 1971 (36 FR 25232, December 30, 1971). The standard entitled Concrete, Concrete Forms, and Shoring, § 1926.700 through .702, was adopted as an OSHA standard as part of this process.

One of the hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The accidents are often catastrophic, involving many workers, but even when the failure does not involve the entire structure, the risk of being crushed, struck, or asphyxiated is high. In the last few years, there have been several catastrophic and well-publicized construction accidents attributed to failure or collapse of the concrete structure including the disaster at the Willow Island, West Virginia cooling tower, which claimed 51 lives, and the collapse of the Skyline Tower Plaza in Fairfax County, Virginia, which took 14 lives. Causes of these types of collapses or failures of concrete structures include defective formwork, inadequate shoring, and premature removal of forms or shores.

The nature and dimensions of the catastrophic structure failures noted above suggested a review of the existing standard to determine if new standards are required to prevent such occurrences. A review of the Willow Island and Skyline Tower Plaza accident investigations indicates that the underlying causes of these accidents were employer non-compliance with existing regulations.

The review included, however, an Advanced Notice of Proposed Rulemaking (ANPR) which was

published in the Federal Register (FR 590, February 9, 1982). The ANPR requested the public to comment on the effectiveness of the existing standard to reduce accidents in concrete and masonry construction industries. OSHA has concluded from a review of the ANPR comments (Ex. 1), and from a review of the existing standard, that a revision to Subpart Q is required to prevent other serious accidents.

A review of many OSHA case files on concrete and masonry accidents indicates that gaps do exist in the coverage of the existing standard. There have been several collapses of precast concrete and masonry walls caused by the lack of bracing. There are no existing standards to require such bracing. The proposed standard would include such a requirement. The proposal contains requirements to cover other gaps in coverage that OSHA identified in the existing standard such as formwork erection.

The review of the existing standard also identified several provisions which are considered to be ambiguous and redundant. For example, the requirement for concrete buckets equipped with hydraulic or pneumatically operated gates states that the installation of positive safety latches or equivalent devices is to prevent aggregate and loose material from accumulating on the top and sides. This is misleading because the real purpose of safety latches is to prevent the accidental or premature dumping of the bucket, not to prevent material accumulation. The proposed standard states the correct purpose. Another requirement for concrete redi-mix trucks is the blocking of the wheels and setting of the brake to prevent movement while discharging on a slope. This is redundant because this requirement is already covered in Subpart O, "1926.600(a)(3)(ii)". The proposal deletes this requirement from Subpart Q.

The existing standard does not clearly indicate which of the provisions of ANSI A10.9-1970 are referenced by existing paragraph .700(a). This paragraph references applicable provisions of ANSI relating to equipment and materials. The proposal incorporates directly the applicable provisions of ANSI that have been determined by OSHA to be referenced by existing paragraph .700(a).

In response to other comments received (Ex. 1), OSHA's review of the present methods for testing concrete revealed that new methods have been accepted by the construction industry to test concrete prior to the removal of forms. These methods are called "in situ" because they test the concrete

directly in the forms. OSHA believes that these new methods will provide the employer with additional procedures to reduce the hazards of premature form removal—hazards which have already resulted in several catastrophic building collapses. The proposal will allow these additional methods to be used for testing concrete prior to the removal of forms.

As a result of OSHA's review, and as a result of comments received, (Ex. 1), the Agency proposes to revise its concrete and masonry safety standards. Provisions which were identified as ambiguous have been clarified. Provisions which were identified as redundant have been deleted. OSHA believes that these clarifications and deletions will help employers to understand the requirements of Subpart Q, and will provide protection from the hazards associated with concrete and masonry construction.

The ANPR comments (Ex. 1), ACCSH recommendations (Ex. 2), and comments of other interested parties have been considered in the development of this proposal. Many of the changes in the standard being proposed reflect these recommendations and suggestions. Relevant ACCSH comments are discussed below in the Summary and Explanation Section. Comments that were inconclusive or did not result in a specific recommendation have been considered but are not discussed in this preamble.

II. Hazards in Concrete and Masonry Construction

Concrete and masonry accidents continue to occur despite the development and promulgation of OSHA Construction Standards in 1971.

OSHA has examined the hazards related to concrete and masonry construction, and has included in the following discussion, examples of the types of accidents and fatalities that have occurred. The selected examples are not intended to cover all types of concrete and masonry accidents. The examples reference the provisions of the existing standards and the proposal which are directed at the cause of the accident.

• *March 2, 1973:* 14 fatalities and 34 injuries. Employees were removing the concrete forms supporting the 23rd floor of an apartment building under construction. The 23rd floor collapsed which caused the progressive failure of other floors of the apartment building. The fatalities and injuries resulted from the collapse of these floors. The National Bureau of Standards (NBS), in a report for OSHA, concluded that premature removal of forms was a

contributing factor to the building collapse (Ex. 3, pg. 85). Observance of existing provisions in ANSI A10.9-1970, Section 6.4.7 or 6.4.8, or of the provision in proposed paragraph .705(d), might have prevented this accident. Both of these provisions require that the concrete develop the strength to support all loads prior to the removal of forms. The requirement for form removal has been clarified to make it easier to understand.

• *May 19, 1976:* Two fatalities. Two employees were tacking metal decking using an electric welder at a high school under construction (Ex. 4). A nearby masonry wall collapsed, and struck and killed both employees. There is no existing standard to cover this hazard. Observance of the proposed paragraph .707(a)(1) would have prevented the accident by requiring the bracing of masonry walls to prevent collapse.

• *June 11, 1976:* One fatality. Powered concrete buggies were being used to transport concrete from the ground level to the second floor of a building under construction. An operator lost control of a buggy and fell onto vertically protruding reinforcing steel (Ex. 5). Observance of existing paragraph .700(b)(2) or proposed paragraph .701(a) might have prevented this fatality. The existing paragraph .700(b)(2) has been revised to allow additional methods to protect employees from the hazard of impalement by vertically protruding reinforcing steel.

• *March 31, 1978:* One fatality. An employee was erecting precast concrete wall panel (Ex. 6), the panel fell and crushed the worker. The panel was not braced to prevent collapse. There is no existing standard to cover this hazard. Observance of proposed paragraph .706(a)(1) might have prevented this accident by requiring the bracing of precast panels to prevent collapse.

• *April 27, 1978:* 51 fatalities. Concrete was being placed in the forms for a cooling tower under construction at Willow Island, West Virginia. The formwork collapsed when the third bucket of concrete was being hoisted up to the working platform for lift 29. All employees on the formwork fell to the ground below. The NBS, in a report for OSHA, concluded that the most probable cause of the collapse was due to the imposition of construction loads on the cooling tower before the concrete of lift 28 had gained adequate strength to support these loads (Ex. 7). Observance of the provisions in existing paragraphs .701(a)(1) and .701(a)(4) or proposed paragraphs .701(b) and .705(a)(1) might have prevented this accident. These requirements address

the imposition of loads on partially completed structures.

• *September 29, 1978.* One fatality. An employee was removing the cables suspended from a crane which temporarily held a section of concrete formwork in place (Ex. 8). The formwork fell on the employee after the cables were removed. The formwork was not properly braced to prevent collapse. There is no existing standard to cover this hazard. Observance of proposed paragraph .705(a)(1) might have prevented this accident by requiring the bracing of concrete formwork to prevent collapse.

The available evidence therefore suggests that there is a significant risk to workers employed in the concrete and masonry construction industry if proper precautions are not followed. OSHA solicits further information on the nature and extent of that risk.

III. Summary and Explanation of Proposal

All incorporations by reference of national consensus standards and other outside materials are deleted in the proposed standard, as the applicable requirements from those standards are proposed for inclusion in the body of the standard. This policy is intended to assist employers in determining what is required by a provision without reference to documents outside Part 1926. The following discussion summarizes and explains the substantive changes made to Subpart Q.

Subpart Q Concrete and Masonry Construction.

The title of Subpart Q would be changed from "Concrete, Concrete Forms, and Shoring" to "Concrete and Masonry Construction." The existing title implies that the scope of Subpart Q covers only the hazards associated with concrete and the forms and shoring for concrete. The Subpart also covers the hazards of masonry construction, a coverage which is not reflected in the current title. The proposed title would reflect the entire scope of the proposed standard, as set forth below.

Section 1926.700 Scope, Application and Definitions.

Paragraph (a) contains the proposed scope and application. The proposal contains procedural, equipment and material requirements for precast concrete and masonry construction. These requirements will control or eliminate employee exposure to the hazards of concrete and masonry construction.

Paragraph (b) lists and defines the terms which identify the concrete

operations covered by the proposal.

Many of the definitions are the same as those in the existing standard.

The following are the terms which are new and which would be added to the definitions paragraph in the proposed standard:

"Lift Slab." This is a method of concrete construction in which floor and roof slabs are cast on or at ground level and hoisted into position by jacking. This term has been added to identify the type of precast concrete construction covered by proposed paragraph .706(b).

"Precast Concrete." This is a concrete member which is formed, cast, and cured prior to placement in the structure. This term has been added to identify the type of concrete construction covered by proposed § 1926.706. This is a new section containing applicable provisions of ANSI A10.9-1970 which are referenced by existing paragraph .700(a).

"Reshoring." This is the construction operation in which original shoring is removed and replaced in such a manner as to prevent collapse of the concrete. This term has been added to identify the concrete operation covered by proposed paragraph .705(e).

In addition, two current definitions are proposed for deletion. The definition for "bull float" in existing paragraph .702(a) would be deleted because the term "bull float" is not used in the proposed standard. The hazards from using bull floats are already covered by existing paragraph .400(c). The definition for "guy" in existing paragraph .702(c) would be deleted because the term "guy" has been replaced by the term "laterally supported" in the proposal.

Section 1926.701 General Requirements.

This section specifies the general requirements applicable to all concrete and masonry construction.

Paragraph (a) would prohibit the imposition of any construction loads on partially completed structures unless the loads have been approved by the engineer or architect. This is the same requirement as existing paragraph .701(a)(4). This requirement is intended to prevent the collapse of partially completed structures due to overloading.

The proposal deletes the reference to ANSI A10.9-1970 (Ex. 9) in paragraph .700(a). This referenced requirements from ANSI for equipment and material have been included in the proposal. Most of these requirements are similar to ANSI A10.9-1983. Applicable requirements covered by other subparts, such as form scaffolding, have been deleted.

Section 1926.702 Reinforcing Steel.

This section contains specific requirements applicable to reinforcing steel. Paragraph (a) would prohibit employees from working above vertically protruding reinforcing steel unless the reinforcing steel has been protected to eliminate impalement or the employees are protected from impalement by the use of a fall protection system. This is a revision of the requirement in existing paragraph .700(b)(2) which is intended to prevent impalement by vertically protruding reinforcing steel. The existing rule prevents impalement with a requirement which eliminates the hazard. The hazard is eliminated by covering, shielding, or bending over the reinforcing steel. The proposed paragraph, in addition, would permit employers to use fall protection systems to protect employees from impalement. OSHA believes that fall protection systems would prevent impalement because they could prevent employee contact with the reinforcing steel. The hazard of impalement would be eliminated by shielding, covering, or bending over the reinforcing steel. Fall protection systems such as body belts and guardrails could prevent contact with the reinforcing steel. This revision is in accordance with a recommendation made by the National Chimney Construction Safety and Health Advisory Committee (Ex. 10).

Paragraph (b) would require that employees placing and tying reinforcing steel in vertical structures more than six feet above any adjacent working surface be protected by the use of a safety belt or equivalent device. This is a revision of the requirement in existing paragraph .700(b)(1), which is intended to protect employees from the hazards associated with falling. The existing rule requires that employees be provided with a safety belt or equivalent device in accordance with Subpart E. This rule does not protect employees from falling because it does not specifically require that employees wear safety belts or equivalent devices. The proposed rule would require that employees be protected by the use of a safety belt or equivalent protection under these circumstances. This is in accordance with an ACCSH recommendation that employees be protected by the use of a safety belt or equivalent protection (Ex. 2). A concurrent revision to Subpart M proposes to relocate this requirement to that Subpart.

The proposed rule would also delete the reference to Subpart E. This is in accordance with an ACCSH

recommendation that OSHA delete the reference to other subparts in the standards (Ex. 2, pp. 74-80).

Paragraph (c)(1) would require that reinforcing steel in vertical structures be laterally supported to resist overturning forces. This is the same requirement as existing paragraph .700(b)(3), which is intended to prevent the erected reinforcing steel from falling due to overturning forces such as the wind.

Paragraph (c)(2) would require that lateral supports for reinforcing steel be capable of withstanding the forces that will be applied to them during construction. This is a new rule which is intended to prevent the overturning of erected reinforcing steel due to inadequate lateral supports.

Paragraph (d) would require that wire mesh rolls be secured at each end to prevent recoiling action. This is the same requirement as existing paragraph .700(b)(4).

Section 1926.703 Concrete Placement.

This section contains specific requirements which cover the placement of concrete. Paragraph (a) would prohibit employees from riding concrete buckets. This is the same requirement as the first part of existing paragraph .700(d)(1)(ii), which is intended to protect employees from the hazards associated with falling while riding concrete buckets.

Paragraph (b) would prohibit vibrator crews from being under concrete buckets suspended from cranes or cableways. This is the same requirements as the second part of existing paragraph .700(d)(7)(ii), which is intended to protect vibrator crews from the hazards associated with falling concrete buckets.

Paragraph (c) would require all nozzle men applying a cement, sand, and water mixture through a pneumatic hose to wear protective head and face equipment. This is the same requirement as existing paragraph .700(d)(9), which is intended to protect employees from rebounding particles.

The proposal would drop the requirement for "bull floats" in existing paragraph .700(d)(3). This paragraph requires that "bull float" handles be made from non-conducting material where they may contact energized electrical conductors. This requirement is intended to eliminate electrical hazards while using "bull floats" near energized electrical conductors. It is redundant because the requirement in existing paragraph .400(c) already protects employees from electrical hazards while using "bull floats."

Section 1926.704 Equipment.

This section contains specific requirements which cover the equipment used in concrete construction. Paragraph (a) would require that bulk storage bins, containers, or silos be equipped with conical or tapered bottoms and a mechanical or pneumatic means of starting the flow of material. This is the same requirement as existing paragraph .700(c), which is intended to eliminate the placement of employees inside the facility to start the flow of materials.

Paragraph (b) would prohibit the placement of employees inside storage facilities unless the ejection system is shut down and locked out. This is a revision of the requirement in ANSI A10.9-1970 (Ex. 9), section 4.3.2, which is referenced by existing paragraph .700(a). The existing requirement is intended to prohibit the inadvertent operation of the ejection system whenever employees are inside the facility for cleaning. OSHA believes that the ejection system should be shut down and locked out whenever employees are inside the storage facility for any purpose because they would also be exposed to hazards associated with the inadvertent operation of the ejection system. This revision incorporates the revised ANSI-A10.9-1983, Safety Requirements (Ex. 11).

Paragraph (c)(1) would require that concrete mixers with loading skips greater than one yard be equipped with a mechanical device to clear materials from the skip (loading hopper). This is the same requirement as existing paragraph .700(d)(1), which is intended to protect employees from the hazards associated with the manual clearing of materials from the skip.

Paragraph (c)(2) would require that concrete mixers with loading skips greater than one yard be equipped with guardrails on each side of the skip. This is the same requirement as existing paragraph .700(d)(2), which is intended to prevent employees from underneath elevated skips.

Paragraph (d) would require that powered and rotation-type concrete troweling machines that are manually-guided be equipped with a control switch that will automatically shut off the power whenever the operator removes his or her hands from the equipment handles. This is the same requirement as existing paragraph .700(d)(4), which is intended to prevent unattended powered concrete troweling machines from striking employees.

Paragraph (e) would prohibit concrete buggy handles from extending beyond the wheels on either side. This is the same requirement as existing paragraph

.700(d)(5), except the recommendation for knuckle guards has been deleted. This requirement is intended to prohibit the buggy handles from contacting other objects. OSHA believes that the knuckle guards are unnecessary because the requirement in the proposed paragraph would provide the same protection as knuckle guards. Employees would be prevented from contacting fixed objects whenever the buggy handles are inside the wheels.

Paragraph (f) would require that pipe supports for concrete pumping systems be designed for 100 percent overload. This is the same requirement as the first sentence of existing paragraph .700(d)(6), which is intended to prevent collapse of the pipes.

Paragraph (g) would require that compressed air hoses used in concrete pumping systems be equipped with positive fail-safe joint connectors. This is the same requirement as the second sentence of existing paragraph .700(d)(6), which is intended to prevent the separation of compressed air hose sections.

Paragraph (h) would require the installation of positive safety latches or similar devices on concrete buckets equipped with hydraulic or pneumatically-operated gates to prevent premature or accidental dumping. This is a revision of the requirement in existing paragraph .700(d)(7)(i). The requirement in the existing paragraph requires that concrete buckets be equipped with positive safety latches or similar safety devices to prevent the accumulation of aggregate and loose materials on the top and sides. This requirement is not clearly stated currently, because the purpose of the safety latches is to prevent premature or accidental dumping, and not to prevent the accumulation of aggregate and loose material. This is in accordance with ANSI A10.9-1983 safety requirements (Ex. 11).

Paragraph (i) would require that concrete buckets be designed to prevent concrete from hanging up on the top and sides. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 5.2.10, which is referenced by existing paragraph .700(a). A similar requirement for the design of concrete buckets is found in section 5.2.10 of ANSI A10.9-1983 (Ex. 11). This requirement is intended to prevent employees from being struck by falling concrete.

Paragraph (j) would require that sections of tremies and similar concrete conveyances be secured with wire rope or equivalent in addition to the regular couplings or connections. This is the

same requirement contained in ANSI A10.9-1970 (Ex. 9), section 5.2.11, which is referenced by existing paragraph .700(a), except "equivalent" has been added. A similar requirement for sections of tremies is found in section 5.2.11 of ANSI A10.9-1983 (Ex. 11). OSHA believes that other material exists which would be acceptable for securing sections of concrete conveyances. For example, steel chains could be used to secure the sections. The purpose of this requirement is to prevent separation of sections of tremies and similar concrete conveyances.

Paragraph (k) would require that equipment, such as compressors, mixers, screens, and cement pumps be locked out and tagged prior to making repairs. This is a revision of the requirement contained in ANSI A10.9-1970 (Ex. 9), section 5.2.15, which is referenced by existing paragraph .700(a). Sections 4.2.1 and 5.2.15 of ANSI A10.9-1983 (Ex. 11) contains similar requirements for compressors, mixers, screens, and cement pumps. The purpose of the existing requirement is to prevent the inadvertent operation of stationary electrically driven equipment while repairs are being performed. OSHA believes that other equipment should be locked out and tagged prior to making repairs because they may be inadvertently operated. This is in accordance with an ACCSH recommendation that OSHA delete "stationary electric-driven" from the proposed paragraph (Ex. 2, p.99).

The requirement in existing paragraph .700(d)(8) for blocking the wheels and setting the brake of ready-mix trucks would be deleted because it is redundant. The requirement in existing paragraph .600(a)(3)(ii) already requires equipment parked on inclines to have the wheels chocked and parking brake set.

Section 1926.705 Formwork.

This section contains specific requirements which cover formwork. The formwork requirements in existing § 1926.701 would be relocated to this section. The title would be changed from "Forms and Shoring" to "Formwork." This change is being made to reflect the correct scope of the section, which includes reshoring.

Paragraph (a) General Requirements.

Paragraph (a) contains the general requirements which are applicable to all formwork. The general requirements are currently located in existing paragraph .701(a) and ANSI A10.9-1970 (Ex. 9), which is referenced by existing paragraph .700(a).

Paragraph (a)(1) would require that formwork be capable of supporting all vertical and horizontal loads that may be imposed. This is a revision of the requirement in existing paragraph .701(a)(1), which is intended to prevent formwork collapses during the placement of concrete. The existing rule is the same requirement as the proposed rule except the phrase "during the placement of concrete" has been deleted. OSHA believes that formwork should be capable of supporting the imposed loads at all times to prevent collapse. This is in accordance with ANSI A10.9-1983 safety requirements (Ex. 11).

Paragraph (a)(2) would require that drawings or plans be available at the job site showing all formwork, jack layout, shoring, working decks, and scaffolding. This is the same requirement as existing paragraph .701(a)(2), which is intended to provide guidelines for erecting formwork.

Paragraph (a)(3) would require the strengthening of supports for formwork whenever equipment or materials are superimposed. This is the same requirement as existing paragraph .700(e)(1)(i), which is intended to prevent the collapse of formwork.

The requirement in existing paragraph .701 (a)(3) for housekeeping would be deleted because it is redundant. The requirement in existing paragraph .25(a) already covers housekeeping.

Paragraph (b) Vertical Slip Forms.

Paragraph (b) contains specific requirements which cover vertical slip forms. Slip forms are special types of forms which move while the concrete is being placed.

Paragraph (b)(1)(i) would require that the steel rods or pipes on which jacks climb or by which the forms are lifted be specifically designed for that purpose. This is the same requirement as existing paragraph .701(b)(1), which is intended to prevent collapse of the slip forms due to inadequate supports.

Paragraph (b)(1)(ii) would require that the steel rods or pipes on which jacks climb or by which the forms are raised be adequately braced where not encased in concrete. This is the same requirement as existing paragraph .701 (b)(1), which is intended to prevent collapse of the slip forms due to inadequate supports.

Paragraph (b)(2) would require the positioning of jacks and vertical supports so that the vertical loads are distributed equally and do not exceed the capacity of the jacks. This is the same requirement as existing paragraph .701(b)(2), which is intended to prevent

collapse of the slip forms due to overloading the jacks.

Paragraph (b)(3) would require that jacks or other lifting devices be provided with mechanical dogs or other automatic holding devices to support the slip form whenever failure of the power supply or the lifting mechanism occurs. This is the same requirement as existing paragraph .701(b)(3).

Paragraph (b)(4) would require that lifting of the slip form be steady and uniform and not exceed the predetermined safe rate of lift. This is the same requirement as existing paragraph .700(b)(4), which is intended to prevent collapse of the slip forms due to exceeding the predetermined rate of lift. The employer determines the rate of lift after considering the weather, concrete slump, workability, and the many exigencies which arise during a slide and cannot be predicted accurately beforehand. A change in one of the above factors may alter the rate of lift during concrete placement.

Paragraph (b)(5) would require lateral and diagonal bracing of the slip forms to prevent distortion of the structure during the jacking operation. This is the same requirement as existing paragraph .701 (b)(5).

Paragraph (b)(6) would require that slip forms be maintained in line and plumb during the jacking operations. This is the same requirement as existing paragraph .701 (b)(6), which is intended to prevent the collapse of the slip form due to eccentric loads.

Paragraph (b)(7) would require that all vertical slip forms be provided with scaffolding or work platforms where employees are required to work or pass. This is a revision of the requirement contained in existing paragraph .701(b)(7), which is intended to protect employees from the hazards associated with falling. The existing rule requires that all lift forms be provided with scaffolding or work platforms completely encircling the area of placement. The proposed rule would allow the elimination of scaffolding or work platforms not required for employee protection.

Paragraph (c) Shoring.

Paragraph (c) contains requirements which cover shoring.

Paragraph (c)(1) would require that the sills for shoring be sound, rigid, and capable of carrying the maximum intended load. This is the same requirement as existing paragraph .700(e)(1)(ii), which is intended to prevent collapse of the formwork due to inadequate sills.

Paragraph (c)(2)(i) would require the inspection of shoring equipment prior to erection for conformance with the formwork plans. This is the same requirement as the first sentence of existing paragraph .700(e)(1)(iii).

Paragraph (c)(2)(ii) would prohibit the use of shoring equipment found damaged during the inspection. This is the same requirement as the second sentence of existing paragraph .700(e)(1)(iii), which is intended to prevent the use of damaged shoring equipment which could cause a collapse of the formwork.

Paragraph (c)(3)(i) would require the inspection of erected shoring equipment prior to, during, and immediately after the placement of concrete. This is the same requirement as the first sentence of existing paragraph .700(e)(1)(iv), which is intended to locate damaged or weakened shoring equipment after erection.

Paragraph (c)(3)(ii) would require that shoring equipment found damaged or weakened during the inspection be immediately reinforced or reshored. This is the same requirement as the second sentence of existing paragraph .700(e)(1)(iv).

Paragraph (c)(4) would require that all base plates, shore heads, extension devices, and adjustment screws be in firm contact with the footing sill and the form. This is the same requirement as existing paragraphs .700(e)(2)(v), .701(c)(4), and .701(d)(2), which is intended to prevent the displacement of shores due to movement of the forms.

Paragraph (c)(5) would require a structural engineer to design and inspect the layout for single post shores whenever these shores are used in more than one tier. This is the same requirement as existing paragraph .701(d)(3), which is intended to prevent the collapse of formwork due to the improper design and erection of single post shores in more than one tier. The ACCSH recommended that OSHA prohibit the use of single post shores in more than one tier (Ex. 2, p. 175). A review of accident investigations involving the failure of double tiered single post shoring indicates that the employer failed to comply with the existing regulation. OSHA believes that single post shores may be used in more than one tier if properly designed and inspected by a structural engineer.

Paragraph (c)(6) would prohibit eccentric loads on shore heads and similar members unless they have been designed for such loading. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), sections 8.2.9, 8.3.9, and 8.4.6, which is referenced by existing paragraph .700(a). This

requirement for shore heads and other members is similar to sections 6.5.9, 6.6.9 and 6.7.4 of ANSI A10.9-1983 (Ex. 11). This rule is intended to prevent the collapse of formwork due to the placement of eccentric loads on shore heads and similar members.

There are several existing specific requirements in the standard for shoring which are adequately covered by proposed general requirements. The proposal deletes these specific requirements since they would be redundant. The following table contains the specific requirements along with the corresponding general requirements:

Existing specific requirement	Proposed requirement
.700(e)(2)(f)	.705(a)(1)
.700(e)(2)(g)	.705(a)(1)
.700(e)(2)(h)	.705(a)(1)
.700(e)(2)(iv)	.705(a)(1)
.701(c)(1)	.705(c)(2)(i)
.701(c)(2)	.705(a)(1)
.701(c)(3)	.705(a)(1)
.701(d)(1)	.705(a)(1)
.701(d)(4)	.705(a)(1)
.701(d)(5)	.705(c)(2)(ii)
.701(d)(7)	.705(c)(2)(i)
.701(d)(8)	.705(c)(2)(ii)
.701(d)(9)	.705(c)(2)(ii)
.701(d)(10)	.705(a)(1)

The proposal deletes the requirement in existing paragraph .701(d)(5) which prohibits the adjustment of single post shores after the placement of concrete. This rule is not required for employee protection, because there is no danger of concrete collapse due to the adjustment of single post shores. This rule was intended to protect property.

Paragraph (d) Removal of Forms and Shores.

Paragraph (d) contains requirements for determining when forms and shores may be removed. The existing regulations for form removal requires that engineer specifications and local building codes be followed in determining the length of time forms should remain in place following concrete placement. When field operations are not controlled by engineer specifications or local building codes, under ordinary conditions forms and supports must remain in place for not less than the period of time specified in ANSI A10.9-1970. In either case tests on field-cured concrete specimens must also be made to insure that concrete has obtained sufficient strength to support all loads prior to removal of forms.

The revised ANSI A10.9 (Ex.11) has dropped the requirement to follow the engineer specifications or the specified times. It requires that the concrete be tested with the type of test specified by the formwork designer. The forms cannot be removed unless the tests

indicates that the concrete has obtained adequate strength specified by the engineer/architect or specifications.

The proposal would also drop the requirement to follow the engineer specifications, however, Table Two has been retained. The proposal would require that the concrete be tested or the forms remain in place for the period of time in Table Q-1 before removal. This provision is based upon the revised ANSI A10.9 and recommendations in "Recommended Practice for Concrete Formwork" (ACI 347-78) (Ex. 12). ACI 347-78 allows the use of Table Q-1 for form removal under ordinary conditions when field operations are not controlled by engineering specifications.

Paragraph (d)(1) would prohibit the removal of forms and shores (except for slabs on grade and slip forms) until the forms and shores have been in place for the length of time and under the conditions specified in Table Q-1. This is the same table contained in ANSI A10.9-1970 (Ex. 9), section 6.4.8, which is referenced by existing paragraph .700(a). This rule is intended to prevent the collapse of concrete structures due to premature removal of the forms and shores.

Paragraph (d)(2)(i) and (d)(2)(ii) would prohibit the removal of forms and shores (except for slabs on grade and slip forms) unless the concrete has been properly tested and the test results indicate that the concrete has gained sufficient strength to support its weight and superimposed loads. The revision permits the use of other testing methods for concrete strength evaluation during construction. The proper procedures for the selected test method must be followed during the concrete testing. The employer may obtain information on concrete testing from the standard procedures listed in Appendix A.

The ACCSH recommended that OSHA require written test procedures and that the test results be made available (Ex. 2, pp. 234-285). OSHA was unable to determine the employee protection that would be provided by making this recommendation a requirement. OSHA solicits information on the employee protection that would be provided by a requirement for written test procedures and results being made available at the job site.

Paragraph (e) Reshoring.

Paragraph (e) contains requirements relating to the reshoring of concrete structures.

Paragraph (e)(1) would require that reshores be erected after the removal of formwork whenever the concrete is required to support loads in excess of its

capacity. This is the same requirement as existing paragraph .700(e)(1)(v), which is intended to provide support for the excessive loads.

Paragraph (e)(2) would prohibit the removal of reshores until the concrete structure has attained adequate strength to support all imposed loads. This is a new rule which is based upon the revised ANSI A10.9-1983 (Ex. 11). This requirement is intended to prevent the collapse of the concrete structure due to premature removal of reshores.

Section 1926.706 Precast Concrete.

This section specifies the requirements which cover precast concrete.

Paragraph (a) sets forth the general requirements for precast concrete. Paragraph (a)(1) would require that precast wall units, structural framing, and tilt up wall panels be laterally supported until permanent connections are completed. This is a new requirement which is intended to prevent these precast members from overturning where such members are incapable of withstanding the forces that will be applied to them. The requirement is based on the revised ANSI A10.9-1983 (EX 11) safety requirements.

Paragraph (a)(2) would require that lateral supports for precast wall units, structural framing, and tilt-up wall panels be capable of withstanding a wind load of 15 pounds per square foot applied to these members. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 10.3, which is referenced by existing paragraph .700(a), except the load has been increased from 10 to 15 pounds per square foot. This revision incorporates the increased wind load in ANSI A10.9-1983 safety requirements (Ex. 11). This requirement is intended to prevent the overturning of precast concrete members due to inadequate lateral supports.

Paragraph (a)(3) is a new requirement, and would prohibit employees from being located under precast concrete members being lifted or tilted into position. This is in accordance with ANSI A10.9-1983 safety requirements (Ex. 11). This requirement is intended to protect employees from the hazards associated with falling precast concrete members.

Paragraph (a)(4)(i) would require that lifting inserts for tilt-up precast concrete members be capable of supporting two times the load applied or transmitted to them. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 6.2.6, which is referenced by existing paragraph .700(a). This requirement is intended to prevent the collapse of tilt-up precast concrete

members due to inadequate lifting inserts.

Paragraph (a)(4)(ii) would require that other types of lifting inserts for precast concrete members be capable of supporting four times the load applied or transmitted to them. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 6.2.6, which is referenced by existing paragraph .700(a), except the safety factor would be increased from 3 to 4. This revision incorporates the increased safety factor in ANSI A10.9-1983 safety requirements (Ex. 11). This requirement is intended to prevent the collapse of other precast concrete members due to inadequate lifting inserts.

Paragraph (b) contains requirements relating to the lift slab method of concrete construction.

Paragraph (b)(1) would require that the threaded rods and other members which transmit loads to the jacks be capable of supporting two and one-half times the load applied or transmitted to them. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 11.3.1, which is referenced by existing paragraph .700(a). This requirement is intended to prevent the collapse of the precast concrete members due to inadequate supports.

Paragraph (b)(2) would require that jacks be installed and designed to stop lifting when overloaded. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 11.3.2, which is referenced by existing paragraph .700(a). This requirement is intended to prevent the collapse of precast concrete members due to overloading the jacks.

Paragraph (b)(3) would require the synchronization of jacking operations to insure even and uniform lifting. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 11.4, which is referenced by existing paragraph .700(a). This requirement is intended to prevent the collapse of the precast members due to non-uniform lifting.

Section 1926.707 Masonry Construction.

This section specifies the requirements for masonry construction.

Paragraph (a) sets forth the general requirements which apply to all masonry construction.

Paragraph (a)(1) would require that masonry walls be laterally supported where such walls are incapable of withstanding the horizontal forces that are applied during construction. This is a new requirement which is intended to prevent the collapse of masonry walls. The requirement is based on the ANSI A10.9-1983 (Ex. 11) safety requirements.

Paragraph (a)(2) would require that lateral supports for masonry walls be capable of withstanding a load of 15 pounds per square foot applied to the wall. This is a new requirement which is intended to prevent the collapse of masonry walls due to inadequate lateral supports. This requirement is based on the ANSI A10.9-1983 safety requirements.

Paragraph (b) contains the requirements relating to equipment used in masonry construction.

Paragraph (b)(1)(i) would require semi-circular guards over masonry saw blades. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 12.3.1, which is referenced by existing paragraph .700(a). The purpose of the guards is to prevent contact with the blade.

Paragraph (b)(1)(ii) would require that masonry saws be equipped with a slotted horizontal hinged bar underneath the blade guard to retain fragments of shattered blades. This is the same requirement contained in ANSI A10.9-1970 (Ex. 9), section 12.3.1, which is referenced by existing paragraph .700(a).

IV. Specific Issues

The public is invited to comment on the following issues. The comments should contain adequate information which supports the position of the writer.

1. Concrete tests are used to evaluate the strength of the concrete. The ACCSH recommended that employers prepare written procedures for testing the concrete and make available the results of the tests. What purpose would such requirements serve? What benefits would be derived from such requirements?

2. Some comments have been received which recommend that only in place testing methods be permitted to evaluate the strength of concrete. In place testing methods rather than cylinder are those methods which test the concrete in the forms. What are the reasons for restricting or not restricting the testing of concrete to in place methods?

3. The current standard seems to require that concrete forms be left in place for the length of time indicated by the engineering specifications or local building codes, if they exist, or as specified in Table two of ANSI A10.9-1970. Also, tests are required, on field-cured concrete specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to the removal of forms. What is current industry practice for

determining when the forms may be removed?

4. The proposal would allow employees to either satisfy the requirement to leave the forms in place for a time specified in Table Q-1 or test the concrete for strength. Should both the length of time and the testing provisions be required? If so, why? If not, why not?

5. Employees are often required to climb erected reinforcing steel during construction. The weight of the employee may cause the reinforcing steel ties to break, thus exposing the employee to falling hazards. What requirements are needed to protect employees while climbing erected reinforcing steel?

6. Engineers often inspect concrete construction operations to evaluate the employers performance with the plans and specifications. Local building officials may also inspect the construction for determining compliance with building codes. How would a requirement for such engineering inspections by OSHA improve worker safety?

7. Concrete buckets are used to transport concrete to the forms. The buckets are suspended from cranes or cableways and often are hoisted over employees. Some of the buckets have fallen and crushed employees working below. The existing regulation covering this hazard prohibits only vibrator crews from being under concrete buckets suspended from cranes or cableways. Other employees have been injured by falling concrete buckets. What impact would such a requirement to prohibit all employees from being under concrete buckets have on construction procedures?

8. Tensioned wire rope elements are often used to impart stress to concrete members through bonding or end bearing. The elements may be tensioned before the placement of concrete (pre-tensioning) or after the placement of concrete (post-tensioning). What are the hazards associated with such operations? What standards are required to protect employees performing such operations?

9. Formwork has been defined to mean the total system of support for freshly placed concrete, including the mold or sheeting that contacts the concrete as well as all supporting members, hardware, and bracing. Formwork is intended to include the shores, and reshores as supporting the members. Should the definition of formwork be revised to exclude shores and reshores? If so, why?

10. Masonry units such as concrete blocks are often built upward some 15 to

20 feet without lateral supports. The wall then is a simple cantilever, vulnerable to even moderate winds. Proposed paragraph 1928.707(a)(1) which is adopted from section 11.5 of ANSI A10.9-1983 would require that masonry walls be laterally supported to prevent collapse. The proposal does not specify the height of wall when lateral support would be required. At what height should masonry walls be laterally supported? What are the reasons for selecting this height? Also, are pilasters, partition walls, end walls, and masonry walls with reinforcement adequate lateral supports? What are the conditions which must exist for masonry walls to become a hazard? What is the current industry practice for laterally supporting these walls? In what ways is this practice inadequate?

11. The standard is generally written in performance language to provide flexibility for compliance. What if any requirements in the proposal should OSHA make more specific?

V. Summary of the Regulatory Impact and Regulatory Flexibility Assessment

Introduction

Executive Order 12291 (46 FR 13197, February 19, 1981) requires that a regulatory analysis be conducted for any rule having major economic consequences on the national economy, geographical regions, individual industries, or levels of government. In addition, the Regulatory Flexibility Act of 1980 (Pub. L. 96-353, 94 Stat. 1164 [5 U.S.C. 601 et seq.]) requires the Occupational Safety and Health Administration (OSHA) to determine whether the proposed regulation will have a significant economic impact on a substantial number of small entities.

Consistent with these requirements, OSHA has prepared a Preliminary Regulatory Impact and Regulatory Flexibility Assessment for the current and proposed revisions to the standards governing Concrete and Masonry Construction. This analysis includes a profile of affected firms and industries, a description of the regulatory and nonregulatory alternatives, estimates of the effectiveness and benefits of compliance with either alternative, the costs of full compliance for the alternatives, and the potential economic and environmental impacts. The complete analysis, as summarized in this section, is based on data and information provided by JACA Management Consultants, in *An Economic Impact Statement/ Technological Feasibility Study of the Proposed Revisions to Part 1926 Subpart*

Q, which is available in the rulemaking record.

The Secretary has determined that this action would not be a "major rule" as defined by section 3(b) of Executive Order 12291 as it will not have an annual effect on the economy of \$100 million or more, cause major increases in costs or prices for individual industries, or have any other significant adverse effects. The Secretary also certifies that this action would not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. The Preliminary Regulatory Impact and Regulatory Flexibility Assessment is available for inspection and copying in the rulemaking docket.

To provide information to the public, OSHA also considered the economic impact, on the construction industry as a whole, of this proposed revision combined with six other construction standards that are currently in the proposed rulemaking stage. OSHA estimated that the annual incremental costs of all the proposed revisions would, taken together, be about \$2.7 million for Underground Construction, \$2.2 million for Crane- or Derrick-Suspended Personnel Platforms, \$8.4 million for Ladders and Stairways, and cost savings of \$5.9 million for Scaffolds, \$17 million for Fall Protection, and \$15.9 million for Subpart K—Electrical Construction. The net incremental impact of these proposed actions along with this action would be an annual cost savings of \$8 million.

On March 31, 1983, the Office of Management and Budget (OMB) published a new 5 CFR Part 1320, implementing the information collection provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq. [48 FR 13666]). Part 1320, which became effective on April 30, 1983, sets forth procedures for agencies to follow in obtaining OMB clearance for information collection requirements in proposed and final rules. In particular, 1320.13 requires agencies to submit information requirements contained in proposed rules to OMB not later than the date of publication of the proposal in the *Federal Register*. It also requires agencies to include a statement in the notice of proposed rulemaking, indicating that such information requirements have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act.

In accordance with the provisions of the Paperwork Reduction Act and the regulations issued pursuant thereto, OSHA certifies that it has submitted the justification for the information

collection requirements contained in its proposed standard for Concrete and Masonry Construction to OMB for review under section 3504(h) of that Act. The standard's only recordkeeping requirement is for maintenance of formwork plans at the job site. This requirement is a part of the existing standard and has a current OMB clearance number (1218-0095).

Comments on this information collection requirement may be submitted by interested parties to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for OSHA.

Statement of the Problem and Summary of Industry Profile

The existing standards governing safety hazards associated with concrete and masonry construction in Subpart Q of 29 CFR Part 1926 were adopted in 1971 with only minor revisions since that time. A number of factors have lead OSHA to propose revisions to Subpart Q at this time. First, the requirements of the standard are complicated and confusing as a result of the incorporation by reference of the American National Standards Institute (ANSI) standard for concrete, formwork and shoring (ANSI A10.9-1970). The ANSI standard, in turn, references that of the American Concrete Institute (ACI No. 347). Thus, the contractor who wishes to comply with OSHA regulations would need to refer to up to three overlapping, and possibly conflicting, sets of rules. To further complicate matters, Subpart Q only requires that any equipment and materials that are used meet ANSI standards not that the equipment itself be used. Moreover, both ANSI and ACI have updated their standards but the existing Subpart Q still refers to the old ANSI standard.

In addition to these difficulties, Subpart Q is becoming increasingly out of date, creating gaps in coverage. Hazards associated with the collapse of masonry walls have never been adequately covered. Newer technologies, such as the use of precast concrete, are not addressed by the standard, and new techniques for in-place testing of concrete are inadequately considered.

A final difficulty has been that Subpart Q's requirements for formwork design and removal have been very narrowly interpreted by Administrative Law Judges. The standard requires that they be adequate during the placement of concrete. This has been interpreted to mean that formwork that collapsed immediately before or after placement was not in violation of the standard.

For all these reasons, OSHA proposes to revise Subpart Q at this time. The four major purposes of the revisions are to clarify and simplify the standard, to cover inadequately addressed hazards, to revise or delete provisions found not to address serious hazards, and to incorporate recent advances in concrete construction technology.

Concrete and masonry work occurs across a broad range of four-digit Standard Industrial Classification (SIC) codes within the construction industry. OSHA has determined that the proposal would affect most of SIC 15 (Building Construction) and SIC 16 (Construction Other Than Buildings). In SIC 17, SICs 1741 (Masonry), 1751 (Carpentering), 1771 (Concrete Work), 1794 (Excavation and Foundation Work), and 1799 (Special Trade Contractors not Elsewhere Classified) would also be affected. OSHA has assumed that virtually all firms with paid employees within these affected SIC's would be affected by the standard, although this is doubtlessly an overestimate, particularly for special trade contractors. There were 311,749 firms in these SIC's in 1977, and OSHA estimates that the number has increased to about 351,000 in 1983, based on a 2 percent growth rate.

OSHA has also estimated the amount of construction that would be affected by the proposal. The proposal is estimated to affect about 13.7 percent of total new construction, or about \$32 billion in 1983. OSHA has also estimated the affected population in several ways. The best estimate of the population potentially at risk is about 374,000 full-time equivalent workers in 1983, with an assumed increase of 1.9 percent annually. This is also likely to be an overestimate of actual exposure since it is recognized that not all of these workers would be exposed to all hazards of concrete work all of the time.

Feasibility and Benefits

OSHA has determined that the proposal would be technologically feasible. No new equipment is required in order to comply, and in most cases, the new requirements simply mandate what is current industry practice for the majority of firms.

Benefits from the revisions would accrue to those workers who are at risk from the hazards of concrete construction. OSHA has estimated this affected population in several ways. The best estimate of the population potentially at risk is 373,614 full-time equivalent workers in 1983, although not all of these workers would be exposed to all hazards of concrete work all the time.

The proposed standards would be more protective than is the current standard. Moving from current practices to full compliance with the present Subpart Q would prevent an estimated 10 fatalities and 2,797 lost workday injuries. Full compliance with the proposal would prevent an additional 13 fatalities and 508 lost workday injuries.

For illustrative purposes, OSHA has valued these benefits based on a range of willingness-to-pay estimates found in the available economic literature centering on a value of \$3.5 million for a fatality avoided. The results indicate that at the midpoint value annual benefits from full compliance with the current standard would be \$127.4 million. Incremental benefits from the proposal would provide an additional \$62.1 million, yielding total annual benefits of \$189.5 million for full compliance with the proposed standard.

In view of the subjective nature of the value of life estimates selected as the basis for calculating the benefit a sensitivity analysis was conducted. A value of \$2 million was used as the low end of the range and \$5 million as the high end, with the values for lost workdays and non-lost workday injuries held constant at \$32,000 and \$600 respectively. This produced annual incremental benefits ranging from \$42.6 to \$81.6 million and total benefits ranging from \$155 to \$224 million for full compliance with the proposal. Even if the low end of this range were the more appropriate value to use in estimating the benefits to be realized from this proposal there would still be first year incremental benefits 2.6 times the incremental costs of the proposal. Moreover, the value attached to fatalities is not the decisive factor in the proposal's cost-effectiveness in that the lost workday injuries avoided under the proposal taken alone are \$16.6 million in the first year and in excess of the cost. The main effect of increases in the value attributed to fatalities prevented, therefore, is to produce a more favorable ratio of benefits to costs. It would not, however, change the conclusion as to the cost-effectiveness of the proposal as a whole.

Costs of Compliance

As a first step, OSHA estimated the increased costs of compliance in going from existing work practice to full compliance with the existing standards. On that basis, OSHA estimated that the annualized costs of full compliance with the current standard would be approximately \$11 million. OSHA estimated that full compliance with the proposal, net of any savings, would cost

an additional \$16.3 million. The total cost of going from current practice to full compliance with the proposal would be \$27.4 million.

Regulatory Flexibility and International Trade Impacts

Full compliance with either standard would generate only minor economic impacts. The industry most affected by the proposal would be SIC 1741, Masonry and Stonework. A full passthrough of costs by this industry could result in as much as a 2-4 percent increase in its costs, and output and profits might decline by about 3 percent. No other industry would experience cost increases as much as one fifth this large.

Due to the large number of relatively small construction firms, it is expected that the proposal may affect a substantial number of small entities, but will not have a significant economic impact. There appear to be no economies of scale in compliance and no requirements for sophisticated or expensive technology that could place small firms at a disadvantage. Because the cost impacts would be largest on SIC 1741, OSHA has computed the impact of the proposal by firm size for this industry. The smallest size class of firms, those with fewer than nine employees, would experience an average cost increase of \$175 per firm per year—the smallest of any size class of firms. In addition, the proposal would have no adverse effect upon international trade.

Environmental Impact Assessment— Finding of No Significant Impact

This proposal has been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4231 et seq.), the guidelines of the Council on Environmental Quality (CEQ) (40 CFR Part 1500), and OSHA's DOL NEPA Procedures (29 CFR Part 11). As a result of this review, the Assistant Secretary for OSHA has determined that the proposed rule would have no significant environmental impact.

The proposed revisions consist primarily of work practices and procedures, including requirements for reinforcing steel, concrete placement, equipment, formwork, precast concrete, and masonry construction. In addition the revisions include a clarification of the language of the subpart to eliminate ambiguities, uninformative provisions, and redundancies found in the existing standards. To the extent that the proposed safety procedures are in place and integrated into daily construction operations, the potential for occupational accidents and injuries will

be reduced and the safety of the workplace will be enhanced. The proposed changes will not affect the environment outside the workplace and are generally excluded under Subpart B, Section 11.10 of the DOL NEPA Regulations (29 CFR Part 11) because they are unlikely to influence air, water or soil quality, plant or animal life, the use of land or other aspects of the environment.

Although activities in the vicinity of construction work as well as the disposal of materials removed from construction sites may tend to impact on the local environment, there is no reason to believe that there will be any adverse impacts on air, water or soil quality beyond what will ordinarily occur from such construction operations. That is, the proposed revisions will not alter the nature of these operations, nor further affect the makeup or disposal of the material generated or removed during concrete and masonry construction work.

Based on this and other information presented in this Notice, OSHA concludes that this proposal will not significantly impact on the external environment. OSHA, of course, reserves the right to evaluate this determination based on additional data and evidence that may be presented in response to this proposed action.

VI. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposal. The comments must be postmarked by November 15, 1985, and submitted in quadruplicate to the Docket Officer, Docket No. S-301A, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637, 200 Constitution Avenue NW., Washington, D.C. 20210.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding.

Additionally, under section 6(b)(3) of the OSH Act (29 U.S.C. 657), section 107 of the Construction Safety Act (41 U.S.C. 333), and 29 CFR 1911.11, interested persons may file objections to the proposal and request an informal hearing. The objections and hearing requests should be submitted in quadruplicate to the Docket Officer at the address above and must comply with the following conditions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked by November 15, 1985;

3. The objections must specify with particularity the provisions of the proposed rule to which each objection is taken and must state the grounds therefor;

4. Each objection must be separately stated and numbered; and

5. The objections must be accompanied by a detailed summary for the evidence proposed to be adduced at the requested hearing.

VII. State Plan Requirements

The 25 States with their own OSHA-approved occupational safety and health plans must revise their existing standard within six months of the publication date of the final standard or show OSHA why there is no need for action, e.g., because an existing State standard covering this area is already "at least as effective" as the revised Federal standard. These States are: Alaska, Arizona, California, Connecticut, (State and local government workers only), Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York, (State and local government workers only), North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming.

List of Subjects in 29 CFR Part 1926

Construction safety, Occupational safety and health, Concrete placement, Formwork, Precast concrete, Masonry construction.

VIII. Authority

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third and Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96, 40 U.S.C. 333), Secretary of Labor's Order No. 9-83 (48 FR 35736), and 29 CFR Part 1911, it is proposed to amend Part 1926 of Title 29 of the Code of Federal Regulations as set forth below.

Signed at Washington, D.C., this 10th day of September, 1985.

Patrick R. Tyson,
Acting Assistant Secretary of Labor.

PART 1926—[AMENDED]

1. The authority citation for Part 1926 is revised to read as follows:

Authority: Sec. 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), sec. 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96, 40 U.S.C. 333), Secretary of Labor's Order No. 9-83 (48 FR 35736, August 5, 1983), and 29 CFR Part 1911.

2. Part 1926 would be amended by revising Subpart Q to read as follows:

Subpart Q—Concrete, Concrete Forms and Shoring

Sec.

- 1926.700 Scope, application, and definitions.
- 1926.701 General requirements.
- 1926.702 Reinforced steel.
- 1926.703 Concrete placement.
- 1926.704 Equipment.
- 1926.705 Formwork.
- 1926.706 Precast concrete.
- 1926.707 Masonry construction.

Appendix A—Reference Documents.

Subpart Q—Concrete, Concrete Forms and Shoring

§ 1926.700 Scope, application, and definitions.

(a) *Scope and Application.* This Subpart contains procedural, equipment, and material requirements to eliminate or control employee exposure to the hazards of concrete and masonry construction. The hazards of concrete and masonry construction covered by this subpart include:

- (1) Improperly Constructed Formwork
- (2) Premature Removal of Forms
- (3) Inadvertent Operation of Equipment
- (4) Failure to use Personal Protective Equipment
- (5) Failure to Guard Equipment
- (6) Failure to Support Precast Concrete Panels and Masonry Walls

(b) *Definitions.*

(1) "Formwork" means the total system of support for freshly placed concrete, including the mold or sheeting that contacts the concrete as well as all supporting members, hardware, and bracing.

(2) "Lift slab" means a method of concrete construction in which floor and roof slabs are cast on or at ground level and hoisted into position by jacking.

(3) "Precast concrete" means a concrete member which is formed, cast, and cured prior to placement in the structure.

(4) "Reshoring" means the construction operation in which the original shoring is removed and replaced in such a manner as to prevent collapse of the concrete structure.

(5) "Shore" means a supporting member that resists a compressive force imposed by a load.

(6) "Vertical slip forms" means forms which are jacked vertically and

continuously during placement of the concrete.

§ 1926.701 General Requirements

Construction loads shall not be permitted on the partially completed structure unless such loading has been approved by the engineer or architect.

§ 1926.702 Reinforcing steel.

(a) Employees shall not be permitted to work above vertically protruding reinforcing steel unless: (1) The reinforcing steel has been protected to eliminate the hazard of impalement or; (2) The employees are protected from the hazard of impalement by the use of a fall protection system.

(b) Employees placing and tying reinforcing steel more than six feet (1.8m) above any adjacent working surfaces shall be protected by the use of a safety belt, or equivalent protection.

(c)(1) Reinforcing steel for walls, piers, columns, and similar vertical structures shall be laterally supported to resist overturning forces.

(2) The lateral supports for reinforcing steel shall be capable of withstanding the forces that will be applied to them during construction.

(d) Wire mesh rolls shall be secured at each end to prevent recoiling action.

§ 1926.703 Concrete placement.

(a) Employees shall not ride concrete buckets.

(b) Vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(c) Nozzlemen applying a cement, sand, and water mixture through a pneumatic hose shall be required to wear protective head and face equipment.

§ 1926.704 Equipment.

(a) Bulk storage bins, containers, or silos shall be equipped with: (1) Conical or tapered bottoms; and (2) mechanical or pneumatic means of starting the flow of material.

(b) The ejection system of storage facilities shall be shut down and locked out whenever the placement of an employee inside the facilities cannot be avoided.

(c) Concrete mixers equipped with one cubic yard (.8m³) or larger loading skips shall be equipped with: (1) A mechanical device to clear the skip of material; and (2) guardrails installed on each side of the skip.

(d) Powered and rotating-type concrete troweling machines that are manually-guided shall be equipped with a control switch that will automatically shut off the power whenever the operator removes his hands from the equipment handles.

(e) Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

(f) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for 100 percent overload.

(g) Compressed air hoses used in concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(h) Concrete buckets equipped with hydraulic or pneumatically-operated gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(i) Concrete buckets shall be designed to prevent concrete from hanging up on the top and the sides.

(j) Sections of tremies and similar concrete conveyances shall be secured with wire rope or equivalent in addition to the regular couplings or connections.

(k) Equipment, such as compressors, mixers, screens, and cement pumps, shall be locked out and tagged prior to making repairs.

§ 1926.705 Formwork.

(a) *General requirements.* (1) Formwork shall be designed, fabricated, erected, supported, braced and maintained so that it will support all vertical and lateral loads that may be imposed.

(2) Drawings or plans for the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.

(3) Whenever reinforcing steel, materials, or equipment is stored on top of formwork, these areas shall be strengthened to support the superimposed load.

(b) *Vertical Slip Forms.* (1) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be: (i) Specifically designed for the purpose; and (ii) adequately braced where not encased in concrete.

(2) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(3) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to support the slip forms whenever failure of the power supply or the lifting mechanism occurs.

(4) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.

(5) Lateral and diagonal bracing of the forms shall be provided to prevent

excessive distortion of the structure during the jacking operation.

(6) The form structure shall be maintained in line and plumb during the jacking operation.

(7) All vertical slip forms shall be provided with scaffolding or work platforms where employees are required to work or pass.

(c) *Shoring.* (1) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load.

(2)(i) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the formwork plans.

(ii) Shoring equipment found to be damaged shall not be used for shoring.

(3)(i) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete.

(ii) Shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored.

(4) All base plates, shore heads, extension devices, and adjustment screws shall be in firm contact with the foundation and the form.

(5) The layout for single post shores shall be designed and inspected by a structural engineer whenever single post shores are used in more than one tier.

(6) Eccentric loads on shore heads and similar members shall be prohibited unless they have been designed for such loading.

(d) *Removal of Forms and Shores.*

Forms and shores shall not be removed (except for slabs on grade and slip forms) until: (1) The formwork and shoring has been in place for the length of time and under the conditions specified in Table 1; or unless (2)(i) the concrete has been properly tested with an appropriate ASTM standard test method designed to indicate the concrete compressive strength and (ii) the test results indicate that the concrete has gained sufficient strength to support its weight and superimposed loads.

TABLE Q-1.—MINIMUM PERIOD OF TIME BEFORE REMOVAL OF FORMS AND SUPPORTS^{1,2}

A. Walls ³	12 hours.
B. Columns ³	12 hours.
C. Sides of beams and girders ³	12 hours.
D. Pan Joist forms: ⁴	
30 inches (76.2 cm) wide or less	3 days.
Over 30 inches (76.2 cm) wide	4 days.
E. Post-tensioned slab system	As soon as full post-tensioning has been applied.

Where design live load is:

Less than dead load	More than dead load
14 days	7 days.

F. Arch centers 14 days 7 days.

TABLE Q-1.—MINIMUM PERIOD OF TIME BEFORE REMOVAL OF FORMS AND SUPPORTS^{1,2}—Continued

G. Joist, beam, or girder soffits:	
Under 10 feet (3.0 m) clear span between structural supports.	7 days ⁵ 4 days.
10 feet (3.0 m) to 20 feet (6.1 m) clear span between structural supports.	14 days ⁵ 7 days.
Over 20 feet (6.1 m) clear span between structural supports.	21 days ⁵ 14 days.
H. One way floor slab:	
Under 10 feet (3.0 m) clear span between structural supports.	4 days ⁵ 3 days.
10 feet (3.0 m) to 20 feet (6.1 m) clear span between structural supports.	7 days ⁵ 4 days.
Over 20 feet (6.1 m) clear span between structural supports.	10 days ⁵ 7 days.

¹ This table is reproduced from American Concrete Institute's Recommended Practice for Concrete Formwork (ACI 347.78).

² The periods of time in table 1 represent cumulative number of days, or hours, not necessarily consecutive, during which the temperature of the air surrounding the concrete is above 50 °F (10 °C).

³ Whenever forms for walls, columns, or the sides of beams and girders also support formwork for slab or beam soffits, the removal times for the slab or beam soffits shall govern.

⁴ The removal times for pan joist forms are for the type which can be removed without disturbing forming or shoring.

⁵ Whenever the forms for joist, beam, or girder soffits may be removed without disturbing shores and the design live load is less than dead load, one-half of the values shown may be used but not less than three days.

(e) *Reshoring.* (1) Reshores shall be erected after the removed of forms to transfer loads to other members whenever the concrete is required to support loads in excess of its capacity.

(2) Reshores shall not be removed until the concrete being supported has attained adequate strength to support all loads imposed upon it.

§ 1926.706 Precast concrete.

(a) *General Requirements.* (1) Precast concrete wall units, structural framing, or tilt-up wall panels shall be laterally supported to resist overturning forces until permanent connections are completed.

(2) The lateral supports for precast concrete wall units, structural framing, or tilt-up wall panels shall be capable of withstanding a load of 15 pounds per square foot (73.2 Kg./M²) applied to these units.

(3) Employees shall not be permitted under precast concrete members being lifted or tilted into position.

(4)(i) The lifting inserts for tilt-up precast concrete members shall be capable of supporting at least two times the maximum intended load applied or transmitted to them.

(ii) Other types of lifting inserts for precast concrete members shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(b) *Lift slab operations.* (1) The threaded rods and other members that

transmit loads to their jacks shall be capable of supporting at least two and one-half times the maximum intended load applied or transmitted to them.

(2) Jacks shall be installed and designed so that they will not continue to lift when overloaded.

(3) Jacking operations shall be synchronized in such a manner to insure even and uniform lifting of the slab.

§ 1926.707 Masonry construction.

(a) *General Requirements.* (1) Masonry walls shall be laterally supported to resist horizontal forces where such walls are incapable of withstanding the forces that will be applied to them during Construction.

(2) The lateral supports for masonry walls shall be capable of withstanding a load of 15 pounds per square foot (73.2 Kg./M²) applied to the wall.

(b) *Equipment.* (1) Masonry saws shall be guarded with: (i) a semicircular enclosure over the blade; and (ii) a slotted horizontal hinged bar mounted underneath the guard enclosure to retain fragments of shattered blades.

Appendix A—Reference Documents

The following references provide information which can be helpful in understanding and complying with the requirements contained in Subpart Q.

- Recommended Practice for Concrete Formwork (ACI 347-78).
- Building Code Requirements for Reinforced Concrete (ACI 318-83).
- Safety Requirements for Concrete and Masonry Work (ANSI A10.9-1983).
- Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens (ASTM C803-82).
- Standard Test Method for Penetration Resistance of Hardened Concrete (ASTM C803-82).
- Standard Test Method for Pullout Strength of Hardened Concrete (ASTM C900-82).
- Standard Test Method for Compressive Strength of Concrete Cylinders Cast In-Place in Cylindrical Molds (ASTM C873-80).
- Accident Prevention Manual for Industrial Operations Seventh Edition: National Safety Council.

[FR Doc. 85-22129 Filed 9-13-85; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 204 and 207

Naval Danger Zones and Restricted Areas, Vicinity of Norfolk and Virginia Beach, VA

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Navy has requested that several regulations which establish danger zones and a restricted area in the Norfolk-Virginia Beach, Virginia area be amended as follows: (1) Change the title of § 204.50 to remove an obsolete command title, (2) Amend §§ 205.51a and 204.52 to allow for nighttime uses of the ranges within the danger zones, and (3) Amend § 207.155 by enlarging the restricted area boundaries to incorporate government owned lands. These amendments are necessary to meet changing conditions at those areas.

DATE: Comments must be submitted on or before October 16, 1985.

ADDRESS: HQDA, DAEN-CWO-N, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Harrel (804) 441-3653 or Mr. Ralph Eppard (202) 272-0199.

SUPPLEMENTARY INFORMATION: The Commander, U.S. Naval Base, Norfolk, VA., has found that the restricted area established in 33 CFR 207.155 does not encompass the entire pier area at the Naval Station, Norfolk, and has requested an expansion of the restricted area. The Commander has also requested the title of 33 CFR 204.50 be changed from "Chesapeake Bay off Fort Monroe, VA; restricted area, U.S. Naval Base and Naval Ordnance Laboratory" to "Chesapeake Bay off Fort Monroe, VA; restricted area, U.S. Naval Base and Naval Surface Weapon Center."

The Commanding Officer, Fleet Combat Training Center, Atlantic, has requested the regulations which establish danger zones in 33 CFR 204.51a and 33 CFR 204.52 be amended to allow for nighttime use of the ranges.

Note.—This proposed regulation is issued with respect to a military function of the Defense Department, is not a major rule within the meaning of Executive Order 12291, and accordingly, the provisions of Executive Order 12291 do not apply. The Corps of Engineers also certifies that this regulation would not have a significant economic impact on a substantial number of entities and thus does not require preparation of regulatory flexibility analysis.

List Subjects in 33 CFR Part 204 and Part 207

Navigation, Navigation (water), Water transportation, Waterways.

Accordingly, 33 CFR Parts 204 and 207 are amended as follows:

PART 204—DANGER ZONE REGULATIONS

1. The authority for Part 204 continues to read as follows:

Authority: 40 Stat. 266; 33 U.S.C. 1 and 40 Stat. 892; 33 U.S.C. 3.

2. Section 204.50 is amended by revising the heading to read as follows:

§ 204.50 Chesapeake Bay off Fort Monroe, VA; restricted area, U.S. Naval Base and Naval Surface Weapon Center.

3. Section 204.51a is amended by revising paragraph (b) *The regulations*, as follows:

§ 204.51a Atlantic Ocean south of entrance to Chesapeake Bay off Dam Neck, VA, naval firing range.

(b) *The regulations.*

(1) Vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purposes of transit.

(2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. During periods of darkness, red lights will be visible on the beach.

(3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(4) Lookout posts will be maintained by the Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, VA.

(5) There shall be no firing on any ranges during periods of low visibility which would prevent the recognition of a vessel (to a distance of 5000 yards) which is properly displaying navigational lights.

(6) The regulations in this section shall be enforced by the Commanding Officer, Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, VA., and such agencies as he/she may designate.

4. Section 204.52 is amended by revising paragraph (b) *The regulations*, as follows:

§ 204.52 Atlantic Ocean south of entrance to Chesapeake Bay; Firing range.

(b) *The regulations.* (1) Vessels shall proceed through the area with caution and shall remain therein no longer than necessary for the purposes of transit.

(2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. During periods of darkness, red lights will be visible on the beach.

(3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(4) Lookout posts will be maintained by Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, Va.

(5) There shall be no firing on any ranges during periods of low visibility

which would prevent the recognition of a vessel (to a distance of 14,000 yards) which is properly displaying navigational lights.

PART 207—NAVIGATION REGULATIONS

5. The authority for Part 207 continues to read as follows:

Authority: 40 Stat. 266; 33 U.S.C. 1.

6. Section 207.155 is amended by revising paragraph (a) *The area*, introductory text, and paragraph (b)(2) as follows:

§ 207.155 Hampton Roads and Willoughby Bay, off Norfolk Naval Base; naval restricted area.

(a) *The area.* Beginning at a point on shore at the Destroyer Submarine Piers at latitude 36 56'00", longitude 76 19'30"; thence westerly to latitude 36 55'59", longitude 76 20'08.5"; thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36 57'52", longitude 76 20'00", thence easterly to latitude 36 57'52", longitude 76 19'35"; thence to latitude 36 57'47.7", longitude 76 18'57"; thence southeasterly to latitude 36 57'26", longitude 76 18'42" thence easterly to latitude 36 57'26.2", longitude 76 17'55.2"; thence southerly to latitude 36 57'05", longitude 76 17'52", thence southeasterly to latitude 36 56'56.2", longitude 76 17'27"; thence northerly to latitude 36 57'10", longitude 76 16'29"; and thence to the shoreline at latitude 36 57'18.8", longitude 76 16'22" at the Naval Air Station.

(b) *The regulations.* * * *

(2) This section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he/she may designate.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 85-22116 Filed 9-13-85; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8370

Use Authorizations; Amendment to the Appeals Provisions of the Regulations for Special Recreation Permits Other Than on Developed Sites

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Rulemaking.

SUMMARY: This proposed rulemaking would amend § 8372.6(b) to provide that

only certain decisions of the authorized officer will remain in effect pending appeal of such decision. This change would provide that only those decisions affecting competitive uses and events would be fully effective during appeal rather than all decisions made pursuant to subpart 8372 as is provided in the existing regulations. The proposed rulemaking would also clarify where a request for a stay of those decisions that are fully effective should be filed.

DATE: Comments should be filed by November 15, 1985. Comments received or postmarked after this date may not be considered in the decisionmaking process on the issuance of a final rulemaking.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, Room 5555, Main Interior Bldg., 1800 C Street, N.W., Washington, D.C. 20240

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Bruce Brown, (202) 343-9353
Robert C. Bruce, (202) 343-8735

SUPPLEMENTARY INFORMATION: Section 8472.6(b) was amended by a final rulemaking that was published in the *Federal Register* of August 29, 1984 (49 FR 34338). The amendment provided that all decisions issued pursuant to subpart 8372, which covers the issuance of special recreation permits, other than those for developed sites, would remain in effect during the pendency of an appeal of those decisions unless the Secretary of the Interior ruled otherwise. This provision was put in the regulations to prevent frivolous appeals from stopping an authorized and legitimate use of the public lands. However, the section further provided that an aggrieved party could petition for a stay of the decision pending an appeal. A careful analysis of operations under the regulations during the year the provision has been in effect shows that only those decisions authorizing competitive uses and events need to be effective pending appeal. The provision is not necessary for all other special recreation use

permits. The provision is needed for competitive uses and events because these uses involve long range plans and investment of time, money and effort on the part of permittees and a permittee should, once a permit has been issued, be allowed to proceed unless a complaining party files a petition for a stay and shows to the satisfaction of the Office of Hearings and Appeals a significant reason for staying the decision to issue a permit.

The proposed rulemaking would make all special recreation permits, except competitive uses and events, subject to the provisions of 43 CFR Part 4.21(a), which provides an automatic stay for all but a very limited number of decisions of Department of the Interior during the pendency of an appeal. Thus, an appeal of a decision involving a special recreation permit, other than for competitive uses and events, would automatically stay that decision until the appeal has been acted on by the Office of Hearings and Appeals.

In addition, there has been some confusion about where a request for a stay pending appeal should be filed. The proposed rulemaking would remove this doubt by providing that a request for a stay shall be filed with the Director, Office of Hearings and Appeals. This office is part of the Office of the Secretary of the Interior.

The principal author of this proposed rulemaking is Robert C. Bruce, Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and 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.).

The changes made by this proposed rulemaking will equally affect all members of the public affected by a

decision of the Bureau of Land Management regarding the issuance of special recreation permits other than on developed sites.

There are no additional information collection requirements contained in this proposed rulemaking that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 43 CFR Part 8370

Public land—recreation, Recreation areas, Surety bonds.

Under the authority of 43 U.S.C. 1201, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Oregon and California Railroad and Coos Bay Wagon Road Grant Land Act (43 U.S.C. 1181a), the Act of September 15, 1960, as amended (16 U.S.C. 670g-n), the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460/-6a) and the National Trails System Act (16 U.S.C. 1241 et seq.), it is proposed to amend subpart 8372, Part 8370, Group 8300, Subchapter H, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

PART 8370—[AMENDED]

1. The authority citation for part 8370 continues to read:

Authority: 16 U.S.C. 460(l-6a), 16 U.S.C. 670(g-n), 16 U.S.C. 1271-1287, 6 U.S.C. 1241-1249, 43 U.S.C. 1181(a), 43 U.S.C. 1201, 43 U.S.C. 1701 et seq.

§ 8372.6 [Amended]

2. Section 8372.6(b) is revised to read:

(b) All decisions of the authorized officer relating to the issuance of a permit for a competitive use or event shall remain effective pending appeal unless the Secretary rules otherwise. Petitions for stay of such decisions shall be filed with the Office of Hearings and Appeals, Department of the Interior. All other decisions of the authorized officer under this subpart shall be subject to the provisions of § 4.21(a) of this title.

Dated: February 13, 1985.

Leona A. Power,

Acting Assistant Secretary of the Interior.
[FR Doc. 85-22047 Filed 9-13-85; 8:45 am]

BILLING CODE 4310-84-M

Notices

Federal Register

Vol. 50, No. 179

Monday, September 16, 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

Commodity Credit Corporation

1985 Tobacco Price Support Levels

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of Determination of 1985 Tobacco Price Support Levels.

SUMMARY: The purpose of this Notice of Determination is to announce the levels of price support for all eligible kinds of tobacco (except flue-cured) for the 1985 marketing year. The levels of price support for these kinds of tobacco are made in accordance with section 106 of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT:

Robert H. Miller, (202) 447-8839 or Robert Tarczy, (202) 447-5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1, and has been classified as "not major." The provisions of this notice will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice

applies are: Title—Commodity Loans and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The determinations set forth in this notice have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from tobacco producers and other interested persons pursuant to a Notice of Proposed Determination which was published on April 17, 1985 (50 FR 15200).

Discussion

Price support is required to be made available for each crop of a kind of tobacco for which marketing quotas are in effect or for which marketing quotas have not been disapproved by producers at a level which is determined in accordance with a formula prescribed in section 106 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445). Section 106(f)(2) provides that the support level for the 1985 crop of flue-cured tobacco shall be the level in cents per pound at which the 1982 crop was supported if the support level otherwise determined under section 106(b) for the 1985 crop would not be more than 5 percent greater than the support level determined under section 106(b) for the 1984 crop. Since the support level determined under section 106(b) for the 1985 crop was only 2.8 percent higher than for the 1984 crop, the 1985 support level must equal the 1982 support level, which was 169.9 cents per pound.

Section 106(f)(3) provides that, with respect to the 1985 crop of any kind of tobacco (other than flue-cured and burley tobacco) for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers, the Secretary of Agriculture shall establish the support price at such level as will not narrow the normal price support differential between flue-cured tobacco and such other kind of tobacco.

Section 106(f)(3) requires that, in determining the 1985 levels of price support for all kinds of tobacco (except flue-cured and burley), the Secretary shall take into consideration for each kind of tobacco the cost of production, supply and demand factors, the comments received in response to the public notice of the proposal, and other relevant factors as the Secretary deems appropriate.

Section 106(f)(4) provides that the level of support for the 1985 crop of burley tobacco shall be the level in cents per pound at which the 1984 crop was supported, adjusted by the difference (plus or minus) between the 1985 "basic support level" and the 1984 "basic support level". See the notice published at 50 FR 15201.¹ However, section 106(d) of the 1949 Act further provides that the Secretary of Agriculture may reduce the level of support which would otherwise be established for any grade of burley tobacco which the Secretary determines will likely be in excess supply. However, in making the reduction in the level of support, the weighted average of the level of support for all eligible grades of such tobacco must, after such reduction, reflect not less than (1) 65 percent of the increase in the support level for such kind of tobacco which would otherwise be established under section 106 of the 1949 Act if the support level is higher than the support level for the preceding crop, or (2) the support level for such kind of tobacco established under section 106 if the support level therefor is not higher than the support level for the preceding crop. Before any such reduction is made, the Secretary must consult with the

¹ The average parity indexes for 1982, 1983, and 1984 have been revised slightly; however, the resulting basic support level remains unchanged from that basic support level set forth in the notice of proposed determination.

associations handling price support loans and consideration must be given to the supply and anticipated demand of such tobacco, including the effect of such reduction on other kinds of quota tobacco. In determining whether the supply of any grade of any kind of tobacco of a crop will be excessive, the Secretary shall take into consideration the domestic supply, including domestic inventories, the amount of such tobacco pledged as security for price support loans, and anticipated domestic and export demand, based on the maturity, uniformity and stalk position of such tobacco.

A detailed analysis of the key factors used in determining the support level for each kind of tobacco for the 1985 marketing year is set forth in the following table:

Kind and type	See footnotes for explanation of columns				
	(1)	(2)	(3)	(4)	(5)
Burley, type 31	3.67	20.1	12.9	35.3	0.90
Virginia fire-cured, type 21	3.16	0.6	9.2	35.1	.90
Kentucky-Tennessee fire-cured, types 22-23	3.02	8.0	38.0	13.8	.90
Dark air-cured, types 35-36	4.11	0.7	31.3	32.6	.85
Virginia sun-cured, type 37	4.75	1.4	5.6	20.0	.90
Cigar filler and binder, types 42-44, 54-55	3.91	-9.3	21.3	18.5	1.0
Puerto Rican filler, type 46	5.75	-2.0	4.0	89.5	NA

¹ Estimated 1984 supply-use ratio.
² The amount, in cents per pound, that the 1984 support level exceeds the 1985 estimate of cost of production.
³ The amount, in cents per pound, that the projection of 1985 grower price exceeds the 1984 support level.
⁴ The percentage of tobacco pledged as collateral for CCC-loans compared to 1984 total ending stocks.
⁵ 1985 national quota factor.

During the comment period, a total of 21 comments were received from farmers, members of the trade (including associations), farm groups, and State Departments of Agriculture.

Of the five comments received which pertained to the support level for the 1985 crop of burley tobacco, 4 desired the minimum increase in the support level allowed by statute while 1 comment recommended a decrease in the support level for 1985. All who commented pointed to the oversupply of burley tobacco.

Under section 106 of the 1949 Act, the increase in the price support level for burley may be limited to 65 percent of the difference between the "basic support levels" for the 1984 and 1985 crops of burley tobacco. The difference is 5.7 cents per pound. See the calculations published in the notice at 50 FR 15201.⁴ Supplies of burley tobacco are excessive and the support level currently exceeds the estimated cost of

production. Accordingly, the support level for the 1985 burley tobacco crop will be 178.8 cents per pound, an increase of 3.7 cents per pound (i.e., 65 percent of 5.7 cents) above the 1984 support level.

For all other kinds of tobacco, 16 comments were received. Three comments were received from the three tobacco associations through which CCC price support is made available to producers of dark air-cured tobacco. These comments requested a decrease in the 1985 support level for dark air-cured tobacco. The other 13 comments recommended that support levels for all other kinds of tobacco remain the same. In accordance with Section 106, the normal price support differential between flue-cured tobacco and these kinds of tobacco cannot be narrowed. Since the support levels for these kinds of tobacco are less than the level for flue-cured tobacco, the 1985 support levels are for these kinds of tobacco can be decreased but not increased.

Supplies of these kinds of tobacco range from ample to excessive. However, estimated costs of production for these kinds of tobacco are near or below the respective 1984 price support levels. Accordingly, for all other kinds of tobacco, except dark air-cured, the 1984 levels of price support will remain at their respective 1984 levels. The price support level for the 1985 crop of dark air-cured tobacco will be 1 cent per pound below the support level which was applicable to the 1984 crop. A reduction in the price support level for dark air-cured tobacco is necessary because of the more severe supply-demand imbalance which currently exists with respect to dark air-cured tobacco and is in accordance with the recommendations of the associations through which price support is made available for dark air-cured tobacco.

Determinations

Accordingly, it has been determined that the following support levels will be applicable for the following kinds of 1985-crop tobacco:

Kind and type	Support (Cents per pound)
Burley, type 31	178.8
Virginia fire-cured, type 21	118.8
Kentucky-Tennessee fire-cured, types 22-23	123.0
Dark air-cured, types 35-36	104.7
Virginia sun-cured, type 37	109.4
Cigar filler and binder, types 42-44, 53-55	96.7
Puerto Rican filler, type 46	74.0

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b, 714c); Secs. 101, 106, 401, 403, 406, 63 Stat. 1054, as amended, 74 Stat. 6, as amended, 83 Stat. 1054, as amended, 1055 (7 U.S.C. 1441, 1445, 1421, 1423, 1426).

Signed at Washington, D.C., on September 10, 1985.

John R. Block,

Secretary of Agriculture.

[FR Doc. 85-22119 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-05-m

Forest Service

Blowdown Salvage and Watershed Restoration in the Bull Run Watershed Management Unit, Mt. Hood National Forest, Multnomah and Clackamas Counties, OR; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for assessing the kinds of activities necessary for the rehabilitation of blowdown timber areas in the Bullrun Watershed area of the Columbia Gorge Ranger District. The environmental impact statement will be prepared in accordance with existing approved land and resource management plans.

A range of alternatives, from no treatment to major rehabilitation will be considered. One of the alternatives will be No Action.

Federal, State, local agencies and the City of Portland; potential timber sale purchasers; and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping and planning process. Scoping meeting notices will be mailed to interested individuals or organizations and published in local newspapers. This process will include:

1. Identification of those issues to be addressed.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues, those covered by previous environmental analysis and those issues not within the scope of this decision.
4. Determination of potential cooperating agencies and assignment of responsibilities.
5. Development of an acceptable range of alternatives.
6. Providing information to the responsible official that will aid in the decision making process.

The Forest Supervisor will accept written comments and suggestions during the scoping process. The Columbia Gorge District Ranger or his

staff will also be available to accept comments and suggestions via telephone or in person at the Columbia Gorge Ranger District Office, 503-695-2276.

Richard J. Pflif, Forest Supervisor of the Mt. Hood National Forest is the responsible official.

The analysis is expected to take about 6-9 months. The draft environmental impact statement should be available for public review by July 1986. The final environmental impact statement is scheduled to be completed by January, 1987. This schedule may be revised as work plans are finalized.

Questions about the proposed action and environmental impact statement should be directed to Gene Zimmerman, District Ranger, Columbia Gorge Ranger District, Mt. Hood National Forest, 31520 SE. Woodard Road, Troutdale, Oregon 97009, phone 503-695-2276.

Dated: September 6, 1985.

Norman Arseneault,

Acting Forest Supervisor.

[FR Doc. 85-22074 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Perilla Mountain Watershed, AZ; Intent To Reauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Perilla Mountain Watershed Project, Cochise County, Arizona.

FOR FURTHER INFORMATION CONTACT:

Verne M. Bathurst, State Conservationist, Soil Conservation Service, 201 East Indianola Avenue, Suite 200, Phoenix, Arizona 85012, Telephone 602-241-2247.

SUPPLEMENTARY INFORMATION: A

determination has been made by Verne M. Bathurst that the proposed works of improvement for the Perilla Mountain Watershed Project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Verne M. Bathurst, State Conservationist, at the above address

and telephone number. No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.094, Watershed Protection and Flood Prevention. State and local review procedures for federal and federally assisted programs and projects are available.

Dated: August 21, 1985

Verne M. Bathurst,

State Conservationist.

[FR Doc. 85-22140 Filed 9-13-85; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

Notice of Emergency Meeting

An emergency meeting of the Flue-Cured Tobacco Advisory Committee is scheduled to be held on Friday, September 20, 1985, at 1 p.m., in the Tobacco Division, Agricultural Marketing Service, Laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27608.

Several members of the Committee have requested an urgent meeting to discuss the effect of a growing volume of non-auction sales on the established selling schedules of designated auction markets. These members have expressed concerns that the total volume of auction and non-auction sales could exceed the weekly capacity of the redrying plants and disrupt the orderly marketing of flue-cured tobacco.

The meeting is open to the public. Persons, other than member, who wish to address the Committee at the meeting should contact Lionel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300 12th Street, SW., Washington, D.C. 20250, (202) 447-2567. Written statements should be submitted prior to or at the meeting.

Dated: September 13, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-22260 Filed 9-13-85; 10:07 am]

BILLING CODE 3410-02-M

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights

that a meeting of the Georgia Advisory Committee to the Commission will convene at 3:00 p.m. and adjourn at 6:00 p.m. on October 18, 1985, at the Holiday Inn Downtown, 175 Piedmont Avenue, NE, Ellis Room, Atlanta, Georgia. The purpose of the meeting is to plan for community forum on the status of women in Georgia and a report on the National State Advisory Committee Chairpersons' Conference in June of 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson John Ruffin or Bobby Doctor, Director of the Southern Regional Office, at (404) 221-4391, (TDD 404/221-4391).

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 10, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-22049 Filed 9-13-85; 8:45 am]

BILLING CODE 6335-01-M

North Dakota Advisory Committee; Agenda for Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 10:30 a.m. and adjourn at 1:30 p.m. on September 27, 1985, at the Townhouse Motel, 301 3rd Avenue, Windsor Room, Fargo, North Dakota. The purpose of the meeting is to plan future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Robert Feder, or William Muldrow, Acting Director of the Rocky Mountain Regional Office at (303) 844-2211, (TDD 303/844-3031).

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 10, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-22050 Filed 9-13-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-469-008]

Carbon Steel Wire Rod From Spain;
Final Results of Changed
Circumstances; Administrative Review
and Revocation of Antidumping Duty
Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On June 4, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on carbon steel wire rod from Spain and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment. We received written comments from the petitioners and an importer in this proceeding. After our analysis of those comments, we determine that domestic interested parties are no longer interested in continuation of the order. Therefore, we are revoking the order. In accordance with petitioners' notification the revocation will apply to all carbon steel wire rod from Spain exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or G. Leon McNeill, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:**Background**

On June 4, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 23485) the preliminary results of its changed circumstances administrative review of the antidumping duty order on carbon steel wire rod from Spain (49 FR 46181, November 23, 1984). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of carbon steel wire rod from Spain. Such merchandise is currently

classifiable under item 607.1700 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received written comments from Atlantic Steel Co., Continental Steel Corp., North Star Texas, Inc., and Raritan River Steel Co., the petitioners in this proceeding. We also received a comment on merchandise entered prior to October 1, 1984 from Hansa World Cargo Service, Inc., an importer.

Comment 1: The petitioners claim that our notice of preliminary results does not adequately describe the conditions of their support for the revocation of the antidumping duty order. In that notice, we stated that the petitioners had advised the Department that they (the petitioners) were "no longer interested in" the antidumping duty order. However, petitioners maintain they have no objection to the initiation of proceedings to review and revoke the antidumping duty order only so long as the conditions in their May 9, 1985 letter are satisfied.

Department's Position: Our understanding is that the petitioners are no longer interested, i.e., have no objection to our review and revocation of the antidumping duty order as long as the conditions of their letter are met. We are meeting the conditions of the letter.

Comment 2: The petitioners claimed that there is a discrepancy in the wording between our notice of preliminary results and the terms of the Arrangement Concerning Trade in Steel Products between Spain and the United States ("the Arrangement"). The Arrangement provides that *shipments of Spanish carbon steel wire rod on or after October 1, 1984 will be subject to export ceilings. Our notice provided that "the revocation will apply to all carbon steel wire rod entered, or withdrawn from warehouse, for consumption on or after October 1, 1984."*

The petitioners argue that we should adhere to the Arrangement by making the revocation applicable only to shipments made on or after October 1, 1984.

Department's Position: Since the petitioners' lack of interest in continuation of the antidumping duty order is the basis of the revocation, and since the petitioners have unambiguously stated that their lack of interest in continuation applies only to shipments made on or after October 1, 1984, we are revoking this order with

respect to shipments of Spanish wire rod exported on or after October 1, 1984. Exports prior to October 1, 1984 that are entered, or withdrawn from warehouse, for consumption after that date continue to be subject to the antidumping duty order.

If any interested party chooses to request, in accordance with the Interim Final/Final Rule (50 FR 32556, August 13, 1985), an administrative review for the period immediately preceding October 1, 1984, we will consider arguments that the revocation should affect exports (shipments) prior to October 1 that were entered after October 1.

Comment 3: Hansa argues that the revocation should include merchandise entered prior to October 1, 1984. Hansa states its belief that the Arrangement was negotiated with the understanding that "... all unliquidated, suspended entries would be liquidated at the normal tariff rate."

Department's Position: The Arrangement contains no provision requiring that revocation cover all suspended entries.

Final Results of the Review and Revocation

After review of the comments received, we determine that the domestic interested parties are no longer interested in continuation of the antidumping duty order on carbon steel wire rod from Spain and that the order should be revoked on this basis.

Therefore, we are revoking the order on carbon steel wire rod from Spain effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after October 1, 1984 without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of carbon steel wire rod from Spain which were exported prior to October 1, 1984. The Department will cover entries exported before October 1, 1984, not covered in a prior administrative review, in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: September 4, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-22105 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-05-M

[A-580-405]

Grand and Upright Pianos From the Republic of Korea; Final Determination of Sales at Not Less Than Fair Value

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that grand and upright pianos (pianos) from the Republic of Korea are not being, nor are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-4087.

Final Determination

We have determined that pianos from the Republic of Korea are not being, nor are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). We made fair value comparisons on approximately 82 percent of all sales of Korean pianos to the United States during the period of investigation. We have found that the margins for all companies compared are zero or *de minimis*.

Case History

On September 21, 1984, we received a petition from counsel for Aeolian Pianos, Inc., Baldwin Piano & Organ Co., Kohler & Campbell, Inc. and Sohmer & Co., Inc., on behalf of the U.S. piano industry. In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that pianos from the Republic of Korea 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 Act, and that these imports are materially injuring, or are threatening material injury to, a U.S. industry. After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping

investigation. We notified the U.S. International Trade Commission (ITC) of our action and initiated such an investigation on October 11, 1984 (49 Fed. Reg. 40627). The ITC subsequently found, on November 5, 1984, that there is a reasonable indication that imports of pianos from the Republic of Korea are materially injuring a United States industry.

We presented antidumping duty questionnaires to counsel for two Korean firms, Samick Musical Instruments Mfg. Co., Ltd. (Samick) and Young Chang Akki Co., Ltd. (Young Chang). On January 31, 1985, counsel for the petitioners requested the Department to extend the preliminary determination until not later than April 19, 1985. On February 8, 1985, we granted the request (50 FR 6228). Between March 7 and 18, 1985, we verified questionnaire responses in Los Angeles and Korea. On April 19, 1985, we made a negative preliminary determination (50 FR 16331). On May 16, 1985, we held a hearing to afford interested parties an opportunity to comment on the preliminary determination. On May 17, 1985, counsel for petitioners requested that we postpone the final determination until not later than September 9, 1985. On June 17, 1985 we granted that request (50 FR 26020).

Scope of Investigation

The products covered by this investigation are grand and upright pianos as currently provided for under item numbers 725.0320 and 725.0100, respectively, of the *Tariff Schedules of the United States Annotated*. We investigated sales of these pianos which were made by two Korean producers and sold to the United States during the period of investigation, April 1, 1984, through September 30, 1984. Sales by the firms investigated accounted for approximately 82 percent of all Korean pianos sold to the United States during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value. For Samick and Young Chang we compared United States price based on both purchase price and exporter's sales price with foreign market value based on home market sales.

United States Price

For a portion of the Young Chang and Samick sales, we used the purchase price of the subject merchandise to

represent the United States price, as provided in section 772(b) of the Act, because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price on the f.o.b., c.i.f., or c. & f. price to unrelated purchasers in the United States or to unrelated trading companies for sale to the United States. We made deductions, where appropriate, for inland freight, ocean freight, marine insurance and brokerage charges. For the remainder of the Young Chang and Samick sales we used exporter's sales price to represent the United States price because the merchandise was sold to unrelated purchasers after importation into the United States. For these sales we made additional deductions, where appropriate, for U.S. brokerage, U.S. customs duties, U.S. inland freight and insurance, commissions, credit expenses, discounts, advertising and warranty expenses and other selling expenses incurred in the United States. We made additions to purchase price and exporter's sales price for import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act. We also made an adjustment for indirect taxes imposed upon home market merchandise which have not been collected upon exported merchandise by reason of its exportation to the United States. Section 772(d)(1)(C) also states that the adjustment for indirect taxes be made "but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation." Petitioners proposed a methodology to calculate the relative tax burdens of buyers and sellers in the home market by measuring the relative elasticities of supply and demand for pianos in Korea. Refer to the "Comments" section for a further discussion of this issue.

Foreign Market Value

Sales of such or similar merchandise in the home market were used to represent foreign market value, as provided for in section 773(a)(1)(A) of the Act. We made comparisons between pianos of the same type (grand or upright) and size. Comparisons were made using sales at the same level of trade as the U.S. sales. Calculations for foreign market value were based on delivered or ex-factory, unpacked prices to unrelated purchasers in the home market. Deductions were made, as appropriate, for inland freight. We also made adjustments for differences in

commissions, credit, warranty and advertising expenses, as appropriate. For some home market sales used for comparison to U.S. purchase price, sales commissions were paid in one market and not the other. In these cases we made adjustments for the differences between commissions in the applicable market and indirect selling expenses in the other market, used as an offset to the commissions, in accordance with § 353.15(c) of our regulations. Where we used exporter's sales price, we deducted home market indirect selling expenses to offset U.S. selling expenses. U.S. export packing was added to all home market prices. We also adjusted for physical differences in the merchandise in accordance with section 353.16 of the Commerce Regulations.

In calculating foreign market value, we made currency conversions from Korean Won to United States dollars in accordance with section § 353.36(a)(1) of our regulations, using certified daily exchange rates as furnished by the Federal Reserve Bank of New York.

Verification

We have verified the data used in reaching the final determination in this investigation, by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents.

Comments

Petitioners argue that Congress amended the antidumping law in 1974 to require the Department to take account of the allocation of indirect taxes between sellers and consumers in the home market for purposes of computing dumping margins. Specifically, petitioners contend that section 772(d)(1)(C) of the Act requires the Department to limit the adjustment for indirect taxes not collected or rebated to the amount of those taxes "passed through" to home market consumers of the merchandise under investigation. The source of this requirement, petitioners argue, is the portion of section 772(d)(1)(C) which states: "but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation." Petitioners base their interpretation of this language (the "passthrough clause") on the House Report, which states that "(t)o the extent that the exporter absorbs indirect taxes in his home market sales, no adjustment to purchase price will be made and the likelihood or size of dumping margins will be increased." H.R. Rep. No. 93-571, 93d Cong., 2d Sess. 69(1973). Petitioners

also rely on the Department's statement in *Color Television Receivers From Korea; Final Results of Administrative Review of Antidumping Order*, 49 FR 50420, 50421 (1984), that Congress, in enacting the passthrough clause, intended that the Department measure the amount of the tax absorbed by the seller and limit the adjustment to the amount passed through to home market purchasers.

Petitioners further argue that references in the legislative history of section 772(d)(1)(C) to comparable antidumping and countervailing duty treatment of indirect tax rebates relate only to the requirement that the taxes rebated must have been imposed directly on the export product or its components. Petitioners add that even if Congress intended to achieve some degree of parallel tax treatment under the two laws, the passthrough clause is clear and must be given effect. Finally, petitioners argue that sections 772(d)(1)(C) and (d)(1)(D), when read together, do not evidence Congressional intent to treat only those indirect tax rebates found to be "unfair" under the countervailing duty law as "unfair" for purposes of section 772(d)(1)(C). They argue that Commerce does not have the statutory authority in an antidumping case to address the countervailing duty issue of whether a tax rebate is excessive, and in any event, the reasons for taking account of the taxes under each law are completely different and require different treatment. Petitioners reiterate their argument that Congress desire for comparable treatment of indirect taxes relates only to the requirement that the rebates be directly related to taxes assessed on the exported product or its components.

Respondents argue that Congress did not intend us to use a complex theoretical model such as petitioners propose. Rather, the passthrough clause only requires us to determine whether the taxes are "added to" a pre-tax price base to derive a final home market sale price. The amount of passthrough can be derived by subtracting the pre-sale base price from the final sale price, provided the price after imposition of the tax is not less than the pre-tax base price, as is the case here.

DOC Position

The Department first confronted this issue in its final determinations in *Color Television Receivers from Korea*, 49 FR 7620, 7623-24 (1984), and *Color Television Receivers from Taiwan*, 49 FR 7626, 7631-32 (1984). In those determinations, the Department stated its view that the language of section 772(d)(1)(C) required the Department to

measure tax absorption and to limit the adjustment to United States price to the amount of tax passed through by the producer in the home market. However, the Department also concluded that it was impossible to measure the degree of tax absorption. Therefore, the Department declined to limit the adjustment under section 772(d)(1)(C) to the tax passed through in the home market. The Department adhered to this position in its first section 751 review in *Color Television Receivers from Korea*, 49 FR 50420, 50420-21 (1984).

Upon further reflection, however, we have determined that this earlier interpretation of section 772(d)(1)(C) is incorrect. We do not believe that section 772(d)(1)(C) requires the Department to measure tax absorption in individual cases. Instead, based upon our review of the relevant legislative history, we think that Congress intended merely that in the case of tax rebates, the Department should apply to the antidumping law the same presumptions concerning tax absorption that it applies under the countervailing duty law. Our reasons for this conclusion are as follows.

Congress added the passthrough clause to the antidumping law in the Trade Act of 1974. That Act amended sections 202 and 203 of the Antidumping Act of 1921, which defined purchase price and exporter's sale price, respectively. However, when the Trade Act of 1974 was under consideration, the Treasury Department had a well-established practice concerning the rebate of taxes under the countervailing duty law. Treasury did not regard the non-excessive rebate of final stage indirect taxes (such as the taxes involved in the instant case) or prior stage indirect taxes on physically incorporated inputs as a subsidy. This position was based upon a theory of tax incidence that producers shifted these types of taxes forward so that consumers bore the tax burden. On the other hand, Treasury did consider the rebate of other indirect taxes (i.e. those on inputs not physically incorporated in the final product, often called *taxes occultes*) to be a subsidy, on the theory that producers did not shift these types of taxes forward, but bore the tax burden themselves. See, e.g., *American Express Co. v. United States*, 472 F. 2d 1050 (C.C.P.A. 1973). In addition, Treasury regarded the rebate of direct taxes, such income taxes, as a subsidy, again because of the tax incidence theory that producers bore the tax burden of these types of taxes. At the time, Treasury's practice with respect to tax rebates was known as the "directly

related" test.¹ Congress was aware of the Treasury practice and the assumptions upon which it was based.

However, because of the then-existing language of the antidumping law, there was the potential for different treatment of tax rebates under the antidumping and countervailing duty laws. Sections 203 and 204 allowed an adjustment to purchase price or exporter's sales price for "taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated . . ." (Emphasis added). This provision arguably allowed an addition to purchase price and exporter's sales price for rebates of taxes occulte and direct taxes, both which were (and remain) countervailable practices. In other words, the antidumping law arguably sanctioned a practice which Treasury regarded as unfair under the countervailing duty law.

Treasury proposed legislation to remedy this anomaly. Treasury proposed to amend sections 202 and 203 by substituting the following language:

and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States. . . .

This language would have incorporated into the antidumping law Treasury's directly related test under the countervailing duty law.

Congress ultimately did enact this language in the Trade Act of 1974. However, when the House Ways and Means Committee reported the bill, it included not only the Treasury amendment to sections 202 and 203, but also the passthrough clause. The Committee explained its amendment as follows:

The second amendment deals with the treatment of certain types of tax rebates in computing purchase price. The amendment would conform the standard in the Antidumping Act to the standard under the countervailing duty law, thereby harmonizing tax treatment under the two statutes. However, your committee, in recommending this amendment, does not express approval or disapproval of the standard employed by the Treasury Department in administering the countervailing duty law with regard to the treatment under that law of rebates or remissions of direct and indirect taxes.

With the amendment, no adjustment to the advantage of the foreign exporter would be permitted for indirect tax rebates unless the direct relationship of the tax to the product

being exported, or components thereof, could be demonstrated. Further, an adjustment for such tax rebates would be permitted only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation. This is to insure that the rebate of such taxes confers no special benefit upon the exporter of the merchandise that he does not enjoy in sales in his home market. To the extent that the exporter absorbs indirect taxes in his home market sales, no adjustment to purchase price will be made and the likelihood or size of dumping margins will be increased.

H.R. Rep. No. 571, 93d Cong., 1st Sess. 69 (1973).

The Ways and Means Committee amendment passed the House. The Senate Finance Committee adopted the House amendment without change, explaining the purpose of the amendment as follows:

The second amendment deals with the treatment of certain types of tax rebates in computing purchase price and would provide that foreign indirect taxes, rebated or remitted upon export of the imported merchandise in question, will be added back to purchase price only if such indirect taxes are imposed directly upon the exported product or its components, and then only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation. The present standard for the treatment of such tax rebates or remissions which is now contained in the Act is significantly broader and requires the adding back to the purchase price of a wider range of taxes, to the advantage of the foreign manufacturer, than would be allowed under the proposed amendment. The standard in the proposed amendment parallels that standard employed by the Treasury Department under the countervailing duty law in determining whether tax rebates and remissions constitute bounties or grants. However, the Committee, in recommending this amendment, does not express approval or disapproval of that Treasury practice.

S. Rep. No. 1298, 93d Cong., 2d Sess. 172 (1974).

Petitioners contend that the Department must measure tax absorption in every case, and that the Department must limit the adjustment to United States price to the amount of tax found to be passed through in the home market to the consumer. The principal argument for this position is that if Congress had intended merely to conform the antidumping law standard concerning tax rebates to Treasury's standard under the countervailing duty law, the passthrough clause would have been superfluous. Because there is a presumption against interpreting statutory language in a manner that renders it superfluous, the Department must give independent meaning to the

passthrough clause by construing it in the manner proposed by petitioners.

This argument is flawed. First, nothing in either the statute or the above-quoted legislative history requires that the Department measure tax absorption in individual cases. Because Congress was aware of the problems inherent in measuring tax absorption, if Congress truly intended that the Department embark upon such a hazardous undertaking, it surely would have made its intent more clear.

Second, and more important, petitioners' position is inconsistent with the clear congressional objective of "harmonizing tax treatment" under the antidumping and countervailing duty laws. As indicated above, the Treasury position was that the exemption or non-excessive rebate of final stage indirect taxes was not a subsidy. In administering the countervailing duty law, Treasury did not measure the degree of tax shifting in individual cases involving final stage indirect taxes. In 1878, the Supreme Court upheld the Treasury practice. *Zenith Radio Corp. v. United States*, 437 U.S. 459. In 1979, Congress incorporated the Treasury practice into the countervailing duty law.² Thus, the law was and is that the exemption or non-excessive rebate of final stage indirect taxes or prior stage indirect taxes on physically incorporated inputs are not subsidies, regardless of the degree of tax shifting in individual cases. Yet petitioners would apply a different test under the antidumping law, thereby rendering unfair a practice which both Congress and the courts have deemed to be fair under the countervailing duty law. Obviously, this defeats the goal of "harmonizing tax treatment," and, therefore, we cannot accept petitioners' interpretation.

We believe that there is a more plausible explanation of the passthrough clause. Although Congress knew of the Treasury directly related test and the tax incidence assumptions underlying it, it did not necessarily approve of it. In particular, Congress was aware that modern economic theories questioned the economic assumptions adhered to by Treasury. Congress also was aware that a countervailing duty petition had been filed which challenged Treasury's

²With respect to indirect tax rebates, Treasury practice is reflected in paragraphs (g) and (h) of the Illustrative List of Export Subsidies attached to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade, H.R. Doc. No. 153, Part I, 96th Cong., 1st Sess. 239 (1979), which Congress incorporated by reference into the countervailing duty law, 19 U.S.C. 1677(5)(A).

¹This test should not be confused with the "directly related" test for circumstances of sale adjustments under the antidumping law.

practice with respect to final stage indirect taxes.³ However, Congress declined to take a position with respect to Treasury's practice. See, e.g., S. Rep. No. 1298, 93d Cong., 2d Sess. 172 (1974).

More generally, there is a vast literature which indicates that Congress was aware that the United States, whose fiscal system is based upon direct taxes, might be at a competitive disadvantage vis-a-vis countries that rely more heavily upon indirect taxes. Because of these concerns, in the Trade Act of 1974, Congress directed the Executive Branch to attempt to negotiate a solution to this potential problem in the upcoming Multilateral Trade Negotiations. See, e.g., *id.*, p. 84. At the same time, Congress knew that our trading partners might prove unwilling to negotiate on this issue, and that the status quo with respect to tax rebates might prevail. See, e.g., H.R. Rep. No. 571, 93d Cong., 1st Sess. 75-76 (1973).

In summary, Congress knew of the Treasury countervail practice, but also knew that this practice might change as the result of either judicial action or international negotiation. However, Congress was unwilling to tamper with the Treasury practice or the assumptions underlying it. Congress also wanted "harmonized tax treatment" under the antidumping and countervailing duty laws.

Thus, the only reasonable explanation for the passthrough clause is that, given the uncertainty at the time as to the ultimate fate of Treasury's countervail practice, Congress was attempting to ensure that whatever happened, there would be "harmonized tax treatment" between the two statutes. If as a result of judicial action or international negotiation the countervailing duty law changed so as to require the measurement of tax absorption in individual cases, the passthrough clause could be read so as to require a similar measurement in antidumping cases.⁴ On the other hand, if either the courts or the international community affirmed the tax incidence assumptions underlying the Treasury countervail practice, the passthrough clause could be read so as to require simply the application of those assumptions to the antidumping law as well. Regardless of the outcome, through the passthrough clause Congress could ensure that practices deemed fair under the countervailing duty law would be deemed fair under the antidumping law, and that practices deemed unfair under the countervailing

duty law also would be deemed unfair under the antidumping law.

Under the statute and judicial precedent, exemption from the taxes in question is a fair practice under the countervailing duty law. Therefore, based on our interpretation of section 772(d)(1)(C), we will not limit the adjustment to United States price for these taxes.

The language and history of section 772(d)(1)(D), enacted simultaneously with section 772(d)(1)(C), supports our conclusion. This provision requires us to add to United States price the amount of any countervailing duty imposed on the merchandise to offset an export subsidy. The House Ways and Means Committee explained the provision as follows:

The third amendment would assure that imported merchandise benefitting from tax rebates which the Secretary has already determined to be a bounty or grant, and thus subject to countervailing duties, would not be unfairly penalized by subjecting them to antidumping duties as well by reason of the same tax rebates.

H.R. Rep. No. 571, 93d Cong., 1st Sess. 70 (1973). The Senate Report contains virtually the same language. S. Rep. No. 1298, 93d Cong., 2d Sess. 172 (1974).

Thus, where an affirmative countervailing duty determination has been made with respect to merchandise subject to an antidumping investigation, we add to United States price under section 772(d)(1)(D) the amount of the rebated or exemption found to be an export subsidy, and add the portion found to be "allowable" under (C). See *Carbon Steel Wire Rod from Argentina: Final Determination of Sales At Less Than Fair Value*, 49 FR 38170 (1984). Petitioner's proposed passthrough methodology would almost always yield less than 100% passthrough of the "allowable" portion, thus creating or increasing margins by the amount of the tax found to be "absorbed" by the seller. Such a result is clearly contrary to Congress's purpose because it would lead to assessment of both antidumping and countervailing duties by virtue of the same tax rebates in a combined case.

Finally, the Department can perceive no economic justification for adjusting the home market-U.S. price differential by anything less than the actual amount of final stage taxes paid by the producers. We believe that the antidumping duty law is intended to remedy situations in which a foreign producer accepts a lesser return on his U.S. sales than on his home market sales. Where the costs of production and sale are identical in both markets, any difference in price will represent a

difference in return. Where the costs of production and sale differ between markets, any difference in price will represent a difference in return only after the price differential has been adjusted by the net amount of the differences in cost. A difference in final stage tax liability is just as much a difference in the cost of production and sale as any difference in material costs or credit expenses. Therefore, just as we have always adjusted the price differential by the amount of any difference in material costs and credit expenses, we believe we should also make such an adjustment for any difference in final stage tax liability.

Final Results

The final results of our investigation are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Young Chang Samick	0.0000 0.1077

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Walter J. Olson,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 85-22106 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-791-008]

Steel Wire Rope From South Africa; Final Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of administrative review of suspension agreement.

SUMMARY: On March 8, 1985, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on steel wire rope from South Africa. The review covers the period July 1, 1983 through December 31, 1983, and four programs.

We gave interested parties an opportunity to comment on the preliminary results. We received no

³This case resulted in the decision in *Zenith Radio Corp. v. United States*, *supra*.

⁴The proposed Treasury amendment to sections 202 and 203 would not have ensured this result.

comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Sylvia Chadwick or Philip Otterness, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 9478) the preliminary results of its administrative review of the suspension agreement on steel wire rope from South Africa (47 FR 54130, December 1, 1982). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of South African steel wire rope. Such merchandise is currently classifiable under items 642.1200, 642.1610, and 642.1650 of the Tariff Schedules of the United States Annotated. The review covers the only known exporter of South African wire rope to the United States, Haggie Limited, the signatory to the suspension agreement.

The review covers the period July 1, 1983, through December 31, 1983, and four programs: (1) Preferential rail rates; (2) Export Incentive Program; (3) the Iron/Steel Export Promotion Scheme; and (4) the General Levy and Import Subsidy Scheme.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine that Haggie has complied with the terms of the suspension agreement for the period July 1, 1983, through December 31, 1983. Haggie renounced all benefits associated with exports of wire rope to the United States, did not accept substitutes or equivalent benefits, and met all of the reporting requirements of the agreement. Haggie continued to account for at least 85 percent of imports of South African wire rope into the United States.

Therefore, the suspension agreement for South African wire rope shall remain in effect.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: September 3, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary Import Administration.

[FR Doc. 85-22111 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-006]

Certain Steel Pipes and Tubes From Japan; Intention To Review and Preliminary Results of Changed Circumstances; Administrative Review and Tentative Determination To Revoke Antidumping Duty Order

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of intention to review and preliminary results of changed circumstances administrative review and tentative determination to revoke antidumping duty order.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Tariff Act, of the antidumping duty order on certain steel pipes and tubes from Japan. The review covers the period from October 1, 1984. The petitioner and other domestic interested parties to this proceeding have notified the Department that they are no longer interested in the antidumping duty order. These affirmative statements of no interest from domestic interested parties provide a reasonable basis for the Department to revoke the order. Therefore, we tentatively determine to revoke the order. In accordance with the petitioner's notification, the revocation will apply to certain steel pipes and tubes entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or G. Leon McNeill, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 8522-23) an antidumping duty order on certain steel pipes and tubes from Japan.

The petitioner, Babcock & Wilcox, and other domestic interested parties, United States Steel Corporation and Al Tech Specialty Steel Corporation, informed the Department that they were no longer interested in the order and stated their support for revocation of the order. Under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department may revoke an antidumping duty order that is no longer of interest to domestic interested parties.

Scope of the Review

Imports covered by the review are shipments of seamless heat-resisting pipes and tubes, currently classifiable under items 610.5206, 610.5208, 610.5229, and 610.5234 of the Tariff Schedules of the United States Annotated and seamless stainless pipes and tubes, currently classifiable under items 610.5205, 610.5229, and 610.5230 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Preliminary Results of the Review and Tentative Determination

As a result of our review, we preliminarily determine that the domestic interested parties' affirmative statements of no interest in continuation of the antidumping duty order on certain steel pipes and tubes from Japan provide a reasonable basis for revocation of the order.

Therefore, we tentatively determine to revoke the order on certain steel pipes and tubes from Japan effective October 1, 1984. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries. The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this review.

This notice does not cover unliquidated entries of certain steel pipes and tubes from Japan which were entered, or withdrawn from warehouse, for consumption prior to October 1, 1984. The Department will cover any such entries in a separate review, if one is requested.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke within 30 days of the date of publication of this notice, and may request a hearing within five days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the review and its decision on revocation, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to revoke, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

September 9, 1985.

[FR Doc. 85-22109 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-501]

Offshore Platform Jackets and Piles From Japan; Postponement of Preliminary Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The preliminary antidumping duty determination involving offshore platform jackets and piles from Japan is being postponed until not later than November 15, 1985.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, Telephone (202) 377-4087.

SUPPLEMENTARY INFORMATION: On May 9, 1985, we announced the initiation of an antidumping duty investigation to determine whether offshore platform jackets and piles from Japan are being, or are likely to be, sold in the United States at less than fair value (50 FR 20252). The notice stated that we would issue our preliminary determination by September 26, 1985.

As detailed in that notice, the petition alleged that imports of offshore platform jackets and piles from Japan are being, or are likely to be, sold in the United States at less than fair value. On

September 6, 1985, counsel for petitioners, Kaiser Steel Corporation and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, requested that the Department extend the period for the preliminary determination until not later than 210 days after the date of receipt of the petition in accordance with section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act).

Accordingly, the due date for preliminary determination in this investigation is hereby postponed. We intend to issue a preliminary determination not later than November 15, 1985.

This notice is published pursuant to section 733(c)(2) of the Act.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

September 6, 1985.

[FR Doc. 85-22107 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-505]

Offshore Platform Jackets and Piles From the Republic of Korea; Postponement of Preliminary Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The preliminary antidumping duty determination involving offshore platform jackets and piles from the Republic of Korea is being postponed until not later than November 15, 1985.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377-4087.

SUPPLEMENTARY INFORMATION: On May 9, 1985, we announced the initiation of an antidumping duty investigation to determine whether offshore platform jackets and piles from the Republic of Korea are being, or are likely to be, sold in the United States at less than fair value (50 FR 20254). The notice stated that we would issue our preliminary determination by September 26, 1985.

As detailed in that notice, the petition alleged that imports of offshore platform jackets and piles from the Republic of Korea are being, or are likely to be, sold in the United States at less than fair value. On September 6, 1985, counsel for petitioners, Kaiser Steel Corporation

and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, requested that the Department extend the period for the preliminary determination until not later than 210 days after the date of receipt of the petition in accordance with section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act).

Accordingly, the due date for preliminary determination in this investigation is hereby postponed. We intend to issue a preliminary determination not later than November 15, 1985.

This notice is published pursuant to section 733(c)(2) of the Act.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

September 6, 1985.

[FR Doc. 85-22108 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-333-502]

Preliminary Affirmative Countervailing Duty Determination; Deformed Steel Concrete Reinforcing Bar From Peru

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Peru of deformed steel concrete reinforcing bar (rebar) from Peru. The estimated net bounty or grant is 76.36 percent *ad valorem*. We are directing the U.S. Customs Service to suspend liquidation of all entries of rebar from Peru that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond on entries of rebar in the amount equal to the estimated net bounty or grant.

If this investigation proceeds normally, we will make our final determination by November 20, 1985.

EFFECTIVE DATE: September 16, 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, D.C. 20230; telephone: (202) 377-0160 or 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Peru of rebar. For purposes of this investigation, the following programs are preliminarily found to confer a bounty or grant:

- Certificate of Tax Rebate System (CERTEX)
- Nontraditional Export Fund (FENT)
- Law for the Promotion of Exports of Nontraditional Goods (Export Law)
- Equity Infusions into SIDERPERU
- Forgiveness and Capitalization of Debt
- Government Loans

We estimate the net bounty or grant to be 76.36 percent *ad valorem* for rebar.

Case History

On June 13, 1985, we received a petition from Florida Steel Corporation of Tampa, Florida and Chaparral Steel Company of Midlothian, Texas, on behalf of the U.S. industry producing rebar. In compliance with the filing requirements of section 355.26 of our regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Peru of rebar receive directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Act.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on July 2, 1985, we initiated the investigation (50 FR 28230). We stated that we expected to issue a preliminary determination by September 6, 1985.

Since Peru is not a "country under the Agreement" within the meaning of section 701(b) of the Act and the merchandise being investigated is dutiable, sections 303(a)(1) and (b) of the Act apply to this investigation. Accordingly, the petitioners are not required to allege that, and that U.S. International Trade Commission is not required to determine whether imports of these products materially injure, or threaten material injury to, a U.S. industry.

We presented detailed government and company questionnaires to the government of Peru on July 12, 1985 and stated that a response should be submitted by August 12, 1985. Upon request, the deadline for submission was extended until August 23, 1985. Responses were received on August 23, 1985, from the government of Peru,

Empresa Siderurgica del Peru (SIDERPERU), and Aceros Arequipa II, S.A. (AREQUIPA). Laminadora del Pacifico, S.A. responded that it does not produce rebar.

Scope of Investigation

For purposes of this investigation the term deformed steel concrete reinforcing bar covers hot-rolled steel bars, of solid cross section, having deformation of various patterns on their surfaces which are currently classifiable in the *Tariff Schedules of the United States, Annotated* (TSUSA) under item numbers 606.7900 and 606.8100.

Deformed steel concrete reinforcing bars are hot-rolled bar products, consisting of special deformed sections used to resist tension, compression, temperature and/or shear stresses for reinforcing concrete. The category includes all deformed concrete reinforcing bars rolled from new billet steel, rail steel, or axle steel including straight lengths and coils.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of this investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Order", which was published in the April 26, 1984, issue of the *Federal Register* (49 FR 18006).

The responses provided by the government of Peru and SIDERPERU in this investigation were incomplete and inadequate and thus could not be considered for purposes of this preliminary determination. The response provided by Arequipa indicated that Arequipa is not exporting rebar to the United States and has not exported rebar to the United States in the past. Therefore, we are limiting our analysis to SIDERPERU, and calculating a country-wide rate of benefit.

To determine whether an alleged program or equity infusion confers a bounty or grant, we used best information available, as required under § 355.39 of our regulations (19 CFR 355.39), adversely inferring countervailability and receipt of benefits based on the absence of adequate responses. We also used best information available to calculate the amount of benefit to SIDERPERU from the programs found to confer bounties or grants. As best information available, we used the highest rate of benefit found for each program in any past countervailing duty determination (preliminary or final) or final results of

administrative reviews involving Peru, or included in the petition in this case. If a program was not alleged or investigated in any past investigation, and if we could not use the information in the petition, we looked at the financial statements attached to SIDERPERU's response to determine if figures could be easily discerned for purposes of our calculations. Where no information was available from any of these sources, we are requesting more information to determine whether a bounty or grant is being conferred on SIDERPERU.

For purposes of this preliminary determination, the period for which we are measuring bounties or grants ("the review period") is calendar year 1984.

Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Determined To Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Peru of rebar under the following programs.

A. Certificate of Tax Rebate System (CERTEX)

Under this program, qualifying exporters are eligible to apply for certificates issued by the government in amounts equal to a percentage of the f.o.b. invoice price of export shipments. The applicable CERTEX percentage is determined by whether the exports are classified as being of low, medium, or high value-added. CERTEX certificates may be applied against taxes owed the Peruvian government or they may be negotiated as commercial paper.

The CERTEX program is specifically export oriented. The amount of benefits available under the program is based solely on export performance. Consequently, consistent with our determinations in other Peruvian cases, we preliminarily determine that the CERTEX program operates to confer countervailable export bounties or grants on Peruvian rebar.

As best information available, we preliminarily determine that SIDERPERU used this program. To calculate the benefit derived from this program, we used the information provided in the petition as best information available. The petition alleged that exporters of rebar qualify for a rebate certificate of 32 percent of the value of exports and receive 88 percent of the gross amount. On this basis, we preliminarily determine that

the benefit conferred by this program is 28.16 percent *ad valorem*.

B. Nontraditional Export Fund ("FENT")

Under this program, the government of Peru provides short-term export financing to exporters of goods not traditionally exported. There are three types of this short-term financing: local currency loans, foreign currency loans, and mixed local and foreign currency loans. In most instances, this financing is available at preferential rates. The loans are drawn from a fund established by the Banco Central de Reserva del Peru, and passed through the Banco Industrial del Peru and a commercial disbursing bank. Because this program provides preferential financing on the basis of export performance, we preliminarily determine that it confers bounties or grants, consistent with our determinations in other Peruvian cases. As best information available, we preliminarily determine that SIDERPERU participated in this program during the review period.

To determine the benefits during the review period, we used the rate found in the "Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders; Certain Textile Mill Products and Apparel From Peru" (50 FR 9871) (1985) of 5.41 percent *ad valorem*.

C. Articles 12, 13, 14 and 16, of the Law for the Promotion of Nontraditional Goods (the Export Law)

Petitioners alleged that a number of benefits are provided to producers, manufacturers, or exporters of rebar in Peru under various articles of the Export Law.

The aim of the Export Law is to improve the foreign trade structure of Peru by promoting nontraditional exports. We preliminarily determine that benefits are provided under articles 12, 13, 14, and 16, as described below:

1. Article 12 allows exporters to claim an additional amount of depreciation on their tax returns. The amount they are able to claim is 50 percent above the normal rate of depreciation. Since the additional depreciation is contingent on export performance, we preliminarily determine that Article 12 confers a bounty or grant on the export of rebar from Peru, consistent with our determination in other Peruvian cases. We preliminarily determine, as best information available, that SIDERPERU used Article 12.

The benefit was determined by using the rate found in the "Final Results of Administrative Review of Countervailing Duty Order; Cotton Sheeting and Sateen from Peru" (49 FR 34542(1984)). On this basis, we

preliminarily determine a bounty or grant of 1.06 percent *ad valorem*.

2. Article 13 of the Export Law states that enterprises may capitalize the earnings invested or reinvested with an exemption from the income tax, provided that they do so within six years, inclusive of the fiscal year in which the tax exemption is obtained.

Under Decree Law 22037 of December 1977, any company may capitalize earnings which are invested or reinvested within five years, and receive an exclusion from the five percent income tax on capitalization. The benefit provided by this Article is the additional year in which exporters are allowed to capitalize earnings with an exemption from income tax. Since the use of Article 13 is contingent on export performance, we preliminarily determine that Article 13 confers a bounty or grant on the export of rebar from Peru, consistent with our determinations in other Peruvian cases. We preliminarily determine, as best information available, that SIDERPERU used Article 13.

We determine the amount of benefit by using the rate found in the "Preliminary Affirmative Countervailing Duty Determination; Certain Textile Mill Products From Peru; Preliminary Negative Countervailing Duty Determination; Certain Apparel from Peru" (49 FR 49678(1984)). On this basis, we preliminarily determine a bounty or grant of 0.84 percent *ad valorem*.

3. According to Article 14 of the Export Law, enterprises that increase the number of permanent jobs in relation to those existing in the previous year may deduct, as an expense of the fiscal year, the amount of remuneration paid out as a result of the new jobs created. Thus, companies may receive an income tax credit ranging from 30 to 60 percent.

Since this income tax deduction in the amount of the remuneration paid out on new jobs is available only to exporters, we regard the resulting income tax savings as a bounty or grant. Using the "Preliminary Affirmative Countervailing Duty Determination; Certain Textile Mill Products and Apparel From Peru" (49 FR 49678(1984)) as best information available, we determine the rate of benefit to be less than 0.005.

4. Article 16 of the Export Law provides for an interim suspension and eventual exemption of import duties on imported capital equipment or machinery if an exporter of nontraditional goods meets certain requirements established by law and signs a written contract with the government. To obtain the exemption, the exporter must export 40 percent of

its annual production within a maximum of two years from the date of the importation of the equipment or machinery and must generate a net profit in foreign currency equal to 100 percent of the value of the imported machinery or equipment within five years of the importation.

The exporter's duties are suspended during the two-year period in which the first requirement must be met, and, if it is met, they continue to be suspended until the second requirement is met. This must occur within five years. When this second requirement is met, there is a full exoneration of the suspended duties.

If the exporter cannot meet the two requirements for exemption within the applicable time periods, for reasons approved by the Ministry of Industry, Tourism and Integration, it may cancel the contract with the government and repay the duties over a term of years, without penalties or interest. If the exporter otherwise fails to meet the terms of the contract, the exporter may be subject to the payment of penalties and interest.

Article 16 of the Export Law provides a suspension and/or exemption from the payment of import duties on the machinery contingent upon export performance. We preliminarily determine, as best information available, that SIDERPERU used this program.

To determine the benefit arising from this program, we used the "Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders; Certain Textile Mill Products and Apparel From Peru" (50 FR 9871(1984)). On this basis, we preliminarily determine an *ad valorem* rate of 2.77 percent.

D. Equity Infusions

Petitioners alleged that the government of Peru has provided bounties or grants through equity infusions to SIDERPERU on terms inconsistent with commercial considerations. Petitioners alleged that the government of Peru purchased stock in SIDERPERU, a company whose stock was not publicly traded, between 1979 and 1984. As best information available, we preliminarily determine that SIDERPERU has been unequityworthy since 1979. Therefore, we preliminarily determine that the government equity infusions between 1979 and 1984 confer a bounty or grant because they were made on terms inconsistent with commercial considerations.

Using information from the financial statements provided by SIDERPERU, we calculated the benefits from these

infusions according to the methodology contained in the Subsidies Appendix. As best information available, we preliminarily determine the company's rate of return on equity to be zero. We used the effective annual interest rate on soles borrowings in Peru during 1984 for the national average rate of return, as best information available. This rate, 83.11 percent, was obtained from Peruvian government responses in prior cases. We multiplied the rate of return shortfall by the amount of equity received by SIDERPERU since 1979. In no case did we countervail an amount greater than that calculated treating each infusion as an outright grant. We then allocated the aggregate benefit over the value of SIDERPERU's total sales. On this basis, we preliminarily determine a bounty or grant of 34.29 percent *ad valorem*.

E. Government Loans

Petitioners alleged that SIDERPERU was uncreditworthy when it received loans from the government of Peru or from official institutions of the Government. We preliminarily determine, as best information available, that the long-term liabilities listed on SIDERPERU's financial statements were received under this program, and that SIDERPERU was uncreditworthy. We used as our benchmark the effective annual interest rate on soles loans in Peru during 1984. This rate, 83.11 percent, was obtained from Peruvian government responses in prior cases. We added to this rate the risk premium, determined in accordance with the Subsidies Appendix. As best information available, we assume that the interest rate charged to SIDERPERU is zero percent. We then allocated the benefit over the value of SIDERPERU's total sales. On this basis, we preliminarily determine a bounty or grant of 3.83 percent *ad valorem*.

F. Forgiveness and Capitalization of Debt

Petitioners alleged that the Government of Peru has forgiven debt and permitted the capitalization of debt for SIDERPERU. We preliminarily determine, as best information available, that SIDERPERU received forgiveness and capitalization of debt from the Government of Peru. We did not calculate a benefit, however, because we have already considered all of the equity and debt of SIDERPERU to be countervailable under other programs described above.

II. Programs for Which We Need More Information

The following programs either have not been investigated or were found not to be subsidies in previous cases. Further, neither the petition nor any other source now available to us contains any information as to the level of benefits that might be received. Thus, we preliminarily determine that we need additional information to determination if a bounty or grant has been bestowed on the products under investigation.

A. Export Promotion Fund (FOPEX) and the Peruvian Export Credit Insurance Company S.A. (SECREX)

Petitioners alleged that FOPEX, a government agency, maintains its own programs of direct support to exporters and also participates through SECREX to provide export financing. Petitioners alleged that FOPEX and SECREX provided export credit subsidies in the form of loans, loan guarantees and insurance; and that these subsidies are provided at preferential rates or on terms inadequate to cover long-term operating costs and losses. Since the respondent did not provide information with respect to these programs, and the Department of Commerce has not investigated these programs in prior Peruvian cases, we cannot determine whether benefits were received which confer a bounty or grant, nor can we quantify the amount of any such bounty or grant.

B. Exemption of Import Duties

Petitioners alleged that key Peruvian industries, including rebar producers, are exempted from paying tariffs on imported raw materials which are unavailable in Peru. Since the respondent did not provide information concerning import duty exemptions and we have not investigated this program in prior Peruvian cases, we cannot determine whether this program confers a bounty or grant on rebar producers, nor can we quantify the amount of any such bounty or grant.

C. Loan Guarantees

Petitioners alleged that the respondent received preferential loan guarantees from the Peruvian government through the Banco Industrial del Peru and COFIDE. Because the respondents did not provide information with regard to loan guarantees and we have not investigated this program in prior Peruvian cases, we cannot determine whether this program confers a bounty or grant.

D. Articles 8 and 9 (Export Law)

The General Law of Industries established four priorities for the various industrial groups, with each priority having a different percentage and selectivity index which determined the amount of net income that could be invested or reinvested free of income tax. Decree Law 22401 of December 1978, changed the reinvestment benefit from a tax deduction to a tax credit. Under Articles 8 and 9 of the Export Law, exporters are permitted to upgrade their priority one level. In the "Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders; Certain Textile Mill Products and Apparel from Peru" (50 FR 9871(1984)), we determined that the reinvestment priority system was terminated by the General Law of Industries enacted in 1982. Because we have no new information regarding this program, we cannot determine whether SIDERPERU had benefited from this program.

E. Articles 23 and 31 of the Export Law

Petitioners alleged that under Article 23 of the Export Law, the government of Peru has provided tax exemptions and tax refund certificates to certain consortia formed for the exportation of nontraditional goods. Petitioners further alleged that under Article 31 the government of Peru provides a benefit by permitting shippers to grant preferential shipping rates to exporters of nontraditional goods. Because we were provided no information on the alleged subsidies and do not have information from other sources, we cannot determine if a bounty or grant is being conferred on the respondent.

F. Reimbursement of Duties

Petitioners alleged that the government of Peru may intend to reimburse SIDERPERU for any countervailing duties assessed. The Department of Commerce has never investigated such an allegation in prior Peruvian cases and the respondent provided no information regarding possible reimbursement of duties. Without more information concerning the existence of or the manner in which the Peruvian Government intends to administer the program, we cannot quantify the amount of any potential bounty or grant. If, however, during the course of this investigation, we determine that SIDERPERU is to be reimbursed by the Peruvian government for duties assessed, we will impose the appropriate countervailing duty to compensate for the reimbursement.

G. Regional Incentives.

Petitioners alleged that under the 1982 Industrial Law, Peruvian firms are provided with tax incentives for investment outside the Department of Lima or the Province of Callao. Because we have never investigated this program in prior Peruvian cases and no other information has been provided, we cannot determine whether benefits were received which confer a bounty or grant.

Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination. We will not accept any statement in the response that cannot be verified in our final determination.

Suspension Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of rebar from Peru which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the *Federal Register* and to require an *ad valorem* cash deposit or bond for each such entry of this merchandise in the amount of 76.36 percent *ad valorem*. This suspension will remain in effect until further notice.

Public Comment

In accordance with section 355.35 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m. on October 15, 1985, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, pre-hearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by October 8, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.33(d) and 19 CFR 355.34. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is

held, within 10 days after the hearing transcript is available.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

September 6, 1985.

[FR Doc. 85-22110 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration**Alaska Coastal Management Program and Ohio Old Woman Creek National Estuarine Sanctuary; Intent To Evaluate**

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the Alaska Coastal Management Program and the Ohio Old Woman Creek National Estuarine Sanctuary through December 31, 1985. These reviews will be conducted pursuant to Section 312 of the Coastal Zone Management Act (CZMA) which requires a continuing review of the performance of the states with respect to coastal management, and their adherence to the terms of financial assistance awards funded under the CZMA. Coastal zone management is funded under CZMA Section 306, and the National Estuarine Sanctuary Program is authorized by CZMA Section 315. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, State and local agencies and members of the public. Public meetings will be held as part of the site visits. The state will issue notice of these meetings. Copies of each state's most recent performance report, as well as the OCRM's notification letter and supplemental information request letter to the state are available upon request from the OCRM. A subsequent notice will be placed in the *Federal Register* announcing the availability of the Final Findings based on each evaluation once these are completed.

FOR FURTHER INFORMATION CONTACT: John H. McLeod, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource

Management, National Ocean Service, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235 (telephone: 202/634-4245).

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration)

Dated: September 4, 1985.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 85-22077 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-08-M

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Sanctuaries

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the American Samoa, Florida, Massachusetts, New Hampshire, Oregon, and Washington Coastal Management Programs. Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved Coastal Management Program. The states evaluated were found to be adhering both to the programmatic terms of their financial assistance awards and/or to their approved coastal management programs; and to be making progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing coastal zone management programs were occurring with respect to the national coastal management objectives identified in Section 303(2)(A)-(I) of the Coastal Zone Management Act. A copy of the assessment and detailed findings for these programs may be obtained on request from: John H. McLeod, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235 (telephone: 202/634-4245).

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration)

Dated: September 4, 1985.

Peter L. Tweedt,

Director, Office of Ocean and Coastal
Resource Management.

[FR Doc. 85-22076 Filed 9-13-85; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Hazardous Waste Storage in the Tidewater Virginia Area; Notice of Intent

AGENCY: Defense Reutilization and
Marketing Service (DRMS), Defense
Logistics Agency (DLA), Department of
Defense (DoD).

ACTION: Notice.

SUMMARY: In accordance with 40 CFR
1501.7, the Defense Logistics Agency
issues this Notice of Intent (NOI) to
prepare an Environmental Impact
Statement (EIS) for DoD hazardous
waste storage in the Tidewater Virginia
area. Interested parties are invited to
attend public scoping meetings on 2 and
3 October 1985 at the sites listed below.

FOR FURTHER INFORMATION CONTACT:

Ms. Irene C. Sailer, Environmental
Officer, Defense Reutilization and
Marketing Service (DRMS-HT), Federal
Center, 74 North Washington, Battle
Creek, Michigan 49016-3412, Telephone:
(616) 962-6511, Ext 6959.

SUPPLEMENTARY INFORMATION: The
Defense Logistics Agency, through the
Defense Reutilization and Marketing
Service, is responsible for the
disposition of DoD generated excess
material. This includes waste material
from DoD industrial-type activities
which is subject to the hazardous waste
management regulations of the Resource
Conservation and Recovery Act
(RCRA). In order to accomplish its
mission in a safe and efficient manner,
DLA requested comments in February
1983 on a proposal to modify facilities at
St. Juliens Creek Annex, Portsmouth,
VA, for the receipt and temporary
storage of regulated hazardous material
and waste. An environmental
assessment (EA) of this proposal was
published in May 1983. In January 1984,
an addendum to the environmental
assessment was issued to address
specific issues raised by local
representatives. Subsequent meetings
were held with community
representatives, including a public
meeting on 9 January 1985 with Federal,
State and local representatives,
regulatory authorities, community
groups and concerned citizens.
Comments were received regarding the

degree of local involvement in the
decision-making process, the
methodology used by the Defense
Logistics Agency for comparing
alternatives, safety precautions and
other issues. As a result, the Defense
Logistics Agency decided not to proceed
with the project until completion of an
Environmental Impact Statement. As a
first step in this process, scoping
meetings will be held on 2 October 1985,
7:30-10:30 pm, at York High School, 2890
George Washington Highway,
Yorktown, VA 23692 and on 3 October
1985, from 7:30-10:30 pm, at Churchland
High School, 5601 High St. W.,
Portsmouth, VA 23703. The purpose of
these meetings is to determine the scope
of issues to be addressed and to identify
significant issues. DLA is particularly
interested in public comments
concerning alternative sites to be
considered in the Environmental Impact
Statement and methods for comparing
sites. All interested parties are
encouraged to attend one of the scoping
meetings. Written comments may also
be submitted to the address above by 9
October 1985. A draft Environmental
Impact Statement will be available for
public comment approximately 15 weeks
after completion of the scoping process.
Interested parties wishing copies of the
draft Environmental Impact Statement
may submit their name and address to
the person indicated above or may leave
their name and address at one of the
scoping meetings.

Dated: September 6, 1985.

Maxim I. Kovel,

Colonel, USA, Staff Director, Installation
Services and Environmental Protection.

[FR Doc. 85-22072 Filed 9-13-85; 8:45 am]

BILLING CODE 3620-01-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the
Federal Advisory Committee Act (5
U.S.C. App.), notice is hereby given that
the Naval Research Advisory
Committee's Panel on Naval Special
Warfare will meet on October 2, 1985, at
the Naval Research Laboratory,
Washington, D.C., Building 43. The
meeting will commence at 8:30 a.m. and
terminate at 4:30 p.m. on October 2,
1985. The entire meeting will be closed
to the public.

The purpose of the meeting is to
discuss, review and finalize the draft
report dealing with the technological
capability of Naval Special Warfare
forces to respond to warfare situations
that require mobile, self-contained

forces of an unconventional nature.
These matters constitute classified
information that is specifically
authorized under criteria established by
Executive order to be kept secret in the
interest of national defense and are in
fact properly classified pursuant to such
Executive order. The classified and
nonclassified matters to be discussed
are so inextricably intertwined as to
preclude opening any portion of the
meeting.

Accordingly, the Secretary of the
Navy has determined in writing that the
public interest requires that all sessions
of the meeting be closed to the public
because they will be concerned with
matters listed in section 552b(c)(1) of
title 5, United States Code.

For further information concerning
this meeting contact: Commander T.C.
Fritz, U.S. Navy, Office of Naval
Research (Code 100N), 800 North Quincy
Street, Arlington, VA 22217-5000,
Telephone number (202) 696-4870.

Dated: September 11, 1985.

William F. Roos, Jr.,

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

[FR Doc. 85-22103 Filed 9-13-85; 8:45 am]

BILLING CODE 3610-AE-M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Proposed Funding Priorities for Research and Training Centers for Fiscal Year 1986

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education
proposes funding priorities for research
activities to be supported by the
National Institute of Handicapped
Research (NIHR) through the Research
and Training Centers program in Fiscal
Year 1986. NIHR is required under the
Rehabilitation Act of 1973 as amended,
to develop a long-range research plan
which identifies rehabilitation research
that needs to be conducted and to
determine funding priorities which will
facilitate the support of these activities
within available resources. These
proposed priorities are derived from the
NIHR Long-Range Plan and are
articulated within the goals, objectives,
and research activities specified in the
Plan. These proposed priorities are for
the Research and Training Center (RTC)
program only; priorities which NIHR
expects to support under other programs
will be proposed in a separate
announcement.

Authority for the Research and Training Center program of NIHR is contained in section 204(b)(1) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 and by Pub. L. 98-122.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before October 16, 1985.

ADDRESS: All written comments and suggestions should be sent to Betty Jo Berland, National Institute of Handicapped Research, Department of Education, 400 Maryland Avenue, SW., Room 3070, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research, Telephone (202) 732-1139; deaf and hearing impaired individuals may call (202) 732-1198 for TTY services.

SUPPLEMENTARY INFORMATION: Under this program, awards are issued to public and private agencies and organizations, including institutions of higher education. NIHR is permitted to make awards for periods up to 60 months.

The purpose of the awards is to support the establishment and operation of Rehabilitation Research and Training Centers to conduct coordinated and advanced programs of rehabilitation research and to provide training to rehabilitation personnel engaged in research or the provision of services.

NIHR final regulations (46 FR 45300, September 10, 1981, as amended March 12, 1984 at 49 FR 9324 and April 26, 1985 at 50 FR 16672) authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 352.32).

NIHR invites public comment on the merits of the proposed priorities both individually and collectively, including suggested modifications to the proposed priorities. Comments can include factors which support the importance of a priority to handicapped individuals and other interested parties.

This notice does not solicit application proposals or concept papers. The final priorities will be selected on the basis of public comment, the availability of funds, and any other relevant Departmental considerations. These final priorities will be announced in the *Federal Register*. An Application Notice for the transmittal of applications for Research and Training Centers (RTC's) is also published in this issue of the *Federal Register*, requesting that applicants submit applications based on the proposed priorities, on the assumption that the changes in the final priorities will be minor. If there are important changes in the final priorities,

applicants will be notified and given an opportunity to amend their applications.

The three proposed priorities contained in this notice represent areas in which NIHR proposes to support Research and Training Centers through grants or cooperative agreements. Research and other activities which NIHR intends to procure through contracts will be announced by Requests for Proposals published in the *Commerce Business Daily*; other research priorities which NIHR intends to support under other grant program mechanisms will be announced in a separate issue of the *Federal Register*.

The publication of these proposed priorities does not bind the United States Department of Education to fund projects in any or all of these research areas. Funding of particular projects depends on both the availability of funds and on responses to this notice.

NIHR is authorized to support research and related activities in a variety of areas and through several program authorities. The priorities proposed in this notice cover research and related activities to be conducted through Rehabilitation Research and Training Centers. Following is a brief description of this program.

Research and Training Centers (RTCs) have been established to conduct coordinated and advanced programs of rehabilitation research and to provide training to rehabilitation personnel engaged in research or the provision of services. RTC's must be operated in collaboration with institutions of higher education and must be associated with a rehabilitation service program. Ideally, each Center conducts a program of research, evaluation, and training activities focused on a particular rehabilitation problem area. Each Center is encouraged to develop practical applications for all of its research findings through a scientific evaluation process which tests and validates its findings, as well as related findings of other Centers. Center training programs generally disseminate and encourage the utilization of new rehabilitation knowledge through such means as undergraduate and graduate texts and curricula, in-service training, and continuing education. Each RTC will conduct a program of rehabilitation research training which will contribute to the number of qualified researchers working in the area of rehabilitation research and will also conduct state-of-the-art studies in relevant aspects of their priority areas.

Priorities for Research and Training Centers (3)

Cardiovascular Rehabilitation

Currently, 4 million persons in the United States have some manifestation of coronary heart disease. Of these, approximately 600,000 will survive a myocardial infarction; while some of these survivors will return to their customary activities after convalescence, others will experience complications which will interfere with their rehabilitation. Prior evidence indicates that approximately one-third of the survivors will continue to experience cardiac symptoms in performing their daily activities, and may experience psychological difficulties which further impede their return to full functioning.

Research on cardiac improvement is needed to identify physical and psychological factors associated with reinfarction and rehabilitation, to refine quantitative methods for assessing cardiac performance, to develop and quantify norms for the demands made upon cardiac capacity by certain kinds of physical activity and psychological stress, and to study differences among various subgroups of survivors of myocardial infarction.

- An RTC is proposed which would:
- Evaluate the benefits and hazards of various prescribed exercise testing programs on survivors of myocardial infarction, including the changes that may be necessary to strengthen the protocols developed for exercise testing;
 - Determine the factors in heart lesions that lead some patients to limit their exercise or fail to achieve normal exercise performance for their age following definitive coronary artery or valve repair;
 - Determine the predictors that reflect progression of the athero-sclerotic process or additional impairment;
 - Identify patient personality characteristics that enhance rehabilitation and those that retard it;
 - Develop effective interventions to prevent and treat complications of cardiovascular disease and infarction;
 - Identify and disseminate strategies which lead to more rapid return to normal daily activities and return to full employment following myocardial infarction; and
 - Identify any technological devices which aid the rapid return to full employment after myocardial infarction.

Rehabilitation of Blind and Severely Visually Impaired Individuals

The blind and visually impaired population, particularly that of working age individuals, represents one of the biggest challenges to public and private rehabilitation agencies in the United States today. About two-thirds of this population is not working, and underemployment has been documented to be a significant problem for this group.

Approximately 400,000 persons report a work disability due to visual problems. This population is projected to increase by 8 percent between 1980 and 1990 with the largest increase in the 20 to 44 year old category. Some additional data reported by NIHR-supported researchers indicate that many blind and visually impaired individuals served by private and public rehabilitation agencies have additional disabilities with resulting functional limitations that increase the challenge to the rehabilitation service delivery system. The problem is further complicated by the lower levels of education of visually impaired persons as compared to other working-age Americans. Sixty percent of blind and severely visually impaired persons of working age have not graduated from high school. The intrinsic attributes of blindness and visual impairments such as reduced visual acuity are made more complex by the extrinsic attributes of blindness such as negative stereotyping and the failure of society to acknowledge the potential productivity of blind and visually impaired people.

An RTC is needed to address the rehabilitation needs of blind and visually impaired youth in transition to the workplace and blind and visually impaired adults of working age, including those of older working age.

An RTC is proposed which would:

- Identify and classify the career transition problems of blind and visually impaired youth and adults in order to develop strategies which may be used by consumers and professionals to reduce the unemployment and underemployment problems of blind and visually impaired persons;
- Identify management practices and other job tasks performed by blind persons in the operation of business enterprises established under the authority of the Randolph-Sheppard program and identify, introduce, and evaluate state-of-the-art technology which could be used to facilitate the increased productivity of the Business Enterprise Program;
- Develop long-term and short-term multidisciplinary training programs

for rehabilitation and eye care professionals, educators, especially vocational educators, employers, and blind and visually impaired consumers concerned with rehabilitative and educational services;

- Develop curricula for graduate level courses in rehabilitation counseling of blind persons as well as short and long-term inservice training, continuing education, and other training mechanisms for professionals working with blind persons;
- Develop work assessment devices and techniques and study existing techniques to assist blind and visually impaired consumers and professionals to identify appropriate career objectives, training and employment opportunities;
- Develop a low vision database relating demographic characteristics, diagnoses, aids prescribed, treatment intervention, client employment history, and visual characteristics of the job environment to rehabilitation outcome;
- Identify the costs in time and money associated with blindness and visual impairment and the relationship of the costs to other factors, e.g., unemployment rate, in the United States as they affect the rehabilitation process;
- Study the Business Enterprise Program of the State licensing agencies in the areas of investment patterns, site selection, and facility design and develop training materials for inservice and short-term training programs based on best practices and innovative techniques;
- Provide technical assistance to state and private rehabilitation agencies and service providers through the assessment of factors in the rehabilitation process which lead to the competitive employment of blind and visually impaired individuals, especially those who are multiply handicapped;
- Investigate strategies and techniques for assessing the visual functioning of the low vision individual in the workplace and develop procedures to assist rehabilitation practitioners and consumers to use these strategies and techniques in the job modification and accommodation process;
- Investigate areas of current concern to those involved in the rehabilitation of deaf-blind persons and provide state-of-the-art training opportunities for those service providers who are involved in the career development and job placement of deaf-blind persons; and

- Identify the roles and functions of rehabilitation teachers, orientation and mobility instructors, and rehabilitation counselors for the blind in public and private rehabilitation agencies to be used as a base for developing curricula for long-term and short-term training programs.

Rehabilitation of Deaf and Hearing-Impaired Individuals

The estimated 14.2 million individuals with hearing impairment comprise the largest single disability group in the United States. A Research and Training Center on Deafness and Hearing Impairment is needed to address problems of the vocational, personal, social, and community adjustment problems resulting from severe hearing impairment and to disseminate and promote the utilization of research findings and knowledge through training and materials development.

An RTC is proposed to:

- Assess the factors which promote successful transition of deaf and severely hard-of-hearing individuals from educational and training settings to the work world, and devise and test rehabilitation interventions to facilitate this transition;
- Develop and test models for developing long-term supportive linkages between Vocational Rehabilitation agencies and employers to enhance the probability of successful work adjustment and career development for deaf and severely hard-of-hearing individuals;
- Assess the rehabilitation needs of, and identify effective rehabilitation interventions to address, the chronically unemployed, underemployed, and displaced deaf or severely hard-of-hearing worker;
- Devise strategies to assist families and rehabilitation personnel to work cooperatively and effectively in providing independent living or rehabilitation service that make optimal use of the client's personal resources (community, peers, interests, and abilities);
- Develop and test models to assess and address the needs of deaf and severely hard-of-hearing individuals to acquire the social and community living skills necessary for successful psychosocial functioning in the workplace and the community.
- Identify and evaluate innovative and effective practices in independent living services for severely disabled deaf and deaf-blind individuals in the United States and increase the use of these practices in other communities

- through training dissemination, and technical assistance networks;
- Develop and test computer—assisted occupational information and exploration system in the career guidance and counseling of deaf and severely hard-of-hearing rehabilitation clients;
 - Develop and test the use of a computerized statewide job bank which deaf applicants can access to obtain listing of employers who hire and/or are receptive to employing qualified deaf workers;
 - Develop, validate, and calculate norms for a manual communication test battery which can be used in the rehabilitation assessment of the receptive and expressive sign language skills of deaf individuals;
 - Provide technical assistance to State rehabilitation agencies and other service providers in the development and implementation of rehabilitation services for deaf severely hard-of-hearing individuals; and
 - Develop training programs for rehabilitation personnel in the core areas of: (1) Rehabilitation evaluation, (2) rehabilitation guidance, counseling, and placement, and (3) personal and social adjustment strategies and interventions.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these priorities. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before October 16, 1985 will be considered before the Secretary issues final priorities. All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: September 11, 1985

William J. Bennett,

Secretary of Education.

[FR Doc. 85-22126 Filed 9-13-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

National Institute of Handicapped Research; Notice for Transmittal of Applications for Research and Training Centers for Fiscal Year 1986

AGENCY: Department of Education.
ACTION: Notice.

Applications are invited for new Rehabilitation Research and Training Centers in selected priority areas for Fiscal Year 1986 under the National Institute of Handicapped Research.

Authority for this program is contained in section 204(b)(1) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 and Pub. L. 98-221 (29 U.S.C. 762(b)(1)).

Closing Date for Transmittal of Applications: Applications for new awards must be mailed or hand delivered on or before November 22, 1985.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.133B, 400 Maryland Avenue, SW., Washington, D.C. 20202.

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

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

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

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

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW., Washington D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m.

(Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Fund: NIHR expects to make up to \$1,150,000 available to award grants or cooperative agreements under this program. However, these estimates do not bind the U.S. Department of Education to any specific number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulations.

Program Information: The National Institute of Handicapped Research (NIHR) is authorized to support research and related activities under several program authorities, including a program of Rehabilitation Research and Training Centers (RTC's). NIHR has proposed three priorities in which it expects to fund Research and Training Centers in Fiscal Year 1986; these proposed priorities are published in a separate notice in this issue of the *Federal Register*. A description of the Research and Training Center program is also included in that notice.

NIHR is permitted to make awards for up to 60 months. It is the intention of NIHR to provide financial assistance to successful applicants through grants or cooperative agreements. If at the time of the award, NIHR determines that substantial Federal programmatic involvement is warranted, it will negotiate cooperative agreements with the successful applicants.

NIHR expects to fund one new RTC in each of the following proposed priority areas:

- Rehabilitation of Deaf and Hearing Impaired Individuals—in an amount up to \$400,000 per year for up to 60 months.
- Rehabilitation of Blind and Visually Impaired Individuals—in an amount up to \$400,000 per year for up to 60 months.
- Rehabilitation of Cardiovascular Impairment—in an amount up to \$350,000 per year for up to 60 months.

Prospective applicants should consult the detailed description of each of these priorities published elsewhere in this issue of the *Federal Register* and should submit their applications based on the assumption that these will become the final priorities.

Application Forms: Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Mailstop 3070-2305, Switzer Office Building, 400 Maryland Avenue, SW., Washington, D.C. 20202 (Attention: Peer Review Unit), Telephone (202) 732-1607. Deaf

and hearing impaired individuals may call (202) 732-1198 for TTY services. Requests should refer to applications for Research and Training Centers, 84.133B.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations. Applicants should note the page limitations for this program in the application kit. Federal rules prescribe that NIHR may require the applicant to submit only the original application and two copies. However, to facilitate the peer review process and also to assure that any special features of the application can be reproduced, NIHR would find it helpful if an applicant would submit five copies along with the original. Submission of extra copies is optional and will not affect the review of the application.

[Approved by the Office of Management and Budget under Control Number 1820-0027.]

Applicable Regulations: Regulations governing this program include the following:

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

(b) Regulations governing the National Institute of Handicapped Research (34 CFR Part 350 and 352).

A Notice of Proposed Annual Funding Priorities for this program is published in this issue of the *Federal Register*. Prospective applicants are advised that the proposed annual funding priorities are subject to modification in response to public comment, or on the basis of other Department of Education considerations. In the event any substantive changes are made in the final priorities or other requirements for new awards, applicants will be given the opportunity to amend or resubmit their applications.

For Further Information Contact: National Institute of Handicapped Research, U.S. Department of Education,

Switzer Office Building, Room 3070, 330 C Street, SW., Washington, D.C. 20202. Telephone (202) 732-1607; deaf and hearing impaired individuals may call (202) 732-1198 for TTY services.

(29 U.S.C. 782)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: September 11, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-22142 Filed 9-13-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council; U.S. Petroleum Refining Coordinating Subcommittee on U.S. Petroleum Refining; Date Change of Meeting

The date and location of the September 12, 1985, seventh meeting of the Coordinating Subcommittee on U.S. Petroleum Refining has been changed (reference Date Change for Meeting, 50 FR 33995, Thursday, August 22, 1985, FR DOC 85-20147 filed 8/21/85). The new date and location should read: Wednesday, September 18, 1985, starting at 9:00 a.m., in the Arboretum Room of the Hyatt Regency Houston Hotel, 1200 Louisiana Street, Houston, Texas. Notice of this meeting first appeared in 50 FR 27652, Friday, July 5, 1985 (FR Doc 85-16092 filed 7/3/85).

Issued at Washington, D.C., September 6, 1985.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 85-22131 Filed 9-13-85; 8:45 am]

BILLING CODE 8450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: The Department of Energy (DOE) has submitted the following

collections to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Monday, August 19, 1985 (50 FR 33404).

FOR FURTHER INFORMATION CONTACT: John Gross, Director, Data Collection Services Division (DCSD), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252-2308
Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7313

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agency as shown above.

If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., September 10, 1985.

Yvonne M. Bishop,

Director, Statistical Standards Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA-26	Financial Reporting System.	Ext.	Annually	Mandatory	Oil and Gas Producers.	22	33,066	EIA-26 collects financial, production and reserves data. The data, required pursuant to Pub. L. 95-91, are used to evaluate the competitive environment for energy products supply/development, and to analyze energy resource development/supply/distribution arrangements. EIA publishes the data. Respondents are 22 major oil and gas producers.
EIA-162	Domestic Crude Oil First Purchase Report.	Ext.	Monthly	Mandatory	Crude Oil Purchasers.	225	10,800	Data are used as inputs to the <i>Petroleum Marketing Monthly</i> , the <i>Monthly Energy Review</i> and the <i>Annual Energy Outlook</i> . EIA-162 provides information on crude oil prices and the market shares of crude oil production in the U.S. Respondents are crude oil first purchasers.

[FR Doc. 85-22130 Filed 9-13-85; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER85-728-000 et al.]

Electric Rate and Corporate Regulation Filings; Arizona Public Service Co. et al.

September 10, 1985.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER85-728-000]

Take notice that on August 30, 1985, Arizona Public Service Company ("APS") tendered for filing a proposed new rate schedule under section 205 of the Federal Power Act for service to the Papago Tribal Utility Authority ("PTUA") in excess of 6 MW's.

APS now serves electric power to PTUA pursuant to a Wholesale Power Agreement (Agreement), Rate Schedule FPC No. 52. The maximum Demand under this Agreement is scheduled to decrease to 6 MW's effective October 12, 1985, and this filing is intended to establish a rate for power taken in excess of 6 MW's in the event of load overruns.

APS requests waiver of the notice requirements of the Commission's Rules and Regulations, 18 CFR 35.3 and 35.11, in order for the rate schedule to become effective as of October 12, 1985, simultaneous with the effective date of the reduction in PTUA's Maximum Demand under its existing rate schedule.

Copies of the filing were served upon PTUA and the Arizona Corporation Commission.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Central Vermont Public Service Corporation

[Docket No. ER85-729-000]

Take notice that Central Vermont Public Service Corporation (Central Vermont) on August 30, 1985, tendered for filing proposed changes in its Electric Service Rate Schedule FERC No. 88. The proposed changes would increase revenues from jurisdictional sales and service by \$158,976 for the twelve month period ending October 31, 1985.

Central Vermont states that the change is proposed in accordance with Article V of Central Vermont's Power Purchase Contract with Vermont Electric Generation and Transmission Cooperative, Inc. which provides that charges will be updated annually to incorporate Central Vermont's purchased power cost experience for the preceding twelve months ending October and Central Vermont's capacity cost associated with company-owned generating facilities for the preceding calendar year. Central Vermont proposes an effective date of November 1, 1985.

Copies of this filing were served upon the Vermont Electric Generation and Transmission Cooperative, Inc. and the Vermont Public Service Board.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Central Vermont Public Service

[Docket No. ER85-730-000]

Take notice that Central Vermont Public Service Corporation (Central Vermont) on August 30, 1985 tendered for filing proposed changes in its Electric

Service Rate Schedule FERC No. 111. The proposed changes would increase revenues from jurisdictional sales and service by \$11,625 for the twelve month period ending October 31, 1985.

Central Vermont states that the change is proposed in accordance with Article V of Central Vermont's Power Purchase Contract with Village of Hyde Park Water and Light Department which provides that charges will be updated annually to incorporate Central Vermont's purchased power cost experience for the preceding twelve months ending October and Central Vermont's capacity cost associated with Company-owned generating facilities for the preceding calendar year. Central Vermont proposes an effective date of November 1, 1985.

Copies of this filing were served upon the Village of Hyde Park Water and Light Department and the Vermont Public Service Board.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Central Vermont Public Service Corporation

[Docket No. ER85-731-000]

Take notice that Central Vermont Public Service Corporation (Central Vermont) on August 30, 1985 tendered for filing proposed changes in its Electric Service Rate Schedule FERC No. 106. The proposed changes would increase revenues from jurisdictional sales and service by \$28,318 for the twelve month period ending October 31, 1985.

Central Vermont states that the change is proposed in accordance with Article V of Central Vermont's Power Purchase Contract with Village of Johnson Water and Light Department

which provides that charges will be updated annually to incorporate Central Vermont's purchased power cost experience for the preceding twelve months ending October and Central Vermont's capacity cost associated with company-owned generating facilities for the preceding calendar year. Central Vermont proposed an effective date of November 1, 1985.

Copies of this filing were served upon the Village of Johnson Water and Light Department and the Vermont Public Service Board.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. The Cleveland Electric Illuminating Company

[Docket No. ER85-745-000]

Take notice that on September 4, 1985, The Cleveland Electric Illuminating Company (CEI) tendered for filing executed Service Agreements and Exhibits A and B thereto, providing for transmission by CEI of approximately 22 MW of power from the 345 kv interconnection point on CEI's Ashtabula/Erie-West Line with Pennsylvania Electric Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on August 1, 1985, and September 1, respectively.

Comment date: September 24, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power Corporation

[Docket No. ER85-727-000]

Take notice that on August 30, 1985, Florida Power Corporation (Florida Power) tendered for filing Service Schedule F providing for assured capacity and energy interchange service between Florida Power and the Orlando Utilities Commission. Florida Power states that service Schedule F is submitted for inclusion as a supplement to the existing contract for interchange service between Florida Power and the Orlando Utilities Commission designated as Florida Power's Rate Schedule FERC No. 86.

Florida Power requests that Service Schedule F 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 Orlando Utilities Commission and the Florida Public Service Commission.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. The Kansas Power and Light Company

[Docket No. ER85-734-000]

Take notice that on August 30, 1985, The Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated August 1, 1985, with the City of Enterprise, Kansas for wholesale service to that community. KPL states that this contract permits the City of Enterprise to receive service under rate schedule WSM-12/83 designated Supplement No. 9 at R. S. FERC No. 175. The proposed effective date is September 25, 1985. The proposed contract change provides essentially for the ten year extension of the original terms of the presently approved contract. In addition, KPL states that copies of the contract have been mailed to the City of Enterprise and the State Corporation Commission.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. New England Power Company

[Docket No. ER85-724-000]

Take notice that New England Power Company (NEP) on August 30, 1985 tendered for filing a proposed amendments to its FERC Rate Schedule No. 309 as presently on file and effective with this Commission.

The proposed amendment would increase the effective rates for full cost capacity charges to Public Service Company of New Hampshire for unit power entitlements during the period November 1, 1985 through October 31, 1986, and would result in an increase in the fixed charges of \$1,020, 332, per year.

The proposed effective date is November 1, 1985.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Company

[Docket No. ER85-726-000]

Take notice that New England Power Company (NEP) on August 30, 1985 tendered for filing as initial rate schedules agreements for unit power sales by NEP to 1) Vermont Marble Company and 2) Newport Electric Corporation.

The agreements are priced on a full cost of service basis and provide for sale of 25 megawatt-years of power for the period November 1, 1985 through October 31, 1990 to Vermont Marble Company and 150 megawatt-years of

power from November 1, 1985 through October 31, 1990 to Newport Electric Corporation.

The proposed effective date is November 1, 1985.

Comment date: September 23, 1985 in accordance with Standard Paragraph E at the end of this notice.

10. Portland General Electric Company

[Docket No. ER85-744-000]

Take notice that Portland General Electric Company (PGE) on September 4, 1985 tendered for filing a Sales Agreement with the State of California, Department of Water Resources which provides for the sale of 100 MW of firm energy surplus to PGE for a time period of 4 months. The contract rate for energy to be sold is based upon its incremental cost of production plus an additional amount for fixed charges (not exceeding fully distributed fixed charges) plus the costs of transmission.

PGE states the reason for the proposed Sales Agreement is to allow it to recover a portion of its fixed charges applicable to certain of its thermal generating resources during a short period of time when such thermal resources are not required for its system loads.

PGE requests an effective date of June 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon the State of California, Department of Water Resources, and the Oregon Public Utility Commissioner.

Comment date: September 24, 1985, in accordance with Standard Paragraph E at the end of this notice.

11. South Carolina Electric & Gas Company

[Docket No. ER85-722-000]

Take notice that South Carolina Electric and Gas Company on August 30, 1985, tendered for filing a proposed change in its August 13 service agreement with Town of Winnsboro, South Carolina.

Under the proposed change, South Carolina Electric and Gas Company proposes to replace the current Exhibit A dated January 25, 1974, with the revised Exhibit A. This has been done to increase the available capacity necessary to meet the customer's expanding requirements.

Copies of this filing were served upon Town of Winnsboro, South Carolina.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

12. Portland General Electric

[Docket No. ER85-662-000]

Take notice that on August 8, 1985, Portland General Electric Company (PGE) tendered for filing a Summary of Sales made under the Company's first revised Electric Service Tariff, Volume No. 1, during June of 1985, along with a cost justification for the rates charged. This filing also includes new Service Agreements with City of Pasadena, City of Burbank and Sierra Pacific Power Company.

Portland General Electric Company requests an effective date of July 31, 1985, and therefore requests a waiver of the Commission's notice requirements.

Copies of this filing were served upon parties having service agreements with PGE, parties to the Intercompany Pool Agreement (revised), intervenors in Docket No. ER77-131 and the Oregon Public Utility Commissioner.

Comment date: September 23, 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, N.E., 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. 85-22138 Filed 9-13-85; 8:45 am.]

BILLING CODE 8717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59202A FRL-2898-4]

Certain Chemicals Approval of Test Marketing Exemption

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-85-62. The test marketing conditions are described below.

EFFECTIVE DATE: September 9, 1985.

FOR FURTHER INFORMATION CONTACT: Jane Talarico, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm E-611E, 401 M St. SW., Washington DC 20460. (202 382-5506).

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-85-62. 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 volume, use and the number of customers must not exceed that 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-85-62. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, each Company shall maintain the following records until five years after dates they are created, and shall make them available for inspection or copying in accordance with section 11 of 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.
4. The applicant must maintain the following information on disposal of the

TME substance: dates waste material is provided to state-certified transporters for disposal at a RCRA-approved facility, the identity of the transporters, volume of any disposed solid material, and estimated volume of any liquid wastes containing the TME substance.

T-85-62

Date of Receipt: August 1, 1985.

Notice of Receipt: August 9, 1985 (50 FR 32302).

Applicant: Confidential.

Chemical: (G) Adduct of an aliphatic amine with an epoxy resin.

Use: Used as an epoxy crosslinking agent for potting, sealing and encapsulation of electrical components.

Prod. Range: Confidential.

Toxicity Data:

Acute Oral: 11.4 g/kg (rat), 15.6 g/kg (mouse), 19.8 g/kg (rabbit);

Acute dermal: >20 mg/kg;

Irritation: Skin—moderate; Eye—moderate; Inhalation—No death in saturated air for 8 hours.

Worker Exposure: Confidential.

Environmental Release/Disposal: No data submitted.

Test Marketing Period: One year.

Commencing on: September 9, 1985.

Risk Assessment: EPA identified no significant concerns for human health effects. Therefore, the test marketing substance will not pose any unreasonable risk of injury to health. The Agency did identify potential adverse effects on aquatic organisms. However, since wastes from manufacturing, processing and use will be disposed at a RCRA-approved facility pursuant to 40 CFR 122 or 264 the test market substance will not pose any unreasonable environmental risk.

Additional Restrictions: The applicant and its four customers shall dispose of all wastes containing the TME substance by contracting with state-certified transporters for disposal at a RCRA-approved facility pursuant to 40 CFR 122 or 264.

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: September 9, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-22097 Filed 9-13-85; 8:45 am.]

BILLING CODE 5650-50-M

[OPTS-53074; FRL-2897-9]

Premanufacture Notices; Monthly Status Report for May 1985**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for May 1985.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the

specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53074]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460, [202-382-3532].

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-813, 401 M

Street SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during May; (b) PMNs received previously and still under review at the end of May; (c) PMNs for which the notice review period has ended during MAY; (d) chemical substances for which EPA has received a notice of commencement to manufacture during MAY and (e) PMNs for which the review period has been suspended. Therefore, the MAY 1985 PMN Status Report is being published.

Dated: September 5, 1985.

Linda A. Travers,
Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, May 1985**1. 117 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH:**

PMN No.	Identify/generic name	FR citation	Expiration date
P 85-887	Indium orthoborate	50 FR 19798 (19800) (5-10-85)	July 29, 1985.
P 85-888	Generic name: Modified polyglycol polymer	50 FR 19798 (19800) (5-10-85)	Do.
P 85-889	Generic name: Copolymer of acrylic acid esters, vinyl acetate, acrylic acid amide, crotonic acid, and fumaric acid ester.	50 FR 19798 (19801) (5-10-85)	Do.
P 85-890	Generic name: Polypropylene glycol alkyl ether	50 FR 19798 (19801) (5-10-85)	Do.
P 85-891	Generic name: Polypropylene glycol alkyl ether	50 FR 19798 (19801) (5-10-85)	Do.
P 85-892	Generic name: Polypropylene glycol alkyl ether	50 FR 19798 (19801) (5-10-85)	Do.
P 85-893	Generic name: Polyfluoro substituted alkyl-N substituted amino alcohol acetate	50 FR 19798 (19801) (5-10-85)	July 30, 1985.
P 85-894	Generic name: Epoxidized natural oil	50 FR 19798 (19801) (5-10-85)	Do.
P 85-895	Generic name: Alkoxylated polyol, diacid adduct	50 FR 19798 (19801) (5-10-85)	Do.
P 85-896	Cuprate(3-), [2-[[[3-[[4,6-dichloro-1,3,5-triazin-2-yl]amino]-2-hydroxy-5-sulfo-phenyl]azo]phenylmethyl]azo]-4-sulfobenzate(5-)], disodium hydrogen, (SP-4-3).	50 FR 19798 (19801) (5-10-85)	Do.
P 85-897	2,8,10-trioxa-5-azadodecanoic acid, 5-[5-chloro-2-methoxy-4-[(5-nitro-2-thiazolyl)azo]phenyl]-0-oxo-, ethyl ester.	50 FR 19798 (19801) (5-10-85)	July 29, 1985
P 85-898	Phosphoric acid, alkyl esters	50 FR 19798 (19801) (5-10-85)	July 30, 1985
P 85-899	Generic name: Ethoxylated polyester	50 FR 19798 (19801) (5-10-85)	Do.
P 85-900	Generic name: Polyamino-polyamide	50 FR 20596 (5-17-85)	July 31, 1985
P 85-901	Generic name: Polyamino-polyamide-epichlorohydrin polymer	50 FR 20596 (20597) (5-17-85)	Do.
P 85-902	Generic name: N-substituted tauramide	50 FR 20596 (20597) (5-17-85)	Do.
P 85-903	Generic name: Tetrasubstituted amine	50 FR 20596 (20597) (5-17-85)	Do.
P 85-904	Generic name: Alkoxylated alcohol	50 FR 20596 (20597) (5-17-85)	Do.
P 85-905	Sodium aluminum tetrahydride	50 FR 20596 (20597) (5-17-85)	Do.
P 85-906	Generic name: Polymer reacted by a poly (aliphatic) isocyanate	50 FR 20596 (20597) (5-17-85)	Do.
P 85-907	Generic name: Polymer reacted by a poly (aliphatic) isocyanate	50 FR 20596 (20597) (5-17-85)	Do.
P 85-908	Generic name: Short oil alkyl resin	50FR 20596 (20597) (5-17-85)	Do.
P 85-909	Generic name: Aliphatic, cycloaliphatic polyester	50FR 20596 (20597) (5-17-85)	Do.
P 85-910	Generic name: Aliphatic, aromatic copolyester	50FR 20596 (20597) (5-17-85)	Do.
P 85-911	Trifluoromethanesulfonic acid 2-propenyl ester.	50FR 20596 (20597) (5-17-85)	Aug. 3, 1985.
P 85-912	Generic name: Substituted alkanol adduct of a long chain diisocyanate	50FR 20596 (20597) (5-17-85)	Do.
P 85-913	Generic name: Polyol sulfate	50FR 20596 (20597) (5-17-85)	Do.
P 85-914	Generic name: Trisubstituted triazole	50FR 20596 (20597) (5-17-85)	Do.
P 85-915	2,4,6-tri-(2-pyridyl)-1,3,5-triazine 1:1 salt with para-toluenesulfonic acid	50FR 20596 (20597) (5-17-85)	Do.
P 85-916	Generic name: 1,2-diaminocyclohexane, epoxy resin reaction product	50FR 20596 (20597) (5-17-85)	Do.
P 85-917	Generic name: Copolymer of terephthalic, isophthalic, adipic, trimellitic acid and ethylene glycol	50FR 20596 (20597) (5-17-85)	Do.
P 85-918	Generic name: Methylene diisocyanatebenzene adduct with a polyether glycol and a propenoate ester.	50FR 20596 (20597) (5-17-85)	Aug. 4, 1985
P 85-919	Generic name: Modified aromatic isocyanate	50FR 20596 (20597) (5-17-85)	Do.
P 85-920	Generic name: Ethoxylated amidamine of rosin	50FR 20596 (20597) (5-17-85)	Do.
P 85-921	Reaction product of thiodipropionic acid and para-aminodiphenylamine	50FR 20596 (20597) (5-17-85)	Do.
P 85-922	Benzenesulfonic acid, 2-amino-4-acetyl-amino-5-[4-[(2-sulfoxyethyl)sulfonyl]phenyl]azo-, sodium salt.	50FR 20596 (20597) (5-17-85)	Do.
P 85-923	Generic name: Fatty acid modified silicone polyester	50FR 20596 (20597) (5-17-85)	Do.
P 85-924	Polymer of 2,2-dimethyl-3-hydroxypropyl-2, 2-dimethyl-3-hydroxypropionate, trimethylol propane, 2,4-toluene diisocyanate, adipic acid, E-caprolactone.	50FR 20596 (20597) (5-17-85)	Do.
P 85-925	Polymer of: 2-ethanol, 1,1'-thiobis, ethanol, 2-mercapto, reaction product with propylene oxide; 3-thiahept-5-ene-1-ol, ethanol, 2-mercapto, reaction product with propylene oxide; 3-thiahept-5-ene-1-ol, ethanol, 2-mercapto, reaction product with oxirane, [2-propenyl]oxymethyl], 4, 4'-thiodiphenol, ethanethiol, 2, 2'-(1,2-ethanediy]bis[oxyl]bis	50FR 20596 (20597) (5-17-85)	Do.
P 85-926	Generic name: Ethoxylated amidamine of rosin	50FR 20596 (20597) (5-17-85)	Do.
P 85-927	Generic name: Modified essential oil	50FR 20596 (20599) (5-17-85)	Do.
P 85-928	Polymer of: pentaerythritol, benzoic acid; tall oil fatty acid; neopentyl glycol; isophthalic acid; phthalic anhydride, styrene; and acrylic acid.	50FR 20596 (20599) (5-17-85)	Do.
P 85-929	Generic name: Alkylated aromatic diamine	50FR 20596 (20599) (5-17-85)	Do.
P 85-930	1,2-benzenedicarboxylic acid-4-[(3-amino-phenyl)hydroxymethyl]methyl ester	50 FR 20596 (20599) (5-17-85)	Do.
P 85-931	Generic name: Disubstituted allylthiazine salt	50 FR 20596 (20599) (5-17-85)	Aug. 6, 1985.
P 85-932	Generic name: Disubstituted allylthiazine	50 FR 20596 (20599) (5-17-85)	Do.
P 85-933	Generic name: Disubstituted allylthiazine	50 FR 20596 (20599) (5-17-85)	Do.

I. 117 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-934	Generic name: Acrylated alkyl	50 FR 20596 (20599) (5-17-85)	Do.
P 85-935	Generic name: Isophorone diisocyanate adduct of a polyether glycol, an alkanediol, and a substituted alkanol.	50 FR 21498 (21499) (5-24-85)	Aug. 7, 1985.
P 85-936	Benzamide, N,N'-(14-chloro-5,6,7,12,13,17,22,23,25,28-decahydro-5,7,12,17,22,25,28-hepta-oxonaphthol(2,3-C)bisnaphthyl(2',3,6,7)indolo(3,2-a:3',2'-i)acridine-1,18-diyl)bis-	50 FR 21498 (21499) (5-24-85)	Do.
P 85-937	Generic name: Alkyl diamine	50 FR 21498 (21499) (5-24-85)	Do.
P 85-938	Generic name: Substituted ethenes, aliphatic acid, substituted aliphatic acid	50 FR 21498 (21499) (5-24-85)	Do.
P 85-939	Generic name: Polymer of a natural product oil and alkylene oxide	50 FR 21498 (21499) (5-24-85)	Do.
P 85-940	Generic name: Saturated/unsaturated branched chain secondary alcohol/ketone mixture having 12 carbon atoms.	50 FR 21498 (21499) (5-24-85)	Do.
P 85-941	Generic name: Substituted alkylamine salt	50 FR 21498 (21499) (5-24-85)	Aug. 10, 1985.
P 85-942	Generic name: Substituted alkyl propanamide	50 FR 21498 (21499) (5-24-85)	Do.
P 85-943	Generic name: Substituted alkyl acetamide	50 FR 21498 (21499) (5-24-85)	Do.
P 85-944	Generic name: Phenol formaldehyde resin	50 FR 21498 (21499) (5-24-85)	Do.
P 85-945	Generic name: Acrylic ester terpolymer	50 FR 21498 (21499) (5-24-85)	Do.
P 85-946	Generic name: Halogenated alkyl aromatic	50 FR 21498 (21500) (5-24-85)	Do.
P 85-947	Generic name: Halogenated alkyl aromatic compound	50 FR 21498 (21500) (5-24-85)	Do.
P 85-948	Generic name: Substituted nitro aromatic compound	50 FR 21498 (21500) (5-24-85)	Do.
P 85-949	Generic name: Organosilane polymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-950	Generic name: Alkylsilane ether epoxide	50 FR 21498 (21500) (5-24-85)	Aug. 11, 1985.
P 85-951	Generic name: Organosilane aralkyls ether diol	50 FR 21498 (21500) (5-24-85)	Do.
P 85-952	Generic name: Polyether polyurethane polymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-953	Generic name: Polyacrylate/vinyl chloride graft polymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-954	Generic name: Polydimethylsiloxane, methyl alkene siloxane copolymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-955	Generic name: Copolymer of acrylonitrile, acrylic acid and aliphatic amine, salt	50 FR 21498 (21500) (5-24-85)	Do.
P 85-956	Generic name: Substituted cyclohexenyl epoxy alkanone	50 FR 21498 (21500) (5-24-85)	Do.
P 85-957	Generic name: Alkyl alkylpolyoxyethyl ether	50 FR 21498 (21500) (5-24-85)	Do.
P 85-958	Generic name: Imidazole	50 FR 21498 (21500) (5-24-85)	Do.
P 85-959	Generic name: Barium fluorobromide	50 FR 21498 (21500) (5-24-85)	Do.
P 85-960	Generic name: Substituted triazole	50 FR 21498 (21501) (5-24-85)	Do.
P 85-961	Generic name: Amine polyglycol	50 FR 21498 (21501) (5-24-85)	Aug. 12, 1985.
P 85-962	Generic name: Amine polyglycol	50 FR 21498 (21501) (5-24-85)	Do.
P 85-963	Generic name: Alkyl ether-substituted polyester	50 FR 21498 (21501) (5-24-85)	Do.
P 85-964	Generic name: Phenolic condensation product of xylene-formaldehyde resin	50 FR 21498 (21501) (5-24-85)	Do.
P 85-965	Generic name: Phenolic condensation product of xylene-formaldehyde resin	50 FR 21498 (21501) (5-24-85)	Do.
P 85-966	3,9-diethyl tridecan-6-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-967	3,9-diethyl 7-tridecene-6-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-968	5-ethyl heptan-2-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-969	5-ethyl 3-hepten-2-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-970	Humic acids, ammonium salts	50 FR 21498 (21501) (5-24-85)	Do.
P 85-971	Generic name: Tetrafunctional mercapto ester reaction product with propylene dicarboxylic acid	50 FR 21498 (21501) (5-24-85)	Do.
P 85-972	Generic name: Acrylate capped polyether ester of benzophenone tetracarboxylic dianhydride	50 FR 21498 (21501) (5-24-85)	Do.
P 85-973	Generic name: Triglycidyl ether of a substituted tri(hydroxyphenyl)methane	50 FR 21498 (21502) (5-24-85)	Do.
P 85-974	Generic name: Modified bisphenol novolac	50 FR 21498 (21502) (5-24-85)	Do.
P 85-975	Generic name: Substituted alkanol	50 FR 21498 (21502) (5-24-85)	Do.
P 85-976	Generic name: Reaction product of an organic polymer, silane, organosilanes and a functional organosilane	50 FR 21498 (21502) (5-24-85)	Do.
P 85-977	Generic name: Substituted alkyl amine	50 FR 21498 (21502) (5-24-85)	Do.
P 85-978	Generic name: Amine polyglycol	50 FR 21498 (21502) (5-24-85)	Do.
P 85-979	Generic name: Amine polyglycol	50 FR 21498 (21502) (5-24-85)	Do.
P 85-980	Generic name: Copolymer of unsaturated polyester and allyl-compounds	50 FR 21498 (21502) (5-24-85)	Do.
P 85-981	Generic name: Amide acetal	50 FR 23185 (23186) (5-31-85)	Aug. 14, 1985.
P 85-982	Generic name: Poly(alkylene arylene malonimide)	50 FR 23185 (23186) (5-31-85)	Aug. 17, 1985.
P 85-983	Generic name: Alkylene-bis(arylene malonimide)	50 FR 23185 (23186) (5-31-85)	Aug. 19, 1985.
P 85-984	Generic name: Polyether with pendant methacrylate groups	50 FR 23185 (23186) (5-31-85)	Do.
P 85-985	Generic name: Reaction product of polyisocyanate, a polyalkylene oxide, a polyol and alkanols	50 FR 23185 (23186) (5-31-85)	Do.
P 85-986	Generic name: Aliphatic isocyanate-crosslinked polyester	50 FR 23185 (23186) (5-31-85)	Do.
P 85-987	Generic name: Substituted sulfoaryl arylidiazine	50 FR 23185 (23186) (5-31-85)	Do.
P 85-989	Generic name: Azosubstituted aminonaphthol salt	50 FR 23185 (23186) (5-31-85)	Do.
P 85-989	Generic name: Azosubstituted aminonaphthol salt	50 FR 23185 (23186) (5-31-85)	Do.
P 85-990	Generic name: Polymer of substituted norbornene derivative, a glycol and a terephthalate	50 FR 23185 (23186) (5-31-85)	Do.
P 85-991	Generic name: 4,4'-(octalylidene-4,7-methano-5H-inden-5-ylidene)bis(2-phenoxy ethanol)	50 FR 23185 (23186) (5-31-85)	Do.
P 85-992	Generic name: Urethane acrylate	50 FR 23185 (23186) (5-31-85)	Do.
P 85-993	Generic name: Polyester-polyol-terminated toluene diisocyanate polymer	50 FR 23185 (23187) (5-31-85)	Aug. 19, 1985.
P 85-994	Generic name: Benzothiazolesulfonic acid, substituted-(substituted-pyrimidinyl)azo carbomonocycle, alkali metal salt	50 FR 23185 (23187) (5-31-85)	Do.
P 85-995	Generic name: Benzothiazolesulfonic acid, substituted-(substituted-pyrimidinyl)azo carbomonocycle, substituted amine salt	50 FR 23185 (23187) (5-31-85)	Do.
P 85-996	Generic name: Benzothiazolesulfonic acid, substituted-(substituted-pyrimidinyl)azo carbomonocycle, alkali metal salt	50 FR 23185 (23187) (5-31-85)	Do.
P 85-997	Generic name: Poly(azo, oxo, partially hydrogenated aryl) sulfonyloxy substituted aromatic compound	50 FR 23185 (23187) (5-31-85)	Aug. 20, 1985.
P 85-998	Generic name: Mixed esters of butane polyols	50 FR 23185 (23187) (5-31-85)	Do.
P 85-999	Generic name: Polyfunctional methacrylate of polyisocyanate adduct of alkoxyated polyol	50 FR 24936 (24937) (6-14-85)	Aug. 21, 1985.
P 85-1000	Generic name: Polyester from carbomonocyclic anhydride, alkanols and a substituted alkanolic acid	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1001	Generic name: Functionally modified aliphatic polyester	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1002	Generic name: Crude alkanol diester of alkanedioic acid	50 FR 24936 (24937) (6-14-85)	Aug. 25, 1985.
P 85-1003	Humic acids, titanium salts	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1004	Humic acids, zinc salts	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1005	Generic name: Polyester resin	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1006	Bis(2-amino-2-methylpropyl) amine	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1007	Generic name: Alkoxyated oxazole	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1008	Propanoic acid, 3(N-2 (C ₁₂ -s amido) ethyl) oxyethyl amino, sodium salt	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1009	Generic name: Polyfunctional acrylate of alkyl aryl polyether, polyurethane, polyester	50 FR 24936 (24937) (6-14-85)	Aug. 26, 1985.
P 85-1010	3-Bromopropanoyl chloride	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1011	Generic name: Substituted bromopropanoic acid derivative	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1012	1-Hexanamine, 2-ethyl-N,N-bis(2-ethylhexyl)-	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1013	Generic name: Aliphatic diurethane acrylate ester	50 FR 24936 (24937) (6-14-85)	Do.

I. 117 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No	Identity/generic name	FR citation	Expiration date
P 85-1014	Polymer of Methacrylic acid, succinic anhydride, phenol, 4,4'-(1-methylethylidene)bis-polymer with (chloromethyl) 2-methylimidazole.	50 FR 24936 (24938) (6-14-85)	Sept. 16, 1985.
P 85-1015	Generic name: Salt of block copolymer of modified polyvinyl chloride, polyvinyl acetate and styrene unsaturated anhydride copolymer.	50 FR 24936 (24938) (6-14-85)	Aug. 26, 1985.
P 85-1016	Ethanamine, 2,2'-oxybis-bis-(aminoethyl) ether.	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1017	Generic name: Disubstituted benzenesulfonate salt.	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1018	3-(4-methylbenzylidene) camphor.	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1019	Humic acids, iron salts.	50 FR 24936 (24938) (6-14-85)	Aug. 27, 1985.
P 85-1020	Generic name: Polyurethane polymer with pendant acylate esters.	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1021	Generic name: Polyurethane polymer with pendant acylate esters.	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1035	Humic acids, zinc salts.	50 FR 24936 (24940) (6-14-85)	Aug. 25, 1985.
P 85-1036	Humic acids, zinc salts.	50 FR 24936 (24940) (6-14-85)	Do.
P 85-1037	Humic acids, iron salts.	50 FR 24936 (24940) (6-14-85)	Do.
P 85-1038	Humic acids, iron salts.	50 FR 24936 (24940) (6-14-85)	Do.
P 85-1039	Humic acids, iron salts.	50 FR 24936 (24940) (6-14-85)	Do.
P 85-1040	Humic acids, iron salts.	50 FR 24936 (24940) (6-14-85)	Do.
Y 85-71	Generic name: Polyester.	50 FR 23187 (5-31-85)	June 4, 1985.
Y 85-72	Generic name: Methacrylic tetrapolymer.	50 FR 23187 (5-31-85)	June 10, 1985.
Y 85-73	Generic name: Styrene-methacrylate terpolymer.	50 FR 23187 (5-31-85)	June 11, 1985.
Y 85-74	Polymer of dimethyl glutarate, dimethyl adipate dimethyl azelate, 1,4-butanediol and 2-ethylhexanol.	50 FR 23187 (5-31-85)	Do.
Y 85-75	Generic name: Acrylic-methacrylic polymer.	50 FR 23187 (23188) (5-31-85)	June 12, 1985.
Y 85-76	Generic name: Acrylic-methacrylic polymer.	50 FR 23187 (23188) (5-31-85)	Do.
Y 85-77	Generic name: Acrylic-methacrylic polymer.	50 FR 23187 (23188) (5-31-85)	Do.
Y 85-78	Generic name: Acrylic-methacrylic polymer.	50 FR 23187 (23188) (5-31-85)	Do.
Y 85-79	Generic name: Alkyd resin.	50 FR 24935 (24936) (June 14, 1985)	June 18, 1985.
Y 85-80	Generic name: Polyoxymethylene modified dimethylsilicone.	50 FR 24935 (24936) (June 14, 1985)	Do.
Y 85-81	Generic name: Propylene oxide, polymer with alkyl phenol, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	June 19, 1985.
Y 85-82	Generic name: Ethylene oxide, polymer with propylene oxide, alkyl phenol, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	Do.
Y 85-83	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	Do.
Y 85-84	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	Do.
Y 85-85	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	Do.
Y 85-86	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	Do.
Y 85-87	Generic name: Ethylene oxide, polymer with propylene oxide, alkyl phenol, glycerol, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (June 14, 1985)	Do.

II. 166 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No	Identity/generic name	FR citation	Expiration date
P 85-725	Generic name: Polymer of alkyl methacrylates, substituted alkyl methacrylates and styrene.	50 FR 14439 (4-12-85)	June 29, 1985.
P 85-726	Generic name: Alicyclic carboxylic acid.	50 FR 14439 (4-12-85)	Do.
P 85-727	Generic name: Calcium inpac.	50 FR 14439 (4-12-85)	Do.
P 85-728	Generic name: Modified trisphenol novolac.	50 FR 14439 (14440) (4-12-85)	June 30, 1985.
P 85-729	Generic name: Acrylate, methacrylate, polymer styrene.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-730	Generic name: Substituted phosphate ester.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-731	Generic name: Neutralized acrylic polymer.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-732	Generic name: Halogenated aromatic substituted alkane.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-733	Generic name: Halogenated aromatic polymer.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-734	Generic name: Halogenated aromatic alkane.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-735	Generic name: Substituted pyridine diazo dye.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-736	Generic name: Modified resin, calcium-zinc salt.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-737	Generic name: Copolymer of polyfluoroalkyl substituted methacrylate and polysubstituted methacrylate.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-738	Generic name: Alkyl resin.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-739	Generic name: Phenol-substituted alkane.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-740	Generic name: Polymer of acrylates, substituted acrylamide and dimethyl diallyl ammonium chloride.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-741	Generic name: Acrylic acid-acrylamidosulfonic acid copolymer including phosphino groups.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-742	Generic name: Alkyl polyoxymethylene phosphate esters.	50 FR 14439 (14441) (4-12-85)	July 1, 1985.
P 85-743	Generic name: Isocyanato oxazolidinyl isocyanurate.	50 FR 14439 (14441) (4-12-85)	Aug. 7, 1985.
P 85-744	4-N-tetradecyl 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14441) (4-12-85)	July 1, 1985.
P 85-745	4-N-hexyloxyphenyl 4'-(2-methylbutyl)phenyl 4'-carboxylate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-746	4-(2-methylbutyl)phenyl 4'-(2-methylbutyl)biphenyl 4'-(2-methylbutyl)biphenyl 4'-carboxylate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-747	4-Cyanophenyl 4'-(2-methylbutyl)biphenyl 4'-carboxylate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-748	4-N-octyloxy 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-749	4-N-hexyloxy 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-750	4-N-decyloxy 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-751	4-N-dodecyloxy 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-752	4-(2-methylbutyl)phenyl 4'-n-octylbiphenyl carboxylate.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-753	4-n-propyl 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-754	4-n-pentyl 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-755	4-(2-methylbutyl)phenyl 4'-n-octylbiphenyl carboxylate.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-756	4-n-heptyl 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-757	4-N-nonyl 4'-(2-methylbutyl)phenylbenzoate.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-758	4-(2-methylbutyl)phenyl 4'-pentylbiphenyl carboxylate.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-759	Generic name: Reaction product of triglycidyl ether of substituted tri-(hydroxyphenyl) methane and substituted phenol.	50 FR 14439 (14442) (4-12-85)	July 2, 1985.
P 85-760	Generic name: Acrylate, methacrylate, styrene polymer.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-761	Generic name: Diphenylmethane diisocyanate-terminated polyol polyurethane prepolymer.	50 FR 14439 (14442) (4-12-85)	Do.
P 85-762	Generic name: Bisdisubstituted anthraquinone heterocycle.	50 FR 15629 (4-19-85)	July 3, 1985.
P 85-763	Generic name: Polycarboxylic and polyheterocyclic compound with anthraquinone and carbazole substructures.	50 FR 15629 (4-19-85)	Do.
P 85-764	Generic name: 4-(Trans-4-n-alkylcyclohexyl)-n-alkylbenzene.	50 FR 15629 (15630) (4-19-85)	Do.

II. 166 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-705	Generic name: 4-N-alkoxyphenyl-4-trans-n-pentyl cyclohexyl carboxylate	50 FR 15629 (15630) (4-19-85)	Do.
P 85-706	Generic name: 4-(Trans-4-n-alkylcyclo-hexyl)-4'-Trans-4-n-alkyl' cyclohexyl biphenyl	50 FR 15629 (15630) (4-19-85)	Do.
P 85-707	Generic name: 4-alkoxyphenyl-trans-4-n-alkylcyclohexyl carboxylate	50 FR 15629 (15630) (4-19-85)	Do.
P 85-708	Generic name: Trans-5-n-alkyl-2-[4-cyano-biphenyl]-1,3-dioxane	50 FR 15629 (15630) (4-19-85)	Do.
P 85-709	Generic name: Trans-5-n-alkyl-2-[4-cyano-biphenyl]-1,3-dioxane	50 FR 15629 (15630) (4-19-85)	Do.
P 85-770	Generic name: 4-n-alkoxyphenyl-trans-4-n-alkylcyclohexyl carboxylate	50 FR 15629 (15630) (4-19-85)	Do.
P 85-771	Generic name: 4-n-alkoxyphenyl-4-trans-n-alkyl cyclohexyl carboxylate	50 FR 15629 (15630) (4-19-85)	Do.
P 85-772	Generic name: 4-n-alkyl-4'(4-trans-n-alkyl) cyclohexyl biphenyl	50 FR 15629 (15630) (4-19-85)	Do.
P 85-773	Generic name: 4-(Trans-4-n-alkylcyclo-hexyl)-N-alkylbenzene	50 FR 15629 (15630) (4-19-85)	Do.
P 85-774	Generic name: 4-(Trans-4-N-alkylcyclo-hexyl)-n-alkyl' benzene	50 FR 15629 (15630) (4-19-85)	Do.
P 85-775	Generic name: 5-n-alkyl-2-[4-n-alkoxy-phenyl]-1,3-pyrimidine	50 FR 15629 (15630) (4-19-85)	Do.
P 85-776	Generic name: 5-n-alkyl-2-[4-N-alkoxy-phenyl]-1,3-pyrimidine	50 FR 15629 (15631) (4-19-85)	Do.
P 85-777	Generic name: Trans-5-n-alkyl-2-[4-cyano-biphenyl]-1,3-dioxane	50 FR 15629 (15631) (4-19-85)	Do.
P 85-778	Generic name: 5-n-alkyl-2-[4-n-alkoxy-phenyl]-1,3-pyrimidine	50 FR 15629 (15631) (4-19-85)	Do.
P 85-779	Generic name: 5-n-alkyl-2-[4-n-alkoxy-phenyl]-1,3-pyrimidine	50 FR 15629 (15631) (4-19-85)	Do.
P 85-780	Generic name: Condensed aminomethylated tannins	50 FR 15629 (15631) (4-19-85)	Do.
P 85-781	Generic name: Substituted polyglycol	50 FR 15629 (15631) (4-19-85)	July 7, 1980
P 85-782	Generic name: Substituted polyglycol	50 FR 15629 (15631) (4-19-85)	Do.
P 85-783	Generic name: Adduct of chlorinated olefin/polydine	50 FR 15629 (15631) (4-19-85)	Do.
P 85-784	Generic name: Substituted polyglycol	50 FR 15629 (15631) (4-19-85)	Do.
P 85-785	Generic name: Copolyacrylate	50 FR 15629 (15631) (4-19-85)	Do.
P 85-786	Generic name: Fatty dibasic acids, amides from polyoxyalkylene amines	50 FR 15629 (15631) (4-19-85)	Do.
P 85-787	Generic name: Substituted acylimidazolidone	50 FR 15629 (15631) (4-19-85)	July 8, 1985
P 85-788	Generic name: Substituted benzene ester of polyphenylene oxide	50 FR 15629 (15631) (4-19-85)	Do.
P 85-789	Generic name: Polyester polydiacurea resin	50 FR 15629 (15631) (4-19-85)	Do.
P 85-790	Generic name: Polyester polydiacurea resin	50 FR 15629 (15632) (4-19-85)	Do.
P 85-791	Generic name: Haloborane—aromatic phosphate complex	50 FR 15629 (15632) (4-19-85)	Do.
P 85-792	Generic name: Substituted indole	50 FR 15629 (15632) (4-19-85)	Do.
P 85-793	Generic name: Carboxyphenylcarbonylindole	50 FR 15629 (15632) (4-19-85)	Do.
P 85-794	Generic name: Carboxyphenylcarbonylindole	50 FR 15629 (15632) (4-19-85)	Do.
P 85-795	Generic name: Isobenzofuranone	50 FR 15629 (15632) (4-19-85)	Do.
P 85-796	Generic name: Isobenzofuranone	50 FR 15629 (15632) (4-19-85)	Do.
P 85-797	Generic name: Diamino-polydimethylsiloxane	50 FR 15629 (15632) (4-19-85)	Do.
P 85-798	Generic name: Polyimide siloxane	50 FR 15629 (15632) (4-19-85)	July 8, 1985
P 85-799	Generic name: Modified polyacrylate polymer	50 FR 15629 (15632) (4-19-85)	Do.
P 85-800	Generic name: Sodium salt of polycarboxylic acid	50 FR 15641 (4-26-85)	Do.
P 85-801	Generic name: Adduct of polymeric 4,4'-phenylmethane diisocyanate and hydroxyester of terephthalic acid	50 FR 16541 (4-26-85)	July 10, 1985
P 85-802	Generic name: Functionalized styrene methacrylic polymer	50 FR 16541 (4-26-85)	Do.
P 85-803	Generic name: 4,4'-phenylmethane diisocyanate adduct of polyether polyol	50 FR 16541 (4-26-85)	July 13, 1985
P 85-804	Generic name: 2-methyl-6-quinolinamine hydrochloride	50 FR 16541 (4-26-85)	Do.
P 85-805	Generic name: 2-methyl-6-quinolinamine	50 FR 16541 (4-26-85)	July 14, 1985
P 85-806	Generic name: 2-methyl-6-nitroquinoline	50 FR 16541 (4-26-85)	Do.
P 85-807	Generic name: Polyprester of ketopolycyclic polyacid	50 FR 16541 (4-26-85)	Do.
P 85-808	Generic name: Polyester resin	50 FR 16541 (4-26-85)	Do.
P 85-809	Generic name: Terpolymer with styrene and methyl methacrylate	50 FR 16541 (16542) (4-26-85)	Do.
P 85-810	(Z)-1-bromo-3-hexane	50 FR 16541 (16542) (4-26-85)	Do.
P 85-811	Generic name: Polyurethane polyol	50 FR 16541 (16542) (4-26-85)	Do.
P 85-812	Generic name: 2-[3',5'-disubstituted-2'-hydroxyphenyl]benzotriazole	50 FR 16541 (16542) (4-26-85)	July 15, 1985
P 85-813	Generic name: Copolymer of unsaturated polyester and allyl-compounds	50 FR 16541 (16542) (4-26-85)	Do.
P 85-814	Generic name: Copolymer of unsaturated polyester and allyl-compounds	50 FR 16541 (16542) (4-26-85)	Aug. 14, 1985
P 85-815	Generic name: Copolymer of unsaturated polyester and allyl-compounds	50 FR 16541 (16542) (4-26-85)	Do.
P 85-816	Generic name: Copolymer of unsaturated polyester and allyl-compounds	50 FR 16541 (16542) (4-26-85)	Do.
P 85-817	Generic name: Copolymer of unsaturated polyester and allyl-compounds	50 FR 16541 (16542) (4-26-85)	Do.
P 85-818	Generic name: Benzzenesulfonic acid, 4-[(substituted)-3-methyl-5-oxo-2-pyrazolin-1-yl]-, salt	50 FR 16541 (16542) (4-26-85)	Do.
P 85-819	Generic name: Tall oil fractions, unsaturated hydrocarbon resin dienophile modified polymer with pentaerythritol	50 FR 16541 (16542) (4-26-85)	July 16, 1985
P 85-820	Generic name: Carboxylic modified resin	50 FR 16541 (16542) (4-26-85)	Do.
P 85-821	Generic name: Alkyd resin	50 FR 18916 (5-3-85)	Do.
P 85-822	Generic name: Substituted alkyl alkanol	50 FR 18916 (5-3-85)	July 17, 1985
P 85-823	Generic name: Alkene-methacrylate copolymer	50 FR 18916 (5-3-85)	Do.
P 85-824	Generic name: Acrylic modified alkyl resin	50 FR 18916 (5-3-85)	Do.
P 85-825	Generic name: 1-H-pyrazole-3-carboxylic acid, 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-4-[(4-sulfophenyl)azo]-, mixed salt	50 FR 18916 (5-3-85)	July 20, 1985
P 85-826	Generic name: Polyfluoro substituted alkyl, N-substituted amino alcohol	50 FR 18916 (5-3-85)	Do.
P 85-827	Generic name: Phenoxazinium, bis(substitutedamino), salt	50 FR 18916 (5-3-85)	Do.
P 85-828	Generic name: Cycloalkenylpentaenol	50 FR 18916 (5-3-85)	Do.
P 85-829	Generic name: Isothiocyanate of substituted polycyclic compound	50 FR 18916 (5-3-85)	Do.
P 85-830	Generic name: Thiocarbamate of substituted polycyclic compound	50 FR 18916 (5-3-85)	Do.
P 85-831	Generic name: Isothiocyanate of substituted polycyclic compound	50 FR 18916 (18917) (5-3-85)	Do.
P 85-832	Generic name: Polyester resin	50 FR 18916 (18917) (5-3-85)	Do.
P 85-833	Generic name: Urethane with blocked multifunctional isocyanates	50 FR 18916 (18917) (5-3-85)	Do.
P 85-834	Generic name: Vinyl-substituted organosilicone copolymer	50 FR 18916 (18917) (5-3-85)	Do.
P 85-835	Generic name: Organosilicone copolymer	50 FR 18916 (18917) (5-3-85)	Do.
P 85-836	(+) 4-n-tetradecyl 4-(2-methylbutyl) phenylbenzoate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-837	(+) 4-n-hexyloxyphenyl 4-(2-methylbutyl) biphenyl 4' carboxylate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-838	(+) 4-(2-methylbutyl) phenyl 4-(2-methyl butyl) biphenyl 4' carboxylate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-839	(+) 4-cyanophenyl-4-(2'-methylbutyl) biphenyl 4' carboxylate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-840	(+) 4-n-octyloxy 4-(2-methylbutyl) phenylbenzoate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-841	(+) 4-n-hexyloxy 4-(2-methylbutyl)-phenyl-benzoate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-842	(+) 4-n-decyloxy 4-(2-methylbutyl)-phenyl-benzoate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-843	(+) 4-n-dodecyloxy 4-(2-methylbutyl)-phenyl-benzoate	50 FR 18916 (18917) (5-3-85)	Do.
P 85-844	(+) 4-(2-methylbutyl)phenyl 4'-octyl-biphenyl carboxylate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-845	(+) 4-n-propyl 4-(2-methylbutyl)-phenyl-benzoate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-846	(+) 4-n-pentyl 4-(2-methylbutyl)-phenyl-benzoate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-847	(+) 4-(2-methylbutyl) phenyl 4'-n-heptyl-biphenyl carboxylate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-848	(+) 4-n-heptyl 4-(2-methylbutyl)-phenyl-benzoate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-849	(+) 4-n-nonyl 4-(2-methylbutyl) phenyl-benzoate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-850	(+) 4-(2-methylbutyl) 4'-phenylbiphenyl carboxylate	50 FR 18916 (18918) (5-3-85)	Do.
P 85-851	Generic name: Copolymer of vinyl acetate and olefins	50 FR 18916 (18918) (5-3-85)	Do.
P 85-852	Generic name: Alkyl ester of phosphorus acid	50 FR 18916 (18918) (5-3-85)	July 22, 1985
P 85-853	Generic name: Cycloaliphatic and cyclo-aromatic composite polyester	50 FR 18916 (18918) (5-3-85)	Do.

II. 166 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-854	Generic name: Triglycidyl ether of substituted tri(hydroxyphenyl) methane.	50 FR 18916 (18918) (5-3-85)	Do.
P 85-855	Generic name: Triglycidyl ether of substituted tri(hydroxyphenyl) methane.	50 FR 18916 (18918) (5-3-85)	Do.
P 85-856	Generic name: Oxime based polyurethane	50 FR 18916 (18919) (5-3-85)	Do.
P 85-857	Generic name: Alkylaluminum halide	50 FR 18916 (18919) (5-3-85)	Do.
P 85-858	Generic name: Polyester	50 FR 18916 (18919) (5-3-85)	Do.
P 85-859	Generic name: Acrylic resin	50 FR 19798 (5-10-85)	Do.
P 85-860	Generic name: Functionally modified acrylate type polymer.	50 FR 19798 (5-10-85)	Do.
P 85-861	Generic name: Ammonium salt	50 FR 19798 (5-10-85)	Do.
P 85-862	Generic name: Blocked aliphatic polyisocyanate	50 FR 19798 (5-10-85)	Do.
P 85-863	Generic name: Polymer of ethylene, ethyl acrylate, and maleic anhydride	50 FR 19798 (19799) (5-10-85)	Do.
P 85-864	Generic name: Dimethylhydrogen terminated polysioxane.	50 FR 19798 (19799) (4-12-85)	July 27, 1985.
P 85-865	Generic name: Substituted phenyl acetonitrile	50 FR 19798 (19799) (5-10-85)	Do.
P 85-866	Generic name: Substituted phenyl acetonitrile	50 FR 19798 (19799) (5-10-85)	Do.
P 85-867	Generic name: Ketopolycyclic polyacid, acid	50 FR 19798 (19799) (5-10-85)	Do.
P 85-868	Generic name: Diacetyl polycyclic hydrocarbon	50 FR 19798 (19799) (5-10-85)	Do.
P 85-869	Generic name: Ketopolycyclic polyacidchloride	50 FR 19798 (19799) (5-10-85)	Do.
P 85-870	Generic name: Isocyanate-terminated polyurethane.	50 FR 19798 (19799) (5-10-85)	Do.
P 85-871	Generic name: Hydroxy-terminated polyurethane.	50 FR 19798 (19799) (5-10-85)	Do.
P 85-872	Generic name: Fatty acid, resinous amidoamine.	50 FR 19798 (19799) (5-10-85)	Do.
P 85-873	Generic name: Resinous amidoamine.	50 FR 19798 (19799) (5-10-85)	Do.
P 85-874	3-dithiahept-5-ene-1-ol.	50 FR 19798 (19799) (5-10-85)	Do.
P 85-875	Generic name: Alkylamidopropyl betaine.	50 FR 19798 (19799) (5-10-85)	Do.
P 85-876	Generic name: Alkylamidopropyl betaine.	50 FR 19798 (19800) (5-10-85)	Do.
P 85-877	Generic name: Alkylaminopropyl betaine.	50 FR 19798 (19800) (5-10-85)	Do.
P 85-878	Generic name: Alkylaminopropyl betaine.	50 FR 19798 (19800) (5-10-85)	Do.
P 85-879	Generic name: Alkylaminopropyl betaine.	50 FR 19798 (19800) (5-10-85)	Do.
P 85-880	Generic name: Sodium bisulfite reaction product with an epoxidized natural oil.	50 FR 19798 (19800) (5-10-85)	Do.
P 85-881	Generic name: 2,2,6,6-tetramethyl-4-N-(substituted)aminopiperidine.	50 FR 19798 (19800) (5-10-85)	Do.
P 85-882	Ocladecanamide, N-[2-[(2-hydroxyethyl) amino]ethyl]-, monohydrochloride (salt).	50 FR 19798 (19800) (5-10-85)	Do.
P 85-883	Generic name: Polyurethane	50 FR 19798 (19800) (5-10-85)	Do.
P 85-884	Generic name: Blocked-isocyanate polyurethane polyether	50 FR 19798 (19800) (5-10-85)	Do.
P 85-885	Generic name: Unsaturated polyester resin	50 FR 19798 (19800) (5-10-85)	Do.
P 85-886	Generic name: Brominated unsaturated polyester resin.	50 FR 19798 (19800) (5-10-85)	Do.

III. 130 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity/generic name	FR citation	Expiration date
P 83-1006	Generic name: (Amino)-(hydroxy)-(substituted)(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36647 (36648) (8-12-83)	May 10, 1985.
F 83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48FR 36647 (36648) (8-12-83)	Do.
P 83-1012	Generic name: Bis(sulfophenyl)chlorotriazeneaminosulfonylphenylazo hydroxyaminodisulfonaphthalene.	48FR 36647 (36648) (8-12-83)	May 20, 1985.
P 84-54	Generic name: Substituted-phenylamino monoachloro-biazinylamino sulfonylphenylazo-substituted-disulfonaphthalenylazo-naphthalene-disulfonic acid, hexasodium salt.	48FR 50951 (50953) (11-4-83)	May 10, 1985.
P 84-1204	Generic name: Substituted, sulfonated naphthylazo sodium salt.	48FR 38356 (38359) (9-28-84)	Do.
P 85-457	Generic name: Reaction product of polytetramethylene glycol, methylene bis phenylisocyanate) and alcohols.	50FR 6383(6384) (2-15-85)	May 1, 1985.
P 85-458	Generic name: Alkyl ester of a trialkoxysilane	50FR 6383(6384) (2-15-85)	May 4, 1985.
P 85-460	Generic name: Substituted succinic anhydride, reaction product with heterocyclic amine.	50FR 6383(6384) (2-15-85)	Do.
P 85-461	Generic name: Hydroxy terminated polyester diol reaction benzophenone tetracarboxylic dianhydride, terminated with hydroxyethyl methacrylate.	50FR 6383 (6384) (2-15-85)	Do.
P 85-462	Generic name: Acrylic polymer	50FR 6383 (6384) (2-15-85)	May 5, 1985.
P 85-463	Generic name: Silane	50FR 6383 (6384) (2-15-85)	Do.
P 85-464	Generic name: Substituted phenyl azo substituted heteromonocycle	50FR 6383 (6384) (2-15-85)	Do.
P 85-465	Generic name: Mercaptan terminated polyether polymer.	50FR 6383 (6384) (2-15-85)	Do.
P 85-466	N-butyl cyanoacetate	50FR 6383 (6384) (2-15-85)	Do.
P 85-467	Generic name: Functional vinyl copolymer	50FR 6383 (6384) (2-15-85)	May 6, 1985.
P 85-468	Generic name: Polycyclic sulfonic acid salt.	50FR 6383 (6384) (2-15-85)	May 7, 1985.
P 85-469	Generic name: Phosphate(monod/di) methacrylate monomer	50FR 6383 (6385) (2-15-85)	Do.
P 85-470	Generic name: Substituted alkyl butylester	50FR 6383 (6385) (2-15-85)	Do.
P 85-471	Generic name: Carbomonocyclic butyl ester.	50FR 6383 (6385) (2-15-85)	Do.
P 85-472	Generic name: Aromatic polycarbodiimide	50FR 6383 (6385) (2-15-85)	Do.
P 85-473	Generic name: Alkylaluminum chloride	50FR 6383 (6385) (2-15-85)	Do.
P 85-474	Generic name: Alkylaluminum chloride	50 FR 6383 (6385) (2-15-85)	Do.
P 85-475	Generic name: Alkylaluminum chloride	50 FR 6383 (6385) (2-15-85)	Do.
P 85-476	Generic name: Substituted cyclohexene	50 FR 7640 (2-25-85)	Do.
P 85-477	Generic name: Substituted cyclohexene carboxylic acid	50 FR 7640 (2-25-85)	May 8, 1985.
P 85-478	Found to be on the inventory.		Do.
P 85-479	2,5-furandimethanol.	50 FR 7640 (2-25-85)	Do.
P 85-480	Generic name: Cellulose ester	50 FR 7640 (7641) (2-25-85)	Do.
P 85-481	Generic name: Polyamic acid polymer A	50 FR 7640 (7641) (2-25-85)	Do.
P 85-482	Generic name: Polyamic acid polymer B	50 FR 7640 (7641) (2-25-85)	Do.
P 85-483	Generic name: Polyamic acid polymer C	50 FR 7640 (7641) (2-25-85)	Do.
P 85-484	Generic name: Polyamic acid polymer D	50 FR 7640 (7641) (2-25-85)	Do.
P 85-485	Found to be on the inventory.		Do.
P 85-486	Found to be on the inventory.		Do.
P 85-487	Generic name: Alkylalcohol ethoxylate, phosphate ester, sodium salt	50 FR 7640 (7641) (2-25-85)	May 11, 1985
P 85-488	Generic name: Vinyl acetate copolymer	50 FR 7640 (7641) (2-25-85)	Do.
P 85-489	Generic name: Polyvinyl alcohol	50 FR 7640 (7641) (2-25-85)	Do.
P 85-490	Generic name: Substituted benzene-sulfonamide	50 FR 7640 (7641) (2-25-85)	Do.
P 85-491	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethyldiene)bis(phenol) and hydroxy arene.	50 FR 7640 (7641) (2-25-85)	Do.
P 85-492	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethyldiene)bis(phenol) and 4-alkyl phenol.	50 FR 7640 (7641) (2-25-85)	Do.
P 85-493	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethyldiene)bis(phenol)and 4-araikyl phenol.	50 FR 7640 (7641) (2-25-85)	Do.

III. 130 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-494	Generic name: Carbonic acid, polymer with 4,4'-(1-methyl-ethylidenebis(phenol)) and 4-aryloctyl phenol.	50 FR 7640 (7641) (2-25-85)	Do
P 85-495	Ethanone, 1-(3-fluorophenyl)-	50 FR 7640 (7642) (2-25-85)	May 12, 1985.
P 85-496	Invalid submission		
P 85-497	2-hydroxy-3-epsilon lysino propyl trimethyl ammonium chloride derivatized soy protein isolate	50 FR 7640 (7642) (2-25-85)	May 13, 1985.
P 85-498	2-hydroxy-3-epsilon lysino propyl trimethyl ammonium chloride derivatized soy protein isolate	50 FR 7640 (7642) (2-25-85)	Do
P 85-499	Generic name: Polyether polyurethane derivative	50 FR 7640 (7642) (2-25-85)	Do
P 85-500	Generic name: Modified styrene copolymer	50 FR 7640 (7642) (2-25-85)	Do
P 85-501	Generic name: Substituted benzopyran	50 FR 7640 (7642) (2-25-85)	Do
P 85-502	Generic name: Substituted benzopyran	50 FR 7640 (7642) (2-25-85)	Do
P 85-503	Generic name: Substituted imide acid, methyl ester, hydrochloride	50 FR 7640 (7642) (2-25-85)	Do
P 85-504	Generic name: Substituted diacrylate polymer	50 FR 7640 (7642) (2-25-85)	May 14, 1985.
P 85-505	Generic name: Propoxylated quarternary ammonium compound	50 FR 7640 (7642) (2-25-85)	Do
P 85-506	Generic name: Inorganic complex of resin	50 FR 7640 (7642) (2-25-85)	Do
P 85-507	Generic name: Substituted quinoline	50 FR 7640 (7642) (2-25-85)	Do
P 85-508	Generic name: Substituted benzopyran	50 FR 7640 (7642) (2-25-85)	Do
P 85-509	Generic name: Substituted-substituted-substituted-anthraquinone	50 FR 7640 (7643) (2-25-85)	Do
P 85-510	Generic name: Poly(oxo-1,2-ethanediy), alpha-higher alkyl C>30, omega-hydroxy	50 FR 7640 (7643) (2-25-85)	Do
P 85-511	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	May 12, 1985.
P 85-512	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-513	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-514	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-515	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-516	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-517	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-518	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-519	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-520	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-521	Generic name: Terephthalic acid and C ₁₀ -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols	50 FR 7640 (7643) (2-25-85)	Do
P 85-522	Generic name: Polymer of functional acrylates and methacrylates	50 FR 8390 (8391) (3-1-85)	May 15, 1985.
P 85-523	Generic name: Functionally modified urethane	50 FR 8390 (8391) (3-1-85)	Do
P 85-524	Polymer of hydroxy ethyl acrylate, Desmodur W, Duracarb 122, and Jeffamine D230	50 FR 8390 (8391) (3-1-85)	Do
P 85-525	Generic name: Modified acrylic terpolymer	50 FR 8390 (8391) (3-1-85)	May 19, 1985.
P 85-526	Generic name: Modified acrylate terpolymer	50 FR 8390 (8391) (3-1-85)	Do
P 85-527	Generic name: Vinyl-spicy ester	50 FR 8390 (8391) (3-1-85)	May 20, 1985.
P 85-528	Generic name: Antiranzlate schiff base	50 FR 8390 (8391) (3-1-85)	Do
P 85-529	Generic name: Trisubstituted naphthalenecarboxamide	50 FR 8390 (8391) (3-1-85)	Do
P 85-530	Generic name: Trisubstituted naphthalenecarboxamide	50 FR 8390 (8391) (3-1-85)	Do
P 85-531	Prepolymer of ethanol-1,1'-thiobis, ethanol-2-mercapto, reaction product with propylene oxide, and benzene, isocyanato.	50 FR 8390 (8392) (3-1-85)	Do
P 85-532	Generic name: Modified epoxy resin	50 FR 8390 (8392) (3-1-85)	Do
P 85-533	Generic name: Aminated epoxy resin	50 FR 8390 (8392) (3-1-85)	Do
P 85-534	Generic name: Alkyl sulfonate	50 FR 8390 (8392) (3-1-85)	Do
P 85-535	Generic name: Substituted pyridine	50 FR 8390 (8392) (3-1-85)	Do
P 85-536	Invalid submission		
P 85-537	1-(1-phenylethylidene)-2,2-diphenyl-hydrazine	50 FR 8390 (8392) (3-1-85)	Do
P 85-538	2,3,3-trimethyl-5-nitro-3H-indole	50 FR 8390 (8392) (3-1-85)	Do
P 85-539	Generic name: Indole-isoxazolidinone mercocyanine	50 FR 8390 (8392) (3-1-85)	Do
P 85-540	1,2,3,3-tetramethyl-5-nitro-3H-indolium 4-methylbenzene sulfonate	50 FR 8390 (8392) (3-1-85)	Do
P 85-541	Generic name: Indole-pyrrolopyridine carbocyanine	50 FR 8390 (8392) (3-1-85)	Do
P 85-542	Generic name: Polymethacrylate cationic polymer	50 FR 8390 (8392) (3-1-85)	Do
P 85-543	2-butenedioic acid (Z), mono(2-(1-oxo-2-propenyl)oxy)ethyl ester	50 FR 8390 (8392) (3-1-85)	Do
P 85-544	2-propenoic acid, 2-methyl-, 7,7,8-trimethyl-4,13-dioxo-3,1,4-dioxo-5,12-diaza hexadecane-1,16-dylester.	50 FR 10536 (10537) (3-15-85)	Do
P 85-545	2-propenoic acid-3-(dimethylamino)-2,2-dimethyl-propyl ester	50 FR 10535 (10537) (3-15-85)	Do
P 85-546	2-propenoic acid, 2-methyl-3,3,3-trimethyl-cyclohexylester	50 FR 8390 (8393) (3-1-85)	Do
P 85-547	2-propenoic acid, 3,5-trimethyl-cyclo-hexylester.	50 FR 8390 (8393) (3-1-85)	Do
P 85-548	Generic name: Oligoaminoester	50 FR 8390 (8393) (3-1-85)	Do
P 85-549	Generic name: Poly (methacrylate)	50 FR 8390 (8393) (3-1-85)	Do
P 85-550	Generic name: Poly (methacrylate)	50 FR 8390 (8393) (3-1-85)	Do
P 85-551	3-carbomethoxypropionyl chloride	50 FR 8390 (8393) (3-1-85)	Do
P 85-552	Generic name: Tetraalkyloxethane/methacrylate polymer	50 FR 8390 (8393) (3-1-85)	Do
P 85-553	Generic name: Unsaturated ester	50 FR 8390 (8393) (3-1-85)	Do
P 85-554	Generic name: Unsaturated ester	50 FR 8390 (8393) (3-1-85)	Do
P 85-555	Generic name: Unsaturated ester	50 FR 8390 (8393) (3-1-85)	Do
P 85-556	1,3,5-triazine, 2,4,6-triazine, N,N',N''-tris(4-aminophenyl)-	50 FR 8390 (8393) (3-1-85)	Do
P 85-557	Generic name: Methylene dye	50 FR 9504 (9505) (3-8-85)	Do
P 85-558	Generic name: Waterborne urethane-acrylic polymer	50 FR 9504 (9505) (3-8-85)	May 22, 1985.
P 85-559	Generic name: Alkyl calcium acetate	50 FR 9504 (9505) (3-8-85)	Do
P 85-560	Generic name: Substituted olefinic ketone	50 FR 9504 (9505) (3-8-85)	Do
P 85-561	Generic name: Substituted olefinic alcohol	50 FR 9504 (9505) (3-8-85)	Do
P 85-562	Generic name: Alkanololane triacrylate octylamine adduct	50 FR 9504 (9505) (3-8-85)	Do
P 85-563	Generic name: Polyester polymer composed of fumarated rosin, glycerine, diethylene glycol and a polyhydroxyl prepolymer.	50 FR 9504 (9505) (3-8-85)	Do
P 85-564	Polymer of hydroxyethyl acrylate, 4,4'-diphenylmethane diisocyanate, and polymethylene polyphenyl isocyanate.	50 FR 9504 (9505) (3-8-85)	Do
P 85-565	Generic name: Organo sulfonic acid, zinc salt	50 FR 9504 (9505) (3-8-85)	Do
P 85-566	Generic name: Alcohol ether sulfate amine salt	50 FR 9504 (9505) (3-8-85)	Do
P 85-567	Generic name: Silyl ketone acetal	50 FR 9504 (9505) (3-8-85)	May 25, 1985.

III. 130 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-568	Generic name: Difunctional ester	50 FR 9504 (9505) (3-8-85)	May 25, 1985.
P 85-569	Generic name: Styrene/acrylate/methacrylate polymer	50 FR 9504 (9505) (3-8-85)	Do.
P 85-570	Generic name: Ester of olefinic acid	50 FR 9504 (9505) (3-8-85)	Do.
P 85-571	Generic name: Ester of olefinic acid	50 FR 9504 (9505) (3-8-85)	Do.
P 85-572	Generic name: Quaternary ammonium montmorillonite	50 FR 9504 (9505) (3-8-85)	Do.
P 85-573	Generic name: Quaternary ammonium hexorite	50 FR 9504 (9505) (3-8-85)	Do.
P 85-574	Generic name: Substituted benzocyclo-ethylidene	50 FR 9504 (9505) (3-8-85)	Do.
P 85-575	Generic name: Substituted bisbenzophenone	50 FR 9504 (9506) (3-8-85)	Do.
P 85-576	Polymer of phthalic anhydride, 2,2,4-trimethyl-1,3-pentanediol, 2,2'-oxybis (ethanol), and Fascal 4100.	50 FR 9504 (9506) (3-8-85)	Do.
P 85-577	Polymer of 1,3-benzenedicarboxylic acid, 1,4-benzenedicarboxylic acid, 2,2'-oxybis (ethanol), 2,2-dimethyl-1,3-propanediol, and 1,2,4-trimethyl-1,3-pentanediol.	50 FR 9504 (9506) (3-8-85)	Do.
P 85-578	Generic name: Substituted stilbene	50 FR 9504 (9506) (3-8-85)	Do.
P 85-579	Generic name: Sulfonated styrene-containing polymer	50 FR 9504 (9506) (3-8-85)	Do.
P 85-580	Generic name: Sulfonated styrene-containing polymer	50 FR 9504 (9506) (3-8-85)	Do.
P 85-581	Generic name: Chlorine-containing styrene copolymer	50 FR 9504 (9506) (3-8-85)	Do.
P 85-582	Generic name: Styrene-containing ion exchange material	50 FR 9504 (9506) (3-8-85)	Do.
P 85-583	Generic name: Chlorosulfonated polystyrene	50 FR 9504 (9506) (3-8-85)	Do.
P 85-584	Generic name: Polymer of acrylate-acrylonitrile, salt	50 FR 9504 (9506) (3-8-85)	May 27, 1985.
P 85-585	Generic name: Alkyd resin	50 FR 9504 (9506) (3-8-85)	Do.
P 85-586	Generic name: Functionally modified acrylic system	50 FR 9504 (9506) (3-8-85)	Do.
P 85-587	Generic name: Reaction product of monosulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9506) (3-8-85)	Do.
P 85-588	Generic name: Reaction product of monosulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P 85-589	Generic name: Reaction product of monosulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P 85-590	Generic name: Reaction product of monosulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P 85-591	Generic name: Reaction product of monosulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P 85-592	Generic name: Heterocyclic substituted butane	50 FR 9504 (9507) (3-8-85)	Do.
P 85-593	Generic name: Polyamine ion exchange resin	50 FR 9504 (9507) (3-8-85)	Do.
P 85-594	Generic name: Polyamine ion exchange resin	50 FR 9504 (9507) (3-8-85)	Do.
P 85-595	Generic name: Emulsion tetrapolymer	50 FR 9504 (9507) (3-8-85)	Do.
P 85-596	Generic name: 1-substituted-3-alkyl-heteromonocyclic-4-hydroxybenzene	50 FR 9504 (9507) (3-8-85)	Do.
P 85-597	Generic name: 3-alkylheteromonocyclic-4-hydroxy-1-substitutedbenzene	50 FR 9504 (9507) (3-8-85)	Do.
P 85-598	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted)) heteropolymer	50 FR 9504 (9507) (3-8-85)	Do.
P 85-599	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted)) heteropolymer	50 FR 9504 (9507) (3-8-85)	Do.
P 85-600	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted)) heteropolymer	50 FR 9504 (9507) (3-8-85)	Do.
P 85-601	Generic name: Disubstituted phenol	50 FR 9504 (9508) (3-8-85)	Do.
P 85-602	Generic name: 2,4-diheteromonocyclic phenol	50 FR 9504 (9508) (3-8-85)	Do.
P 85-603	Generic name: [3-alkylheteromonocyclic-4-hydroxyphenylsubstituted](3'-substituted-4'-hydroxyphenylsubstituted) alkyl	50 FR 9504 (9508) (3-8-85)	Do.
P 85-604	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted)) heteropolymer	50 FR 9504 (9508) (3-8-85)	Do.
P 85-605	Generic name: Trisubstituted phenol	50 FR 9504 (9508) (3-8-85)	Do.
P 85-606	Generic name: [3-alkylheteromonocyclic-4-hydroxyphenylsubstituted] (3'-substituted-4'-hydroxyphenylsubstituted) alkyl	50 FR 9504 (9508) (3-8-85)	Do.
P 85-607	Generic name: 2-alkylheteromonocyclic-4-substitutedphenol	50 FR 9504 (9508) (3-8-85)	Do.
P 85-608	Polymer of hydroxy ethyl acrylate, Desmodur W, Jeffamine D230, Teracol 850, and Dianol	50 FR 9504 (9508) (3-8-85)	May 28, 1985.
P 85-609	Generic name: Functionally modified methacrylate polymer	50 FR 9504 (9508) (3-8-85)	Do.
P 85-610	Generic name: Aryl-alkyl dithioster	50 FR 9504 (9508) (3-8-85)	Do.
P 85-611	Generic name: Copper complex of substitute-disazo-naphthalene trisulfonic acid	50 FR 9504 (9508) (3-8-85)	Do.
P 85-612	Generic name: Polymer of substituted aryl olefin	50 FR 9504 (9508) (3-8-85)	Do.
P 85-613	Generic name: Dialkylamine substituted aryl-n-arylnitrone	50 FR 10536 (10537) (3-15-85)	May 29, 1985.
P 85-614	Generic name: Dialkylamine substituted aryl-n-arylnitrone	50 FR 10536 (10537) (3-15-85)	Do.
P 85-615	Generic name: Nitrobenzoic acid ester	50 FR 10536 (10537) (3-15-85)	Do.
P 85-616	Generic name: Brominated propanoic acid derivative	50 FR 10536 (10537) (3-15-85)	Do.
P 85-617	Generic name: Substituted-phenylazo-substituted-naphthalenedisulfonic acid, sodium salt	50 FR 10536 (10537) (3-15-85)	Do.
P 85-618	Generic name: Substituted-phenylazo-substituted-naphthalenedisulfonic acid, sodium salt	50 FR 10536 (10537) (3-15-85)	Do.
P 85-620	Generic name: Functionally substituted acrylic/methacrylic/styrene polymer	50 FR 9504 (9509) (3-8-85)	May 28, 1985.
Y 85-55	Generic name: Polyoxalkylene ester modified alkoxyisilene	50 FR 16543 (4-26-85)	May 2, 1985.
Y 85-56	Generic name: Alkyd resin	50 FR 16543 (4-26-85)	May 6, 1985.
Y 85-57	Generic name: 1-substituted propane, 2-methyl-2-[(1-oxo-2-propenylamino)-], mono sodium salt, polymer with 2-propanoamide and 2-propanoic acid, sodium salt.	50 FR 16543 (4-26-85)	Do.
Y 85-58	Generic name: Polyester resin	50 FR 18919 (18920) (5-3-85)	May 12, 1985.
Y 85-59	Generic name: Polyester resin made from dibasic aromatic and aliphatic acids and aliphatic glycols	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-60	Generic name: Polyester resin made from dibasic aromatic and aliphatic acids and aliphatic glycols	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-61	Generic name: Urethane modified alkyd resin	50 FR 18919 (18920) (5-3-85)	May 14, 1985.
Y 85-62	Generic name: Phthalic modified alkyd resin	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-63	Generic name: Isophthalic modified alkyd resin	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-64	Generic name: Phthalic modified alkyd resin	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-65	Generic name: Copolymer of vinyl acetate and olefins	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-66	Generic name: Unsaturated fatty acid modified	50 FR 18919 (18920) (5-3-85)	May 15, 1985.
Y 85-67	Generic name: Polyester	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-68	Generic name: Alkyd resin	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-69	Generic name: Acrylated alkyd	50 FR 18919 (18920) (5-3-85)	Do.
Y 85-70	Generic name: Acrylic copolymer	50 FR 19797 (19798) (5-10-85)	May 20, 1985.

IV. 101 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
P 81-134	Generic name: Disubstituted cyclohexenol	46 FR 45807 (45808) (9-15-81)	Apr. 25, 1985.
P 81-183	Generic name: Co-polymeric organopolysiloxane	46 FR 49945 (49946) (10-8-81)	May 1, 1985.
P 83-86	Generic name: Mercaptoalkylsilane	47 FR 52220 (52221) (11-19-82)	Do.
P 83-87	Generic name: Siloxanes and silicones, dimethyl, methyl(mercapto-alkyl), trimethyl end-blocked.	47 FR 52220 (52221) (11-19-82)	Do.
P 83-236	Generic name: Alkyl substituted imidazole derivative of methyl pyrimidinone-azo-methyl phenyl-benzothiazole.	47 FR 53782 (11-29-82)	Jan. 9, 1985.

IV. 101 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Chemical Identification	FR citation	Date of commencement
P 83-351	Polymer of: Trimethylol propane, ethylene glycol, adipic acid, phthalic anhydride	48 FR 1819 (1-14-83)	Mar. 6, 1985
P 83-1028	Generic name: Polyester resin	48 FR 37699 (8-19-83)	Apr. 17, 1985
P 83-1233	Generic name: Phosphorothioic acid ester, amine salt	48 FR 43397 (43399) (9-23-83)	Apr. 12, 1985
P 83-1234	Generic name: Vinyl-epoxy ester	48 FR 43397 (43399) (9-23-83)	May 20, 1985
P 83-1294	Generic name: Dimer acids, monocarboxylic acid, dicarboxylic acids, diamines, polyamide resin	48 FR 45842 (10-7-83)	Apr. 25, 1985
P 83-1297	Generic name: Polyurethane	48 FR 45842 (10-7-83)	May 13, 1985
P 84-117	Generic name: Substituted aromatic polymer	48 FR 50944 (50946) (11-4-83)	May 7, 1985
P 84-163	Generic name: Substituted triazine	48 FR 50944 (50949) (11-4-83)	May 6, 1985
P 84-167	Generic name: Fluorine substituted dioxan-2-one	48 FR 50944 (50950) (11-4-83)	Do
P 84-256	Methyl methacrylate, 2-ethyl hexyl acrylate, dimethyl amino ethyl methacrylate	48 FR 56846 (12-23-83)	Mar. 7, 1985
P 84-397	Polymer of hydroxy ethyl acrylate, iso-phorone diisocyanate and Durscarb 122	49 FR 6991 (2-24-84)	Mar. 25, 1985
P 84-453	Generic name: Thiadiazole derivative	49 FR 9013 (9015) (3-9-84)	Aug. 23, 1984
P 84-503	Generic name: Modified styrene/acrylic polymer	49 FR 13746 (13747) (4-6-84)	Apr. 9, 1985
P 84-530	Generic name: Polyester polymer derived from glycols and cyclic and alkyl dicarboxylic acids	49 FR 13744 (13745) (4-6-84)	Apr. 20, 1985
P 84-575	Acetyl dimethyl tetrahydro naphthindane	49 FR 16333 (16334) (4-20-84)	Mar. 26, 1985
P 84-770	Generic name: Alkyd resin	49 FR 23916 (23918) (6-9-84)	May 6, 1985
P 84-996	Generic name: Poly alkyl benzene sulfonic acid	49 FR 31136 (31137) (6-3-84)	Apr. 15, 1985
P 84-1008	Generic name: Alkyl thiazole	49 FR 32110 (8-10-84)	Do
P 84-1125	Generic name: Methanone, alkyl-aryl	49 FR 35414 (35416) (9-7-84)	Apr. 17, 1985
P 85-20	Generic name: Arylhydrozonolrimethylin dolium, salt	49 FR 41102 (41103) (10-19-84)	Mar. 27, 1985
P 85-104	Generic name: Alkaryl substituted carbomonocyclic alkenyl ether	49 FR 44676 (44678) (11-8-84)	May 13, 1985
P 85-105	Generic name: Poly alkenyl substituted carbomonocyclic ether	49 FR 44676 (44678) (11-8-84)	Do
P 85-106	Generic name: Alkaryl substituted carbomonocyclic alcohol	49 FR 44676 (44678) (11-8-84)	Do
P 85-110	Generic name: Polysulfide polymer	49 FR 45657 (11-19-84)	May 14, 1985
P 85-148	Generic name: Modified acrylic copolymer	49 FR 47108 (11-30-84)	Apr. 18, 1985
P 85-201	Generic name: Substituted dioxazine	49 FR 47921 (47922) (12-7-84)	Apr. 25, 1985
P 85-202	Generic name: Substituted dioxazine	49 FR 47921 (47922) (12-7-84)	Do
P 85-264	Generic name: Substituted terpene resin	49 FR 49695 (49696) (12-24-84)	May 20, 1985
P 85-308	Generic name: Substituted alkyl silyl	49 FR 50444 (12-28-84)	Apr. 15, 1985
P 85-358	Polymer of 2,2-dimethyl-3-hydroxypropyl-1,1,2-dimethyl-3-hydroxypropionate, methylene bis (4-cyclohexyl isocyanate), polycaprolactone triol, adipic acid, and E-caprolactone	50 FR 1630 (1631) (1-11-85)	May 13, 1985
P 85-398	Generic name: Vinyl acetate acrylic copolymer	50 FR 3592 (3593) (1-25-85)	May 15, 1985
P 85-401	Generic name: Substituted aminozobenzene	50 FR 3592 (3593) (1-25-85)	Apr. 23, 1985
P 85-414	Generic name: Acrylated alkyd resin	50 FR 4897 (4897) (2-4-85)	Apr. 22, 1985
P 85-416	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 16, 1985
P 85-418	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 19, 1985
P 85-419	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 20, 1985
P 85-420	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 19, 1985
P 85-421	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 21, 1985
P 85-422	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 18, 1985
P 85-423	Generic name: Acrylic resin	50 FR 4897 (4897) (2-4-85)	Apr. 10, 1985
P 85-425	Generic name: Ether dicarboxylate	50 FR 4897 (4897) (2-4-85)	Apr. 22, 1985
P 85-434	Generic name: Substituted cyclopropane carboxylic acid chloride	50 FR 4897 (4898) (2-4-85)	Apr. 29, 1985
P 85-447	Polymer of 4,4'-isopropylidenedicyclo-hexanolepichlorohydrin, terephthalic acid, isophthalic acid, adipic acid, tetramethylammonium chloride, and linseed fatty acid	50 FR 5416 (2-8-85)	May 17, 1985
P 85-450	Generic name: Alkyd resin	50 FR 5416 (5417) (2-8-85)	May 1, 1985
P 85-451	Generic name: Alkyd resin	50 FR 5416 (5417) (2-8-85)	Apr. 30, 1985
P 85-452	Generic name: Alkyd resin	50 FR 5416 (5417) (2-8-85)	Do
P 85-453	Generic name: Alkyd resin	50 FR 5416 (5417) (2-8-85)	Do
P 85-456	Generic name: Substituted phenylazopyridone trisulfonic acid, alkali metal salt	50 FR 5416 (5417) (2-8-85)	Mar. 1, 1985
P 85-461	Generic name: Hydroxy terminated polyester diol reaction with benzophenone tetracarboxylic dianhydride, terminated with hydroxyethyl methacrylate	50 FR 6383 (6384) (2-15-85)	May 5, 1985
P 85-476	Generic name: Substituted cyclohexane carboxylic acid	50 FR 7640 (2-25-85)	May 21, 1985
P 85-477	Generic name: Substituted cyclohexane carboxylic acid	50 FR 7640 (2-25-85)	Do
P 85-505	Generic name: Propoxylated quaternary ammonium compound	50 FR 7640 (7642) (2-25-85)	May 22, 1985
Y 85-17	Generic name: Ethylene terpolymer	50 FR 5417 (5418) (2-8-85)	Apr. 29, 1985
Y 85-34	Generic name: Calcium salt of 2-acrylamide-2-methyl-propanesulfonic acid copolymer	50 FR 12626 (3-29-85)	Apr. 25, 1985
Y 85-41	Generic name: Polyester polyol	50 FR 14445 (4-12-85)	Do
Y 85-47	Generic name: Alkali soluble styrene and acrylate random copolymer	50 FR 15632 (15633) (4-19-85)	May 20, 1985
Y 85-48	Generic name: Alkali soluble styrene and acrylate random copolymer	50 FR 15632 (15633) (4-19-85)	Do
Y 85-49	Generic name: Alkali soluble styrene and acrylate random copolymer	50 FR 15632 (15633) (4-19-85)	Do
Y 85-50	Generic name: Alkali soluble styrene and acrylate random copolymer	50 FR 15632 (15633) (4-19-85)	Do
Y 85-52	Generic name: Alkyl methacrylate polymer	50 FR 15632 (15633) (4-19-85)	May 7, 1985
Y 85-53	Generic name: Alkyl methacrylate polymer	50 FR 15632 (15633) (4-19-85)	Do
Y 85-54	Generic name: Alkyl methacrylate polymer	50 FR 15632 (15633) (4-19-85)	Do
Y 85-58	Generic name: Polyester resin	50 FR 18919 (18920) (5-3-85)	May 13, 1985

V. 126 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No.	Identify/generic name	FR citation	Date suspended
P 83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10-18-82)	Oct. 22, 1982
P 83-333	Generic name: Reaction product of polycyclohexane sulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali	48 FR 72 (73) (1-3-83)	Mar. 14, 1983
P 83-418	Generic name: Benzenedisulfonic acid, chlorobenzylaminodimethylphenylazo-sulfonaphthaleneazo	48 FR 5304 (5306) (2-4-83)	Feb. 19, 1985
P 83-461	Generic name: Substituted alkoxy silane	48 FR 7299 (7300) (2-18-83)	July 1, 1983
P 83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4-22-83)	July 5, 1983
P 83-669	Generic name: Chromium complex of substitutedphenolazosulfonaphthol with naphtholazosulfonaphthol	48 FR 20490 (5-6-83)	Aug. 5, 1983
P 83-677	Generic name: Chromium complex of substituted alkylaminofornimidphenol with sulfonaphtholazosulfonaphthol	48 FR 20490 (20491) (5-6-83)	Do
P 83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24967 (24968) (6-3-83)	Aug. 15, 1983
P 83-771	Generic name: Chromium complex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphtholazo-sulfonaphthol	48 FR 24967 (24968) (6-3-83)	Do
P 83-880	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30434 (30435) (7-1-83)	Sept. 21, 1983
P 83-875	4-(2-cyano-4-nitrophenylazo)-N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino] benzene	48 FR 31460 (31462) (7-8-83)	May 24, 1985

V. 126 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
P 83-876	4-(2-cyano-4-nitrophenylazo)-N,N-bis(2-propionyloxyethyl)amino-3-chlorobenzene	48 FR 31460 (31462) (7-8-83)	Do.
P 83-913	Generic name: Copper sulfonylphenazopoly-hydroxy phenazobenzoate	46 FR 32381 (32383) (7-15-83)	Oct. 1, 1983.
P 83-1018	Generic name: Substituted naphthalene tetradisulfonic acid, bis[(substituted)-hydroxyphenylazo]phenyl derivative.	46 FR 36647 (36649) (9-12-83)	Oct. 24, 1983.
P 83-1238	Generic name: Substituted anthraquinone	48 FR 43397 (43400) (9-23-83)	Dec. 9, 1983.
P 84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Feb. 9, 1985.
P 84-17	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Do.
P 84-18	Generic name: 1(1,1 dimethylethoxy)propan-2-ol	48 FR 48863 (48864) (10-21-83)	Feb. 28, 1985.
P 84-36	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48866) (10-21-83)	Feb. 9, 1985.
P 84-50	Generic name: Substituted heterocyclic metal complex	48 FR 50951 (50952) (11-4-83)	Do.
P 84-108	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50944 (50945) (11-4-83)	Mar. 5, 1984.
P 84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50944 (50946) (11-4-83)	Feb. 9, 1985.
P 84-306	Benzoic acid, 2-[(2-(2-methyl-1-oxo-2-propenyl)oxy)ethyl]amino]carbonyloxy-, methyl ester	49 FR 930 (932) (1-6-84)	Mar. 22, 1984.
P 84-307	2-propenoic acid, 2-methyl-, 2-(hexahydro 2-oxo-1H-azepin-1-yl) carbonyl]amino]ethyl ester	49 FR 930 (932) (1-6-84)	Do.
P 84-375	Generic name: Sodium salt of alkyl dithiocarbamates	49 FR 4990 (4991) (2-9-84)	Jan. 10, 1985.
P 84-376	Generic name: Aryl esters of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Do.
P 84-391	Generic name: Cuprate(5-), [5-hydroxy-2-[[4-[[15-hydroxy-6-[[2-methoxy-5-(substituted)phenyl]azo]-7-sulfo-2-naphthalenyl]amino]-6-[[3-sulphophenyl]amino]-1,3,5-triazin-2-yl]amino]-6-[[2-hydroxy-5-sulphophenyl]azo]-1,7-naphthalene-disulfonate(7-)], pentasodium.	49 FR 6160 (6162) (2-17-84)	Apr. 27, 1984.
P 84-392	Generic name: Alkylated cycloaliphatic diamine	49 FR 6160 (6162) (2-17-84)	Do.
P 84-485	Generic name: Poly(oxy-1,2-ethanediylo)alpha-acyl-w-alkyl	43 FR 11009 (11010) (3-23-84)	June 4, 1984.
P 84-591	Generic name: Sodium salt of an alkylated, sulfonated aromatic	49 FR 16833 (16835) (4-20-84)	Aug. 21, 1984.
P 84-597	Generic name: Blocked aliphatic polyisocyanate	49 FR 16833 (16835) (4-20-84)	July 19, 1984.
P 84-649	Generic name: Chromate, bis(substituted substituted phenolato) inorganic salts	49 FR 19110 (19113) (5-4-84)	July 20, 1984.
P 84-650	Generic name: Chromate, bis(substituted substituted substituted pyrazoly), sodium	49 FR 19110 (19113) (5-4-84)	Do.
P 84-651	Generic name: Chromate, bis(substituted substituted naphthalenolato)sodium	49 FR 19110 (19113) (5-4-84)	Do.
P 84-664	Generic name: Chromate, (substituted substituted phenolato) (substituted substituted substituted substituted phenolato)sodium	49 FR 20060 (20061) (5-11-84)	Do.
P 84-665	Generic name: Chromate, bis(substituted substituted substituted phenolato), sodium	49 FR 20060 (20061) (5-11-84)	Do.
P 84-669	Oleic, linoleic, palmitic acid ester of ethoxylated C ₁₂ -C ₁₈ alcohols	49 FR 20060 (20061) (5-11-84)	May 17, 1985
P 84-673	Generic name: Chromate (substituted naphthalenolato) (substituted substituted naphthalenolato) inorganic salts	49 FR 20060 (20061) (5-11-84)	July 20, 1984.
P 84-698	Generic name: 9,10-Anthracenedione sulfonic acid, sodium salt	49 FR 22128 (22129) (5-25-84)	Aug. 10, 1984
P 84-703	Oxo-octyl acetate	49 FR 22128 (22130) (5-25-84)	Oct. 29, 1984
P 84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22128 (22130) (5-25-84)	Feb. 1, 1985.
P 84-737	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84)	Mar. 21, 1985.
P 84-738	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84)	Do.
P 84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22865 (22866) (6-1-84)	Aug. 22, 1984.
P 84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Dec. 17, 1984
P 84-814	Generic name: Polysubstituted polyol	49 FR 24782 (24784) (6-15-84)	Jan. 4, 1985.
P 84-824	Generic name: Brominated aromatic	49 FR 25676 (6-22-84)	Feb. 7, 1985.
P 84-856	Generic name: Polyalkylene glycol ether acrylate	49 FR 26800 (26801) (6-29-84)	Jan. 3, 1985.
P 84-881	Generic name: Modified polymer of styrene with alkyl acrylate and alkyl methacrylates	49 FR 28614 (28615) (7-13-84)	May 15, 1985.
P 84-886	Generic name: Triazine derivative	49 FR 28614 (28615) (7-13-84)	Oct. 22, 1984.
P 84-895	Generic name: Substituted-substituted benzenesulfonic acid couple with substituted-substituted benzenes and substituted substituted naphthalenedi-sulfonic acid, sodium salt.	49 FR 28614 (28616) (7-13-84)	Nov. 16, 1984
P 84-900	1,3,5-Triazine-2,4,6 (1H,3H,5H)-trione, 1,2,3-tris(2,3-dibromopropyl)-	49 FR 28616 (28617) (7-13-84)	Mar. 26, 1985
P 84-901	Bis(tetrabromobisphenol A)bis(tribromo-phenyl)ethylene-tetracarboxylate	49 FR 28616 (28617) (7-13-84)	Feb. 7, 1985.
P 84-902	Hexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
P 84-903	N-methylheptabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
P 84-913	Generic name: N,N-bis(2-(2-(3-alkyl)thiazoline)vinyl)-1,4-phenylene diamine double salt	49 FR 28616 (28618) (7-13-84)	Nov. 28, 1984.
P 84-938	Polymer of hydroxy ethyl acrylate and polyisocyanate T 1890/100	49 FR 29451 (29453) (7-20-84)	Jan. 3, 1985.
P 84-954	Generic name: Substituted aromatic	49 FR 30238 (30239) (7-27-84)	Apr. 29, 1985.
P 84-1005	Generic name: Alkyl amine derivative	49 FR 32110 (8-10-84)	Oct. 24, 1984.
P 84-1053	Generic name: Ethoxylated vegetable fatty acids, end-capped	49 FR 33718 (33720) (8-24-84)	Oct. 26, 1984.
P 84-1062	Methyl vinyl sulfone	49 FR 33718 (33721) (8-24-84)	Mar. 25, 1985
P 84-1079	Generic name: Alkylated diphenyl oxide	49 FR 34572 (34573) (8-31-84)	Nov. 26, 1984
P 84-1114	Generic name: Sodium salt of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9-7-84)	Nov. 19, 1984.
P 84-1128	Generic name: Isoalkyleneoxy alkanol	49 FR 35414 (35417) (9-7-84)	Nov. 26, 1984
P 84-1129	Acetic acid, ester with C ₈ -C ₁₁ iso alcohols, C ₈ -rich	49 FR 35414 (35417) (9-7-84)	Jan. 10, 1985.
P 84-1130	Acetic acid, ester with C ₈ -C ₁₀ alcohols, C ₈ -rich	49 FR 35414 (35417) (9-7-84)	Do.
P 84-1131	Acetic acid, ester with C ₁₁ -C ₁₄ iso alcohols, C ₁₁ -rich	49 FR 35414 (35417) (9-7-84)	Do.
P 84-1136	Generic name: Substituted aromatic amide	49 FR 36151 (36152) (9-14-84)	Feb. 4, 1985.
P 84-1137	Generic name: Cycloaliphatic epoxide	49 FR 36151 (36152) (9-14-84)	Do.
P 84-1144	Generic name: Isoalkyleneoxy alkanolate	49 FR 36151 (36152) (9-14-84)	Feb. 11, 1985.
P 84-1145	Generic name: Alkyltrialkoxysilane	49 FR 36151 (36152) (9-14-84)	Nov. 27, 1984
P 84-1182	Generic name: Aminopolyamide-epichlorohydrin resin	49 FR 38356 (38357) (9-28-84)	Jan. 11, 1985.
P 84-1183	Generic name: Aminopolyamide-epichlorohydrin polymer	49 FR 38356 (38357) (9-28-84)	Do.
P 84-1188	Generic name: Modified acrylamide polymer	49 FR 38356 (38357) (9-28-84)	Dec. 7, 1984.
P 84-1204	Generic name: Substituted, sulfonated naphthylazo sodium salt	49 FR 38356 (38359) (9-28-84)	Dec. 17, 1984
P 84-1219	Generic name: Substituted pyridine	49 FR 39379 (39380) (10-5-84)	Feb. 5, 1985.
P 84-1226	Generic name: Polyisocelkoxalkanol	49 FR 39379 (39381) (10-5-84)	Jan. 8, 1985.
P 84-1229	Generic name: Polyisocelkoxalkanol	49 FR 39379 (39381) (10-5-84)	Do.
P 85-18	Generic name: Acrylamide unsaturated quaternary ammonium copolymer	49 FR 41102 (41103) (10-19-84)	Jan. 4, 1985.
P 85-18	Generic name: Substituted amino anthraquinone	49 FR 41102 (41103) (10-19-84)	May 23, 1985.
P 85-30	Generic name: Carbopolycycle sulfonate of substituted phenyl azo substituted heteromonocycle.	49 FR 43105 (43106) (10-26-84)	Jan. 9, 1985.
P 85-31	Generic name: Carbopolycycle sulfonate of substituted heteropolycycle	49 FR 43105 (43106) (10-26-84)	Do.
P 85-36	Generic name: Substituted pyridine	49 FR 43105 (43106) (10-26-84)	Feb. 5, 1985.
P 85-67	2,2'-diallyl-4,4'-sulfonyl diphenol	49 FR 44139 (44140) (11-2-84)	Jan. 23, 1985.
P 85-109	Generic name: Arythiodiacyloylhydrazide	49 FR 45657 (11-19-84)	Apr. 17, 1985.
P 85-141	Generic name: Polyester acrylate	49 FR 46852 (46853) (11-26-84)	Feb. 12, 1985.
P 85-142	Generic name: Aromatic epoxy ester	49 FR 46852 (46853) (11-26-84)	Do.
P 85-155	Generic name: Halogenated aromatic sulfamide	49 FR 47108 (47109) (11-30-84)	Apr. 12, 1985.
P 85-159	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Feb. 11, 1985.
P 85-160	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-161	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-162	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-194	Generic name: Acid amide salt	49 FR 47921 (12-7-84)	Feb. 20, 1985.
P 85-198	Generic name: Alkylated aromatic diamine	49 FR 47921 (47922) (12-7-84)	Mar. 8, 1985.
P 85-203	Generic name: Sulfur-containing polyalkylene oxide	49 FR 47921 (47922) (12-7-84)	Mar. 5, 1985.
P 85-216	Generic name: Substituted pyridine	49 FR 47921 (47922) (12-7-84)	Feb. 19, 1985.

V. 126 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No	Identity/generic name	FR citation	Date suspended
P 85-224	Generic name: Deubstituted sulfide	49 FR 47921(47924) (12-7-84)	Apr. 25, 1985
P 85-226	Generic name: Substituted pyridine	49 FR 48801(48802) (12-14-84)	Apr. 16, 1985
P 85-258	Generic name: Substituted phenylazo substituted carbopolycycle-carboxylic acid, salt	49 FR 48801(48803) (12-14-84)	Apr. 23, 1985
P 85-259	Generic name: Substituted phenylazo substituted heteropolycycle	49 FR 48801(48803) (12-14-84)	Mar. 22, 1985
P 85-265	Amines, tri (C ₁ -iso-C ₂ , nct)	49 FR 49895(49896) (12-24-84)	Mar. 5, 1985
P 85-296	Generic name: Silicone ester polyacrylate	49 FR 49895(49898) (12-24-84)	Mar. 13, 1985
P 85-298	Generic name: Amino acrylate monomer	49 FR 49895(49898) (12-24-84)	Do
P 85-301	Generic name: Urethane acrylate	49 FR 50444 (12-28-84)	Mar. 26, 1985
P 85-317	Phosphine oxide, diphenyl(2,4,6-trimethyl-benzoyl)-	49 FR 50444(50445) (12-28-84)	Mar. 14, 1985
P 85-344	Benzoic acid, 2-[3-(1,3-benzodioxole-5-yl)-2-methyl-propylidene]amino, methyl ester	49 FR 543(544) (1-4-85)	May 6, 1985
P 85-360	Generic name: Partial metal complex of aminomethylene phosphonic acid	49 FR 1630(1631) (1-4-85)	Mar. 22, 1985
P 85-367	Generic name: Haloalkyl substituted cyclic ether	49 FR 1630(1631) (1-11-85)	Mar. 25, 1985
P 85-368	Generic name: Haloalkyl substituted cyclic ether	49 FR 1630(1631) (1-11-85)	Do
P 85-369	Generic name: Haloalkyl substituted cyclic ether	50 FR 1630(1631) (1-11-85)	Do
P 85-383	Phenol, 2,4-bis[(dimethylamino)methyl]-6-methyl	50 FR 2719 (1-18-85)	Apr. 5, 1985
P 85-395	Generic name: Substituted polyester resin	50 FR 2719(2720) (1-18-85)	Apr. 1, 1985
P 85-415	Generic name: Acrylic ester	50 FR 4896(4897) (2-4-85)	Apr. 5, 1985
P 85-428	Generic name: Ester modified phenolic resin	50 FR 4896(4898) (2-4-85)	Apr. 17, 1985
P 85-433	1-Propanol, 3-mercapto-	50 FR 4896(4898) (2-2-85)	Apr. 22, 1985
P 85-444	Generic name: Aromatic amidoamine	50 FR 5416 (2-8-85)	Apr. 19, 1985
P 85-456	Generic name: Alkyl ester of a trialkoxy silane	50 FR 6383(6384) (2-15-85)	Apr. 29, 1985
P 85-459	Generic name: Aromatic tertiary diamine	50 FR 6383(6384) (2-15-85)	Feb. 19, 1985
P 85-460	Generic name: Substituted succinic anhydride, reaction product with heterocyclic amine	50 FR 6383(6384) (2-15-85)	Apr. 30, 1985
P 85-463	Generic name: Silane	50 FR 6383(6384) (2-15-85)	Apr. 25, 1985
P 85-468	Generic name: Polycyclic sulfonic acid salt	50 FR 6383(6384) (2-15-85)	May 21, 1985
P 85-497	2-Hydroxy-3-epsilon lysino propyl trimethyl ammonium chloride derivitized hydrolyzed soy protein isolate	50 FR 7640(7642) (2-25-85)	May 9, 1985
P 85-498	2-Hydroxy-3-epsilon lysino propyl trimethyl ammonium chloride derivitized soy protein isolate	50 FR 7640(7642) (2-25-85)	Do
P 85-523	Generic name: Functionally modified urethane	50 FR 8391 (3-1-85)	May 28, 1985
P 85-526	Generic name: Anthranilate schiff base	50 FR 8391 (3-1-85)	May 20, 1985
P 85-535	Generic name: Substituted pyridine	50 FR 8391 (3-1-85)	May 17, 1985
P 85-536	Generic name: Substituted pyridine	50 FR 8391 (3-1-85)	Do
P 85-562	Generic name: Alkanolalkane triacrylate octylamine adduct	50 FR 9504 (9505) (3-8-85)	May 14, 1985
P 85-564	Polymer of hydroxyethyl acrylate, 4,4'-diphenylmethane diisocyanate and polymethylene polyphenyl isocyanate	50 FR 9504 (9505) (3-8-85)	May 8, 1985
P 85-567	Generic name: Silyl ketene acetal	50 FR 9504 (9505) (3-8-85)	May 15, 1985
P 85-612	Generic name: Polymer of substituted aryl olefin	50 FR 9504 (9508) (3-8-85)	May 23, 1985
P 85-619	Generic name: Tetra substituted aminocarboxylic acid	50 FR 10536 (10537) (3-15-85)	Mar. 22, 1985
P 85-627	Generic name: Alkylhydroxylamine	50 FR 10536 (10538) (3-15-85)	May 17, 1985
P 85-743	Generic name: Isocyanato oxazolidonyl isocyanurate	50 FR 14439 (14441) (4-12-85)	Apr. 19, 1985

[FR Doc. 85-22098 Filed 9-13-85; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2896-3]

Science Advisory Board, Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Ground Water Monitoring Guidance Review Subcommittee of the Environmental Engineering Committee, Science Advisory Board, will be held in Conference Room 1101 West Tower, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., on October 3-4, 1985. The meeting will begin at 9:00 a.m. and end at approximately 5:00 p.m. each day.

The purpose of the meeting will be to review the Office of Waste Programs Enforcement's draft document "RCRA Ground Water Monitoring Technical Enforcement Guidance Document". The document is available by calling the RCRA/Superfund Hotline at 800-424-9346 or (202) 382-3000 or by writing to Michael Barclay, RCRA Enforcement Division (WH-527), Office of Waste Programs Enforcement, U.S.

Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meetings should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Director, Science Advisory Board, at (202) 382-4126. Public comment will be accepted at the meeting on the draft guidance document. Written comments will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such statements must contact Mr. Torno prior to September 27, in order to be placed on the agenda. The draft RCRA Ground Water Monitoring Technical Enforcement Guidance Document is not intended to be used by the regulated community in making compliance decisions as required by the loss of interim status provisions of the Hazardous and Solid Waste Amendments of 1987.

Dated: September 5, 1985.

Terry F. Yosie,
Director, Science Advisory Board.

[FR Doc. 85-22094 Filed 9-13-85; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Technical Subgroup of Radio Advisory Committee Resumes Meeting September 17, 1985

The technical subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Tuesday September 17, 1985, at 10:00 a.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW, Washington, DC.

The subgroup will consider the recent discussions with Mexico which have led to an agreement in principle between the United States and Mexico on a new bilateral AM Agreement.

The subgroup also will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to preparations for the upcoming Region 2 Conference on expansion of the AM band.

In addition, the Subgroup also may consider other relevant matters of concern to the participants at the meeting.

The meeting, a continuing one, will be resumed after the September 17, 1985.

session at such time and place as is decided at that session.

All meetings of the Technical Subgroup are open to the public. All interested parties are invited to participate in these meetings.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-22054 Filed 9-13-85; 8:45 am]

BILLING CODE 6712-01-M

Allocations Subgroup of Radio Advisory Committee; Meeting Cancellation

The meeting of the allocations subgroup of the Advisory Committee on Radio Broadcasting which had been tentatively scheduled for Thursday September 12, 1985, has been cancelled.

In view of the completion of the Report by the subgroup on issues connected with preparations for the upcoming Conference on Expansion of the AM Broadcast Band, there were no issues on which the subgroup needed to meet at this time.

A subsequent meeting will be scheduled when preparations for the Conference or other matters related to the concerns of the subgroup warrant.

For further information, please call the subgroup chairman, Jonathan David, at (202) 632-7792.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-22055 Filed 9-13-85; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

September 9, 1985.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submissions are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-7231.

OMB Number: None.

Title: Section 78.27, License Conditions.

Action: New collection.

Respondents: Cable television relay service (CARS) stations.

Estimated Annual Burden: 204

Responses; 34 Hours.

OMB Number: 3060-0210.

Title: Section 73.1930, Political Editorials.

Action: Extension.

Respondents: Commercial broadcast stations.

Estimated Annual Burden: 1,800

Responses; 5,400 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-22028 Filed 9-13-85; 8:45 am]

BILLING CODE 6712-01-M

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 Reduction Act of 1980.

Title of Information Collection: Application for Consent to Exercise Trust Powers (OMB No. 3064-0025).

Background: In accordance with requirements 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 extending the expiration date of 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 on or before October 1, 1985.

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 to extend the expiration date of the form used by insured state nonmember banks

to apply to the FDIC for consent to exercise trust powers. The application Form FDIC 6200/09, OMB No. 3064-0025 expiring September 30, 1985, contains information needed by the FDIC to evaluate the qualifications of bank management to administer a trust department and to verify that a bank's financial condition will not be jeopardized as a result of the trust corporation. It is estimated that the preparation of the application imposes an annual paperwork burden of 15.7 hours on the average bank.

Dated: August 26, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-22073 Filed 9-13-85; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

(FEMA-742-DR)

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA-742-DR), dated September 7, 1985, and related determinations.

DATED: September 7, 1985.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 646-3616.

Notice: Notice is hereby given that, in a letter of September 7, 1985, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from Hurricane Elena and flooding beginning on or about September 2, 1985, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75

percent of total eligible costs in the designated area. Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25-percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Thomas P. Credle to the Federal Emergency Management Agency to act as the Federal Coordinating Officer for his declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

Baldwin and Mobile Counties for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85-22057 Filed 9-13-85; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Costa Armatori S.p.A. and Costa Cruises, Inc., c/o Costa Cruises, One Biscayne Tower, Miami, Florida 33131.

Dated: September 11, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-2212 Filed 9-13-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Fifth Third Bancorp 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 October 4, 1985.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Fifth Third Bancorp*, Cincinnati, Ohio; to merge with American Bancorp, Inc., Newport, Kentucky, thereby indirectly acquiring American National Bank, Newport, Kentucky. Comments on this application must be received not later than October 9, 1985.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Cullman Bancshares, Inc.*, Cullman, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of People's Bank of Cullman County, Cullman, Alabama.

C. Federal Reserve Bank of Chicago (Franklin D. Dryer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Busey Corporation*, Urbana, Illinois; to acquire 92 percent or more of the voting shares of The First National Bank of Thomasboro, Thomasboro, Illinois.

2. *The Viking Corporation*, Omaha, Nebraska; to acquire 100 percent of the voting shares of the Landmands

Corporation, Kimballton, Iowa, and thereby indirectly acquire 90.37 percent of the voting shares of Landmands National Bank, Audubon, Iowa and 26.88 percent of the voting shares of Sibley State Bank, Sibley, Iowa.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Financial Bancshares, Inc.*, La Vista, Nebraska; to acquire 99 percent or more of the voting shares of Bank of Nebraska in Omaha, Omaha, Nebraska (also known as First State Savings Company).

Board of Governors of the Federal Reserve System, October 10, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-22051 Filed 9-13-85; 8:45 am]

BILLING CODE 6210-01-M

Landmark Bancshares Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has 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.

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.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 2, 1985.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Landmark Bancshares Corporation*, Clayton, Missouri; to engage *de novo* through its subsidiary, *LBC Securities, Inc.*, Ladue, Missouri ("Landmark Securities"). The primary activity of *Landmark Securities* is to be a discount broker. *Landmark Securities* may also conduct related securities credit activities pursuant to the Board's Regulation T and incidental activities such as offering custodial services, individual retirement accounts, and cash management services.

Board of Governors of the Federal Reserve System, September 10, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-22052 Filed 9-13-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds for Demonstration Grants to States for Projects of Emergency Medical Service for Children

Correction

In FR Doc. 85-21555 beginning on page 36922 in the issue of Tuesday, September 10, 1985, on page 36922, in the first column under **SUMMARY** in the third line, the last word reading "not", should read "now".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solar Energy and Energy Conservation Bank; Meeting of the Solar Energy and Energy Conservation Advisory Committees

[Docket No. N-85-1549]

AGENCY: Solar Energy and Energy Conservation Bank, HUD.

ACTION: Notice: Meeting of the Solar Energy and Energy Conservation Advisory Committees.

SUMMARY: This Notice announces a meeting of the Solar Energy and Energy Conservation Advisory Committees. The meeting will be held on October 10 and 11, 1985 in Washington, DC. The purpose of the meeting is to discuss Bank business.

FOR FURTHER INFORMATION CONTACT: Colet Ritter, Office of the Solar Energy and Energy Conservation Bank, Housing and Urban Development, 451 7th Street, SW, Room 7110, Washington, DC 20410; Telephone (202) 755-7166. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Energy Security Act of 1980 established Energy Conservation and Solar Energy Advisory Committees for the purpose of assisting the Board in carrying out the activities of the Bank which relate to energy conserving improvements and solar energy systems. Each committee consists of five members, appointed by the Board from among individuals who are not officers or employees of any governmental entity, as follows:

(1) One individual who is able to represent the views of consumers as a result of the individual's education, training and experience.

(2) One individual who is able to represent the views of financial institutions as a result of the individual's education, training and experience.

(3) One individual who is able to represent the views of builders as a result of the individual's education, training and experience.

(4) One individual who is able to represent the views of architectural or engineering interests as a result of the individual's education, training and experience.

(5)(a) For the Solar Energy Committee, one individual who is able to represent the views of the solar energy industry as a result of the individual's education, training and experience.

(b) For the Energy Conservation Committee, one individual who is able to represent the views of producers or installers of residential and commercial energy conserving improvements as a result of the individual's education, training and experience.

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a)(2), announcement is made of the following meeting:

The Solar Energy and Energy Conservation Advisory Committees will meet on October 10 and 11, 1985. The meetings are open to the public and will convene at 9:30 a.m. on Thursday, October 10, 1985 at the Department of Housing and Urban Development, 451 7th Street, SW, #7106, Washington, DC 20401.

An agenda will be available at the meeting. Inquiries concerning the agenda and the meeting may be made by contacting the Office of the Solar Energy and Energy Conservation Bank at (202) 755-7166.

Authority: Title V, Subtitle A, of the Energy Security Act of 1980 (Pub. L. 96-294, 12 U.S.C. 3601 *et seq.*).

Dated: August 26, 1985.

Approved:

Lillian W. Lazenberry,
Advisory Committee Chairperson.

Dated: August 19, 1985.

Approved:

Richard H. Francis,
Manager, Solar Energy and Energy Conservation Bank.

[FR Doc. 85-22124 Filed 9-13-85; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Intent To Prepare an Environmental Impact Statement of Rangeland Vegetation Management Program, Western United States

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement and conduct scoping.

SUMMARY: Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), Division of Environmental Services, will prepare an environmental impact statement (EIS) on proposed treatment measures for competing rangeland vegetation treatment on BLM administered lands in the contiguous Western States. The purpose of the treatment is to improve forage conditions, wildlife habitat, watershed conditions, and increase livestock production. Potential competing vegetation treatment measures include biological, burning, herbicidal, and mechanical methods, individually and in combination. The EIS will analyze ground and aerial application of herbicides. Herbicides to be used could include 2,4-D, Dicamba, Picloram, Tebuthion, Triclopyr, and Ureahor.

DATE: Comments should be submitted by October 15, 1985.

Scoping: The public is invited to submit issues, concerns, and suggestions in writing, which will be used to determine the scope of the analysis. Comments will be accepted through

October 13, 1985. Comments or requests for further information should be addressed to Robert E. Pizel, Project Leader, Bureau of Land Management, Division of Environmental Services, 555 Zang Street, First Floor East, Denver, Colorado 80228.

SUPPLEMENTARY INFORMATION: The proposed action is a combination of competing vegetation treatment measures which would integrate manual, mechanical, herbicidal and biological methods to achieve the most cost effective and biorational solutions. Alternatives will include integrated control with no herbicides, and no action.

This EIS will analyze impacts of various methods of treating competing vegetation proposed in Grazing Environmental Impact Statements and Resource Management Plans.

The EIS will be prepared by an interdisciplinary team.

The Environmental Consequences of the Proposed Action and Alternatives to be considered include effects on soil, water, vegetation, fish and wildlife, cultural and human environment; short-term vs. long-term productivity; and irreversible or irretrievable commitment of resources.

Dated: September 10, 1985.

Robert F. Burford,

Director

[FR Doc. 85-22048 Filed 9-13-85; 8:45 am]

BILLING CODE 4310-84-M

[CA 16976, CA 16977, and CA 16978]

Noncompetitive Sale of Public Lands in Trinity County, CA; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action—Noncompetitive Sales of Public Lands in Trinity County, California.

SUMMARY: The following described public lands have been examined and identified as suitable for disposal by sale under Sec. 203(a)(1) of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value. Appraisal value will be available prior to the end of the comment period at the BLM Area Office, Redding, California.

Legal Description:

Township 33 North, Range 10 West, M.D.B.&M.

Section 12,

Lot 13 (containing 0.45 acres)

Lot 16 (containing 0.74 acres)

Lot 17 (containing 0.74 acres)

These three parcels of land will be offered as direct sales to:

Lot 13 (CA 16976), Barbara Jean Reed

Lot 16 (CA 16976), Joseph W. McWilliams, Trustee of the Joseph W. McWilliam and Ila R. McWilliams Trust

Lot 17 (CA 16978), Dale and Lotus Hubbard.

These direct sales are necessary to protect equities arising from inadvertent unauthorized use, as a result of private surveying errors. All proposed sale areas contain a portion of their residence and improvements which have been established for many years. Areas to be conveyed will accommodate the inadvertent trespasses upon public land, comply with Trinity County Planning Department requirements, and assure that no uneconomic, difficult to manage, remnant is created. Failure to accept and offer to purchase the offered lands within the time specified by the authorized officer shall constitute a waiver of this preference consideration.

These lots have been examined and found suitable for disposal under the said Act of October 21, 1976, and are consistent with the approved Redding Resource Area Land Use Plans. Sale Procedures are pursuant to regulations contained in Title 43, Code of Federal Regulations, Part 2710.

BLM may withdraw these lands from sale at any time if, in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

The terms and conditions applicable to the sale are as follows:

1. The patent will reserve to the United States a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 954).

2. All minerals (or partial or specific mineral interests, where applicable) 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 for review at this BLM office. However, should the mineral report conclude that the mineral interest being offered for conveyance have "no known mineral value", acceptance of the direct sale offer will also constitute an application for conveyance of those mineral interests offered for conveyance in the sale, and a \$50.00 non-refundable fee (43 CFR 2720.1-2(c)) will be required; the mineral estate will then be sold simultaneously with the surface estate.

Publication of this Notice the Federal Register, segregates the public land from

appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of patent, or 270 days from the date of publication, whichever occurs first.

Detailed information concerning the sale, including the environmental assessment and land report are available for review at the Redding Resource Area Office, 355 Hemsted Drive, Redding, California 96002.

DATE: For a period of 45 days from the date of first publication of this notice in the Federal Register, interested parties may submit comments to the following address.

ADDRESS: Comments and suggestions should be sent to: Area Manager, Redding Resource Area, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Robert J. Bainbridge, (916) 246-5325.

Dated: September 3, 1985.

Robert C. Korfhage,

Acting Redding Area Manager,

[FR Doc. 85-22075 Filed 9-13-85; 8:45 am]

BILLING CODE 4310-40-M

New Mexico; White Sands Resource Area Final Resource Management Plan/Environmental Impact Statement (RMP/EIS)

AGENCY: Interior, Bureau of Land Management (BLM), Las Cruces District.

ACTION: Notice of availability.

SUMMARY: The Final RMP/EIS for the White Sands Resource Area, New Mexico is available for the public. The RMP/EIS analyzes the impacts of managing and allocating land and resources on 1.8 million acres of public land in Otero and Sierra Counties in south-central New Mexico. The Final RMP/EIS contains the Proposed Plan. The Proposed Plan is a modified version of the Preferred Alternative published in the Draft RMP/EIS in March 1985. All parts of the Proposed Plan may be protested. A 30-day protest period is provided as required by BLM planning regulations (43 CFR 1610.5-2).

DATE: Protests on the Proposed Plan must be received no later than 30 days from this notice.

ADDRESS: Protests should be sent to the Director (202), BLM, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Larry Nunez, Area Manager BLM, White Sands Resource Area, 1800 Marquess Street, Las Cruces, New Mexico 88005, (505) 525-8228 or FTS 571-8312.

SUPPLEMENTARY INFORMATION: Persons who have participated in this planning process and have interests which may be adversely affected may protest approval of the plan. Protests should be made to the BLM Director with the following information:

1. Name, mailing address, telephone number, and interest of the person filing the protest.
2. A statement of the issue and issues being protested.
3. A statement of the part and parts being protested.
4. A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date of the issue or issues were discussed for the records.
5. A concise statement explaining why the protesting party disagrees with BLM's Proposed Plan.

At the end of the 30-day protest period, the Proposed Plan, excluding any portions under protest, shall become final. Approval shall be withheld on any portion of the plan under protest until final action has been completed on such protest. Upon approval the final plan will be published with the Record of Decision. This is scheduled to be completed by March of 1986.

A limited number of copies of the RMP/EIS are available from the BLM, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005. Public reading copies are available for review at the BLM New Mexico State Office, other BLM District Offices in New Mexico, and public and university libraries in Alamogordo, Truth or Consequences, Las Cruces, Portales, Santa Fe, and Albuquerque, New Mexico and El Paso, Texas.

Dated: August 30, 1985.

Monte G. Jordan,

State Director.

[FR Doc. 85-22125 Filed 9-13-85; 8:45 am]

BILLING CODE 4310-FB-M

Office of Surface Mining Reclamation and Enforcement

Availability of Final Environmental Impact Statement on the Proposed Area D Expansion of the Rosebud Mine, Rosebud County, Montana (Federal Coal Mining Lease No. M-547131)

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of final environmental impact statement (OSM-EIS-19).

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) and the Montana Department of State Lands (DSL) are making available a jointly prepared final environmental impact statement (EIS) on the proposed Area D expansion of the Rosebud mine. The EIS has been prepared to assist the Department of the Interior and Montana DSL in making a decision on the Western Energy Company application to surface mine coal approximately 1 mile northwest of Colstrip, Montana.

ADDRESSES: Copies of the final EIS may be obtained from Allen D. Klein, Administrator, Attn: Charles Albrecht, OSM, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202, or from Kit Walther, Montana DSL, Environmental Analysis Bureau, Capitol Station, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, Chief, Environmental Analysis Branch (telephone: 303-844-2451) at the Denver, Colorado, location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: Western Energy's Rosebud mine is an existing surface mine made up of five mining units planned to eventually cover 22,000 acres of land surrounding the town of Colstrip, Montana. Of this total acreage, about 9,000 acres in four of the five mining units have already been permitted by OSM and Montana DSL. Western Energy is currently seeking approval to remove 68.5 million tons of coal from the Area D mining unit over an 18-year period at an average rate of approximately 3.8 million tons per year. The proposed expansion into the Area D mining unit would add 3,073 acres to the approximate 9,000-acre Rosebud mine permit area, in secs. 13 through 15, 22 through 27, and 35, T. 2N., R. 41 E., Montana principal meridian, of which 2,815 acres would be disturbed.

The EIS analyzes both the 18-year operation proposed for the Area D application area and Western Energy's long-range plan for Area D over the next 23 years. The long-range plan would be

eventually to add another 1,309 acres to the Area D permit area, bringing its total acreage to 4,382 acres and the total acreage of the five mining-unit permit areas making up the Rosebud mine to approximately 13,382 acres. Five alternatives are analyzed in the EIS that cover the range of decisions available to OSM and DSL on the Area D application: approve the application as proposed, reject the application, selectively reject approval, approve mining with special conditions, and no action. OSM and Montana DSL have identified "approve mining with special conditions" as the preferred alternative.

OSM and Montana DSL jointly analyzed the impacts of the proposal and its alternatives. The final EIS has been prepared in an abbreviated format and contains (1) corrections and new information brought to the attention of its preparers by commenters on the draft, (2) written comments submitted to OSM and Montana DSL regarding the Rosebud D draft EIS, and (3) responses to those comments considered substantive in nature. Portions of the draft EIS are reproduced only where corrections have been made or where new information has been added to the text. In all cases, chapters, and pages from the draft EIS are identified so that the reader can refer to the draft EIS for the place of change.

Dated: September 11, 1985.

Brent Wahlquist,

Assistant Director, Technical Services and Research.

[FR Doc. 85-22114 Filed 9-13-85; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Rail Carriers; Release of Waybill Data For Use in Research Project

The Commission has received a request from a professor at the University of Maryland for permission to use the Commission's 1977 and 1983 Waybill Sample to investigate the welfare effects of freight deregulation. The waybill data are needed to calculate changes in the overall consumer welfare. These changes will be calculated through a discrete choice model involving intermodal rate and service comparisons before and after deregulation. Specifically, the following waybill data will be needed: commodity, shipment size, origin, destination, routing information, and rate. The results of the project will be presented in aggregated form and published in the form of a monograph by the Brookings

Institute. No commercial use will be made of any of the waybill data.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Certain requirements designed to protect the data's confidentiality are agreed to by the requesting party and (2) public notice is provided so affected parties have an opportunity to object. (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of Office of Transportation Analysis will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

James H. Bayne,

Secretary.

[FR Doc. 85-22101 Filed 9-13-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Portland Cement Association

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98-462 ("the Act"), the Portland Cement Association ("PCA") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. Specifically, Atlantic Cement Company, Inc. is now listed under the name of its parent company, Blue Circle Atlantic. Cianbro

Corporation has sold its cement-producing assets to Dragon Products Company. Accordingly, Dragon Products Company is now a member of the PCA. Effective July 31, 1985, Davenport Cement Company resigned from membership in the PCA.

At present the members of the PCA are:

Aetna Cement Corporation
Alaska Basic Industries
Arkansas Cement Corporation
Ash Grove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic
Blue Circle Inc.
CalMat Co.
Capitol Aggregates, Inc.
Dragon Products Company
General Portland Inc.
Genstar Cement Company
Gifford-Hill & Company, Inc.
Canada Cement Lafarge Ltd.
Ciment Quebec, Inc.
Federal White Cement Ltd.
Genstar Cement Limited
Lake Ontario Cement Limited
Ideal Basic Industries, Cement Division
Independent Cement Corporation
Lehigh Portland Cement Company
Lone Star Industries, Inc.
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Rinker Portland Cement Corp.
Rochester Portland Cement Corp.
St. Marys Peerless Cement Co.
St. Marys Wisconsin Cement Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Co.
Miron Inc.
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

Holderbank Consulting, Ltd.
Humboldt Wedag Company
Centennial Engineering, Inc.
Allis-Chalmers Corp.
Bendy Engineering, M.K./H.K. Ferguson
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company

The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The original notification, identifying the original parties to the venture and describing in general terms the area of planned

activities of the venture, is published at 50 FR 5015 (1985), as amended at 50 FR 14175 (1985).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-22071 Filed 9-13-85; 8:45 am]

BILLING CODE 4410-01-M

Proposed Termination of Final Judgment; Cannon Mills Co.

Notice is hereby given that Cannon Mills Company ("Cannon") has filed with the United States District Court for the Southern District of New York a motion to terminate the final judgment in *United States v. Cannon Mills Company*, Civil No. 70-2827, and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the judgment but has reserved the right to withdraw its consent for at least seventy (70) days after publication of this notice. The complaint in this case (filed on June 30, 1970) alleged that Cannon had conspired with wholesalers and department store retailers to stabilize the retail price of Cannon prime line sheets and pillowcases and to eliminate, curtail and restrict the sale of such sheets and pillowcases by cut-price retailers. The judgment (entered on July 31, 1970), among other things, enjoins Cannon from directly or indirectly entering into, adhering to, maintaining or claiming any rights under any contract, agreement, understanding, plan or program with any wholesaler or retailer in the United States to: (A) fix, maintain or stabilize prices, markups or other terms or conditions relating to price for the sale of its sheets to any third person; (B) hinder, restrict, limit or prevent the sale of its sheets by any person or class of persons; and (C) restrict, limit or preclude Cannon from selling its sheets, other than sheets, other than sheets identified only by a trademark or trade name of a person other than Cannon, to a specified person or a specific class of persons.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaint and final judgment, Cannon's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at the Legal Procedure Unit of the Antitrust Division.

Room 7416, United States Department of Justice, Tenth Street and Pennsylvania Avenue NW., Washington, D.C. 20530 (telephone: 202-633-2481), and at the Office of the Clerk of the United States District Court for the Southern District of New York, United States Court House, Foley Square, New York, New York 10007. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the fee set by Department of Justice regulations.

Interested persons may submit comments concerning this matter by sending them to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Department of Justice, New York, New York 10278 (telephone: 212-264-0390). Such comments must be received by the Division within sixty (60) days.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

[FR Doc. 85-22068 Filed 9-13-85; 8:45 am]

BILLING CODE 4410-01-M

Proposed Termination of Final Judgment; Marshall & Ilsley Corp. et al.

Notice is hereby given that Marshall & Ilsley Bank Stock Corporation (now known as Marshall & Ilsley Corporation), Marshall & Ilsley Bank (now known as M&I Marshall & Ilsley Bank) and Northern Bank (now known as M&I Northern Bank) (hereinafter referred to collectively as "M&I") have filed with the United State District Court for the Eastern District of Wisconsin a motion to terminate the final judgment in *United States v. Marshall & Ilsley Bank Stock Corporation, Marshall & Ilsley Bank, Northern Bank, and The Bank of Commerce*. Civil Action No. 61-C-54; and the Department of Justice ("Department"), in a stipulation also filed with the Court, has consented to termination of the final judgment, but has reserved the right to withdraw its consent for a least seventy (70) days after the publication of this notice. The complaint in this action, which was filed on March 21, 1981, alleged that the acquisitions of stock of Marshall & Ilsley Bank, Northern Bank and The Bank of Commerce ("BOC") by M&I were in violation of section 7 of the Clayton Act, 15 U.S.C. 18. The final judgment, as modified, required M&I to divest itself of all shares of stock of BOC and enjoined and restrained M&I from acquiring any assets, any share capital or any other financial ownership interest in BOC. In accordance with the Final Judgment, as modified, M&I divested itself of all

shares of stock of BOC. BOC is now known as Associated Commerce Bank and is a subsidiary of Associated Banc-Corp. Green Bay, Wisconsin.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the final judgment would serve the public interest. Copies of the complaint and final judgment (as modified), M&I's motion papers, the stipulation containing the government's consent, the Department's memorandum and all further papers filed with the Court in connection with this motion will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7231, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530 and at the Office of the Clerk of the United States District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Room 362, Milwaukee, Wisconsin 53202. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within sixty days, and will be filed with the Court. Comments should be addressed to Barry Grossman, Chief, Special Regulated Industries Section, Antitrust Division, Department of Justice, 521 12th Street NW., Room 504B, Washington, D.C. 20530.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

[FR Doc. 85-22069 Filed 9-13-85; 8:45 am]

BILLING CODE 4410-01-M

Proposed Termination of Final Judgment; Springs Industries, Inc.

Notice is hereby given that Springs Industries, Inc. (formerly Springs Mills, Inc., hereinafter "Springs") has filed with the United States District Court for the Southern District of New York a motion to terminate the final judgment in *United States v. Springs Mills, Inc.*, Civil No. 70-2826, and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the judgment but has reserved the right to withdraw its consent for at least seventy (70) days after publication of this notice. The complaint in this case (filed on June 30, 1970) alleged that Springs had conspired

with wholesalers and department store retailers to stabilize the retail prices of Springs prime line sheets and pillowcases and to eliminate, curtail and restrict the sale of such sheets and pillowcases by cut-price retailers. The judgment (entered on July 31, 1970), among other things, enjoins Springs from directly or indirectly entering into, adhering to, maintaining or claiming any rights under any contract, agreement, understanding, plan or program with any wholesaler or retailer in the United States to: (A) Fix, maintain or stabilize prices, markups or other terms or conditions relating to price for the sale of its sheets to any third person; (B) hinder, restrict, limit or prevent the sale of its sheets by any person or class of persons; and (C) restrict, limit or preclude Springs from selling its sheets, other than sheets identified only by a trademark or trade name of a person other than Springs, to a specified person or a specific class of persons.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaint and final judgment, Cannon's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at the Legal Procedure Unit of the Antitrust Division, Room 7416, United States Department of Justice, Tenth Street and Pennsylvania Avenue NW., Washington, D.C. 20530 (telephone: 202-633-2481), and at the Office of the Clerk of the United States District Court for the Southern District of New York, United States Court House, Foley Square, New York, New York 10007. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the fee set by Department of Justice regulations.

Interested persons may submit comments concerning this matter by sending them to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Department of Justice, New York, New York 10278 (telephone: 212-264-0390). Such comments must be received by the Division within sixty (60) days.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

[FR Doc. 85-22070 Filed 9-13-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR**Office of Pension and Welfare Benefit Programs**

[Application No. D-6232 et al.]

Proposed Exemptions; Chris Stone & Associates et al.**AGENCY:** Pension and Welfare Benefit Programs, Labor.**ACTION:** Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this *Federal Register* Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526; U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Notice of Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the *Federal Register*. Such notice shall include a copy of the notice of pendency of the exemption as published in the *Federal Register* and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION CONTACT: The proposed exemptions were

requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

The Chris Stone and Associates Defined Benefit Pension Plan (the CSA Plan) and The Pacific Fabric Printers, Inc. Defined Benefit Pension Plan (the PFP Plan, collectively, the Plans) Located in Los Angeles, California

[Application No. D-6232 and D-6233]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of the section 406(a), 406 (b)(1) and (b)(2) and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed loans (the Loans) by the Plans of amounts not to exceed, in the aggregate, 25% of the assets of the Plans, to Chris Stone and Associates (CSA), Pacific Fabric Printers, Inc. (PFP), and Pacific Fabric Finishers (PFF, collectively, the Companies) on a recurring basis over a five-year period, provided that the terms and conditions of each such Loan are at least as favorable to the Plans as those obtainable in arm's length transactions between unrelated parties.

Temporary Nature of Exemption: This exemption is temporary and will expire five years from the date a grant of this exemption is published in the *Federal Register*. Subsequent to the expiration of this exemption, the Plans may continue to hold Loans originated during the five-year period for the remaining terms of such Loans.

Summary of Facts and Representations

1. The Plans are defined benefit plans. As of June 28, 1985, the CSA Plan had 42 participants and net assets of approximately \$153,307 and the PFP Plan had 75 participants and net assets of approximately \$94,303. The CSA Plan was adopted by CSA on November 25, 1981. CSA is in the business of importing, converting and selling fabric. The PFP Plan was adopted by PFP on December 31, 1981 and by PFF on July 30, 1983. PFP is in the business of imprinting designs and patterns on fabric and PFF is engaged in the preliminary processing of greige fabric. The trustee of the Plans is Mr. Chris Stone (Mr. Stone). Mr. Stone is the owner of 89% of the outstanding shares of stock of CSA and is the owner of all the outstanding shares of stock of PFP and PFF. Investment decisions for the Plans are currently made by Mr. Stone. The Plan's assets are commingled for investment purposes.

2. Each Loan will be evidenced by a promissory note (collectively, the Notes) having a term of five years and bearing interest at a variable interest rate equal to the greater of 12% per annum or two percent per annum above the prime rate of City National Bank (the Bank), Beverly Hills, California, on the date of such Loan's execution. The interest rate will be adjusted annually on the anniversary date of each Loan to the greater of 12% per annum or two percent above the then-current prime rate of the Bank. Each Note will require monthly payments of principal and interest calculated to amortize the principal balance over the Note's five-year term, subject to annual adjustments in the amount of the installment payments to reflect changes in the Bank's prime rate. At the end of the term of each Note, any unpaid principal and accrued interest will be payable in full. Principal and accrued interest may be prepaid at any time without penalty.

3. The Notes will be secured by a perfected first security interest in certain machinery and equipment (the Collateral) owned by CSA. The Collateral was appraised as of May 31, 1985 by Howard P. Shelton, A.S.A. (Mr. Shelton) of Howard P. Shelton, Inc., Tustin, California. Mr. Shelton and Howard P. Shelton, Inc. are independent of CSA, PFP and PFF. Howard P. Shelton, Inc. is in the business of machinery and equipment appraisals, technical valuations and cost surveys. Mr. Shelton has been an independent fee appraiser of machinery and equipment since 1970, has taken special courses in engineering and textiles, and

is a senior member of the American Society of Appraisers, Discipline: Equipment and Machinery, and of the National Association of Review Appraisers. Mr. Shelton established the fair market value of the Collateral, as of May 13, 1985, to be \$897,000, and stated that there is an active market in the processing and fabric converting equipment and machinery comprising the Collateral. Mr. Shelton stated additionally that processing and fabric converting machinery has not changed substantially in recent years and is not likely to be subject to obsolescence in the near future. Further, all of the Collateral could be installed in another location, provided that it was suitably equipped with plumbing, electrical connections and foundations. Mr. Shelton appraised the Collateral in place and in the condition in which it is currently used in production.

4. The applicants represent that the fair market value of the Collateral on the date on which each Loan is made will equal or exceed 200 percent of the amount of the Loan plus the aggregate outstanding balance of all other indebtedness secured by the Collateral. Each Note will require the acceleration of payments of principal and accrued interest to the extent that the fair market value of the Collateral falls below 200 percent of the aggregate outstanding balance of all indebtedness secured by the Collateral.

The Collateral will be insured against fire and other hazards in an amount equal to or exceeding the aggregate outstanding balance of the Loans for as long as any Loan remains unpaid, with the Plans named as loss-payee on the insurance policy to the extent of the Plans' interest in the Collateral.

Security agreements evidencing the Plans' first security interest in the Collateral will be perfected by filings with the appropriate authorities, as required for the perfection of such security interests under the laws of the State of California.

5. Before any Loan is made, the Bank will succeed Mr. Stone as trustee of the Plans. The Bank will have full and sole authority to act on the Plans' behalf with respect to the Loans. All other investments of the Plans will be directed by an administrative committee comprised of officers and employees of the Companies. The Bank has some commercial relationships with the Companies and their principals, however, these relationships are minimal. As of June 26, 1985, the aggregate deposits in the Bank of the Companies and their principals represented less than one-tenth of one percent of the Bank's total deposits, and

loans (including unused lines of credits) to the Companies and their principals comprised less than one-tenth of one percent of the Bank's loan portfolio. Neither the Bank nor any of its officers owns any interest in any of the Companies or serves as a director or officer of any of the Companies. Neither the Companies nor their principals own any interest in the Bank, nor do any principals, directors or officers of any of the three Companies serve as directors or officers of the bank.

The Bank represents that it has broad experience in pension and profit sharing plan administration and is familiar with its fiduciary responsibilities and the possible liabilities of plan fiduciaries under the Act. Before any Loan is made, the Bank will review the proposed Loan, the Collateral and the Plans' overall investment portfolio (including any outstanding Loans) and will receive information from the administrative committee of each Plan concerning the anticipated cash flow needs of the Plans during the term of the proposed Loan. The proposed Loan will be made only if (i) it will not cause the principal balance of all Loans to exceed 25 percent of the Plans' assets and 50 percent of the fair market value of the Collateral; (ii) it will not impair the Plans' anticipated cash flow needs; (iii) it will not require a Plan to liquidate more favorable investments; and (iv) the Bank determines that the Loan is an appropriate investment for the Plans and is in the best interest of the Plans and their participants and beneficiaries.

From time to time, but not less frequently than annually, the Bank will review the Collateral. If the Bank determines that additional Collateral is required to keep the total fair market value of the Collateral equal to at least 200 percent of such outstanding balance, the Bank will demand that the applicants either prepay the Loans or provide additional Collateral.

The Bank will exercise full and sole discretion in connection with making the Loans and with monitoring and enforcing the terms of the Loans, including making demand for timely payment and bringing suit or other appropriate process in the event of default.

6. In summary, the applicants represent that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Loans will be approved, monitored, and enforced by an independent fiduciary;

(b) The Loans will be secured by a perfected first security interest in the Collateral, which at all times will be at

least equal to 200% of the outstanding balances of the Loans;

(c) The value of the Collateral has been determined by a qualified, independent appraiser; and

(d) The aggregate outstanding balances of the Loans will constitute no more than 25% of the Plans' assets.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

Operating Engineers Pension Trust (the Plan) Located in Pasadena, California

[Application No. D-6171]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of the section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed purchase by the Plan, for the total cash consideration of \$962,457, of certain real property (the Subject Property) from the International Union of Operating Engineers, Local Union No. 12 (the Union), provided the price paid for the Subject Property is not more than its fair market value at the time the transaction is consummated.

Summary of Facts and Representations

1. The Plan is a collectively-bargained, multiemployer pension plan having 28,760 participants and net assets totaling \$565,844,683 as of June 30, 1984. The Plan is administered by a Board of Trustees (the Trustees) consisting of fourteen members. Seven Trustees are appointed by the Union; the remaining seven Trustees are appointed by the employer associations which are parties to a Trust Agreement. The Trustees make investment decisions for the Plan.

2. The Union is an employee organization within the meaning of section 3(4) of the Act and a labor organization affiliated with the Building and Construction Trades Department of the AFL-CIO. The Union represents employees for purposes of collective bargaining on terms and conditions of employment in the geographic area which includes the twelve southern counties of California and the four southern counties of Nevada. The employees represented by the Union work primarily in the building and

construction industry as well as in related industries. The Union normally has collective bargaining agreements in effect with about 6,000 employers, of which about 2,500 employers are active at any particular time. The Union has 25,000 members, of whom about 10,000 are retired.

3. The Plan presently owns two lots of real property (the Trust Property), located at the northeast corner of the intersection of North Raymond Avenue and Chestnut Street in the city of Pasadena, California. The Plan acquired the Trust Property, which consists of 18,000 square feet, from unrelated parties. The Plan requests an exemption to purchase two additional lots adjoining the north side of the Trust Property. The Subject Property, consisting of 29,478 square feet of "L"-shaped, vacant and generally level land, is presently owned by the Union. If acquired, the Trust Property and the Subject Property would comprise the entire frontage of the east side of North Raymond Avenue between Corson Street and Chestnut Street. The Plan intends to construct an office building on the combined parcels, primarily for use by the administrative offices serving the Plan and released trusts.¹ The Union would continue to own a third parcel adjoining the Subject Property and the Trust Property. The Union proposes to construct an office building on the site for its own use.

4. The Union purchased both the Subject Property and the property it will retain as a single parcel from M.J. Brock, a real estate developer and a contributing employer to the Plan. At the time of the purchase, the entire parcel consisted of 60,009 square feet of land, for which the Union paid a purchase price of \$1,960,000 on December 19, 1984. The Union has offered to sell the Subject Property to the Plan for the total cash consideration of \$962,457. The Plan has accepted this offer. No real estate commissions or fees will be paid by the Plan in connection with the proposed transaction. In addition, the Plan will purchase the Subject Property free of any encumbrances.

5. The proposed transaction will be evidenced by a document titled Escrow Instructions and Purchase Agreement (the Purchase Agreement) under which the Plan will make an initial deposit of \$25,000 and pay the remaining \$937,457 prior to the close of escrow and execute

any instruments the escrow requires. Closing of escrow will be contingent upon a number of terms and conditions, including the granting of this exemption by the Department.

6. The Subject Property was independently appraised by Messrs. Stephen J. Beck and Robert A. Steele (Messrs. Beck and Steele), who are affiliated with Robert Anson Steele Associates of Santa Ana, California. Mr. Beck is an associate of the appraisal firm. Mr. Steele is the president of the firm as well as a member of the American Institute of Real Estate Appraisers and the American Society of Real Estate Counselors. In an appraisal report dated June 11, 1985, Messrs. Beck and Steele placed the fair market value of the Subject Property at \$1,100,000 as of June 6, 1985. In an amendment to the appraisal dated July 10, 1985, Mr. Steele placed the fair market value of the Subject Property at \$1,030,000. Mr. Steele stated that due to market conditions, the Subject Property should be valued at \$1,030,000.

7. Buss-Shelger Associates (BSA), a real estate consulting and appraisal firm with more than 20 years' experience and maintaining its principal place of business in Los Angeles, California, will serve as the independent fiduciary with respect to the proposed transaction. BSA represents that it has acted as an independent real estate advisor to the Plan on a wholly noncontingent basis and that it has been paid on an hourly rate to provide consultative advice regarding real estate matters, exclusively. BSA also represents that it does not have (nor does it contemplate having) any kind of commercial involvement with the contributing employers. BSA further states that there are no officials of the Union who are involved in its activities. Finally, BSA represents that it not only understands its role as an independent fiduciary and the regulations under which it must function, but it accepts these duties, responsibilities and liabilities inherent therewith.

BSA's duties are enumerated in an independent fiduciary agreement (the Independent Fiduciary Agreement) it entered into with the Plan on June 11, 1985. Among its duties, BSA is authorized to: (a) Determine whether to enter into the Purchase Agreement on behalf of the Plan following a review of the appraisal report and other pertinent documents; (b) execute the Purchase Agreement on behalf of the Plan subject to the approval and the granting of this exemption by the Department; and (c) monitor the performance of the Plan and the Union under the Purchase

Agreement through the close of escrow and completion of the proposed transaction provided the Purchase Agreement is made by BSA and the exemption is granted. The term of the Independent Fiduciary Agreement will continue until either of the following events occurs: (a) The exemption is denied by the Department; (b) the Purchase Agreement expires, is terminated or is fully performed; and (c) either the Plan or the Union terminates the agreement.

BSA has determined that the proposed transaction is appropriate for the Plan and in the best interests of its participants and beneficiaries. BSA has reviewed and evaluated the Purchase Agreement for the purpose of ascertaining whether or not the Plan should enter into the contract. BSA states that it is mindful of the general objectives of the Plan, which are to achieve a maximum return on invested assets and to preserve the principal. Recognizing these criteria, BSA has concluded that the Plan's entering into the Purchase Agreement is in the Plan's best interest.

BSA also concurs with the Subject Property's most recent value estimate of \$1,030,000. BSA asserts that there is an obvious value advantage to the Plan if the Subject Property can be acquired for \$962,457. More importantly, BSA states that land values are market dependent and it illustrates this point by alluding to a softening of the Pasadena commercial market. BSA explains that while a May 1985 study it prepared does not indicate that it would be advisable for the Plan to erect a rental office building at this time, the long term prospects for construction in mid-1986 and for the delivery of space at higher rents are excellent. Also, BSA believes the venture will result in minimal risk to the Plan.

8. In summary, it is represented that the proposed transaction will satisfy the statutory criteria for an exemption under section 408(a) of the Act because: (a) The purchase of the Subject Property will be a one-time transaction for cash; (b) the Plan will not be required to pay any real estate fees or commissions in connection therewith; (c) the purchase price will be less than the fair market value of the Subject Property as established by an independent appraisal; and (d) BSA, which will monitor the terms of the Purchase Agreement on behalf of the Plan, has determined that the acquisition of the Subject Property is an appropriate transaction for the Plan and in the best interest of the Plan's participants and beneficiaries.

¹ The exemption application states that any leasing arrangements between the Plan and parties in interest that affect the Trust Property and the Subject Property will comply with the terms and conditions of Prohibited Transaction Exemption 76-1 and 77-10.

Notice to Interested Persons: Notice to interested persons will be provided within 30 days of the date of publication of this notice in the **Federal Register**. Comments and hearing requests are due within 60 days of the date of publication.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Compton Press, Inc. Employee Profit Sharing Plan (the Plan) Located in Hanover Township, New Jersey

[Application No. D-6163]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the past loan of \$250,000 (the Loan) by the Plan to C.P.I. Realty Co., a party in interest with respect to the Plan, provided that the terms of the Loan are no less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated third party.

Effective Date: If the exemption is granted, the effective date will be January 31, 1985.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing plan with approximately 85 participants. As of December 31, 1984, the Plan had total assets of approximately \$3,089,390. Compton Press, Inc. (the Employer) is a New Jersey corporation engaged in the commercial printing business. As of December 31, 1984, the Employer had total assets of \$6,032,163. C.P.I. Realty Co. is a New Jersey general partnership (the Partnership) whose partners own 100% of the issued and outstanding stock of the Employer. The Partnership is a real estate holding company with assets having a fair market value of approximately \$1,200,000 as of December 31, 1984.

2. The Employer requests an exemption for the past loan of \$250,000 by the Plan to the Partnership, a party in interest with respect to the Plan. The Loan agreement was entered into on January 31, 1985. Most of the proceeds of the Loan were used to pay off an

existing first mortgage, including closing costs, on certain real property located in Hanover Township, New Jersey (the Property). The Property is owned by the Partnership, which leases it to the Employer for use as its principal place of business. The remaining proceeds of the Loan have been used to make capital improvements on the Property.

3. The Loan is evidenced by a promissory note and secured by a first mortgage on the Property. An independent appraisal of the Property performed on November 13, 1984 by John Hurley of Hurley Realtors, Morris Plains, New Jersey, established a fair market value of approximately \$1,200,000. The interest rate of the Loan is fixed at 14½% per annum. The applicant represents that on October 4, 1984, it qualified for an interest rate of 14% for five years for continued financing by Summit and Elizabeth Trust Company (the Company), which provided the original financing for the Property. The original financing provided for a balloon payment of approximately \$177,600 payable on January 1, 1985. The applicant's representation is supported by a letter from John Parcette of the Company offering to extend the mortgage for five years at that interest rate. The Loan will be repaid in monthly installments of principal and interest over a period of fifteen (15) years.

4. First Morris Bank in Morristown, New Jersey is serving as the Plan's independent fiduciary (the Independent Fiduciary) for the Loan. The Independent Fiduciary represents that the Employer and the Partnership have less than 1% of its total outstanding loans and deposits. The Employer and the Independent Fiduciary entered into an agreement dated January 31, 1985 in which the Independent Fiduciary agreed to monitor the payments made by the partnership on the Loan and to initiate foreclosure or other appropriate action in the event of default.

5. The Independent Fiduciary represents that it determined prior to the Loan that the transaction is in the best interests of the Plan and its participants and beneficiaries for the following reasons:

(a) The Loan is a suitable investment for the Plan;

(b) The Loan represents less than 25% of the appraised fair market value of the collateral;

(c) The interest rate is at least as favorable as the Plan could obtain by investing in similar loans secured by commercial real property with an unrelated third party;

(d) The Partnership and the Employer are financially secure and are able to

meet their obligations under the transaction; and

(e) The Partnership could have obtained comparable or better terms for a loan from a bank, finance company, or other third party lender.

6. In summary, the applicant represented that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) The Loan is adequately secured by a promissory note and recorded first lien on commercial real property with an appraised fair market value of at least 150% of the outstanding balance of the Loan;

(b) The Loan has been and will continue to be monitored by an independent fiduciary; and

(c) The Independent Fiduciary determined that the Loan is in the best interests of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Linda Shore of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

The Group Insurance Plan for Certain Personnel on a Monthly, Semi-Monthly, Weekly Salary or Hourly Payroll (the Management-Weekly Plan) and the Caterpillar Tractor Co. Group Insurance Plan (the Hourly Plan, collectively, the Plans) Located in Peoria, Illinois

[Application No. D-6006]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by Caterpillar Insurance Co., Ltd. (CICL) from insurance contracts sold by Metropolitan Life Insurance Company (Metropolitan), or another insurance company as described herein, to provide benefits to the Plans, provided that the following conditions are met:

(a) CICL—

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with Caterpillar Tractor Co. (Caterpillar) that is described in section 3(14) (E) or (G) of the Act;

(2) Is licensed to sell insurance or conduct reinsurance operations in a "State" as defined in section 3(10) of the Act;

(3) Has obtained a Certificate of Authority from the Insurance

Commissioner of the Virgin Islands which has neither been revoked nor suspended; and

(4) (A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of the Virgin Islands) by the Commissioner of Insurance of the Virgin Islands within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plans pay no more than adequate consideration for the insurance contracts;

(c) No commissions are paid with respect to the direct sale of the contract, or the reinsurance thereof; and

(d) For each taxable year of CICL, the gross premiums and annuity considerations received in that taxable year by CICL for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which CICL is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance (whether direct insurance or reinsurance) in that taxable year by CICL. For purpose of this condition (d):

(1) The term "gross premiums and annuity considerations received" means as to the numerator the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale or other reinsurance of life insurance, health insurance or annuity contracts to such plans (and their employers) by CICL. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by CICL.

(2) All premium and annuity considerations written by CICL for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

Preamble

On August 7, 1979, the Department published a class exemption (Prohibited Transaction Exemption 79-41 (PTE 79-41), 44 FR 46365) which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts

which fund such plans, if certain conditions are satisfied. In PTE 79-41, The Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction. The Department further stated that as of the date of publication of PTE 79-41, it had received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received application within the scope of the class exemption, but would instead consider such application on the merits of each individual case.

Summary of Facts and Representations

1. Caterpillar is a manufacturing company incorporated under the laws of the State of California. The Plans, which are sponsored by Caterpillar, provide life insurance, disability insurance and hospital and medical insurance for active and certain retired employees of Caterpillar and its subsidiaries. The Plan provide such benefits through the purchase of insurance or through qualified group insurance trusts. The life insurance portion of the Plans is currently underwritten by Metropolitan, a party unrelated to the Plans and Caterpillar. As of February 7, 1985, the Management-Weekly Plan had approximately 23,150 participants and the Hourly Plan had approximately 39,100 participants.

2. CIGL, a corporation organized in 1983 under the laws of Bermuda with its principal offices in Hamilton, Bermuda, is a wholly-owned subsidiary of Caterpillar. Presently CIGL is reinsuring and making available its administrative services with respect to an extended warranty insurance program for Caterpillar's dealers and is reinsuring the interests of Caterpillar and its subsidiaries and Caterpillar dealer franchisees under a cargo insurance program. In the fiscal year ending September 30, 1984, CIGL's gross

premium volume was \$10.1 million; it had capital and surplus of \$1.8 million; and its total assets were \$11.4 million. CIGL is licensed to do business in and to conduct reinsurance operations from the U.S. Virgin Islands. CIGL's charter permits it to a party of all lines of insurance and does not prohibit the reinsurance of life insurance.

3. Metropolitan, an unrelated, independent insurer, unconditionally provides all life insurance benefits covered by the Plans. The reinsurance agreement would provide that CIGL would be liable to Metropolitan for the same percentage of claims as the percentage of premiums ceded to CIGL attributable to the Plans up to an aggregate expected loss amount to be agreed upon annually by the parties to the reinsurance agreement. In addition, CIGL will be liable for claims above the aggregate expected loss amount, not to exceed 25% of the aggregate expected loss amount. The Plans will not be a party to the reinsurance agreement.

4. The applicant represent that the subject reinsurance transactions will meet all of the conditions of PTE 79-41 covering direct insurance transactions:

(a) CIGL is a party in interest with respect to the Plans as described in section 3(14)(G) of the Act by reason of its stock affiliation with Caterpillar.

(b) CIGL is licensed to conduct reinsurance operations from the Virgin Islands.

(c) CIGL received a Certificate of Authority from the Virgin Islands effective May 10, 1985, and expects to receive an annual renewal of such Certificate in the future.

(d) CIGL has undergone an examination by the independent certified public accounting firm of Price Waterhouse for its last completed taxable year, ending September 30, 1984.

(e) No more than adequate consideration is paid for the insurance contracts. Metropolitan is one of the largest life insurance underwriters in the country and enjoys substantial economies of scale in computerized policy administration. Thus, the premium charged to the Plans' participants is highly competitive. The reinsurance agreement is not a factor in Metropolitan's premium computations and thus, does not in any way affect the cost to the Plans.

(f) No commissions will be paid with respect to either the direct sale of life insurance by Metropolitan to the Plans or with respect to the proposed reinsurance agreement between Metropolitan and CIGL.

(g) For each taxable year of CIGL, the gross premiums and annuity

considerations received in that taxable year by CICL for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which CICL is a party in interest by reason of a relationship to such employers described in section 3(14)(E) or (G) of the Act do not and will not exceed 50% of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by CICL. Approximately 90% of CICL's written direct premium is with companies other than Caterpillar and any of its subsidiaries and affiliates.

5. The applicants have also requested relief for the reinsurance of risks and the receipt of premiums therefrom by CICL from an insurance company other than Metropolitan, provided that Caterpillar finds that it can achieve comparable insurance coverage for its employees from another company at an equal or better rate. The applicants represent that any such insurance company will be required to be a legal reserve life insurance company having assets of not less than \$500,000,000, and will at all times be primarily and unconditionally responsible for the payment of life insurance benefits even though such benefits have been reinsured with CICL.

6. In summary, the applicants represent that the subject transactions meet the criteria of section 408(a) of the Act because: (1) Plan participants and beneficiaries are afforded insurance protection by Metropolitan, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's length negotiations; (2) CICL is a sound, viable reinsurance company which does a substantial amount of business outside its affiliated group of companies; and (3) each of the protections provided to the Plans and their participants and beneficiaries by PTE 79-41 will be met under the subject reinsurance transactions.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

The Tharco Affiliated Companies Profit Sharing Plan Trust (the Plan) Located in San Lorenzo, California

[Application No. D-5792]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is

granted the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to a proposed loan (the Loan) by the Plan to Tharco Precision, Inc., a California corporation (Tharco), a party in interest as described herein, provide the terms of the Loan remain at least as favorable as an arms-length transaction with an unrelated party.

Summary of Facts and Representations

1. Tharco, a designer and manufacturer of industrial corrugated packaging and foam plastics, is one of four affiliated companies of which Tharco and one other company sponsor the Plan. As of September 30, 1984, Tharco had total assets of \$8,975,724 and 53 employees covered by the Plan. The four affiliated companies are all owned by members of the Aitchison family as individuals or as custodians for family members or as trustees of family trusts. Thomas W. Aitchison and James F. Aitchison, as the respective trustees of two different trusts, equally divide the ownership of Tharco.

2. The Plan is a profit sharing plan with a total of 84 participants and total assets of \$2,868,810, as of June 29, 1984. The assets of the Plan are held in trust by the Sumitomo Bank of California (the Trustee). The Plan also has an advisory committee (the Committee) which is the administrator for the Plan. The Committee members are Thomas W. Aitchison, James F. Aitchison, and Dennis Busch, each of whom are participants of the Plan and officers and/or directors of Tharco and its affiliated companies. Currently, only Tharco and Tharco Containers Colorado, Inc. (TCC) contribute to the Plan, the other two affiliated companies' employees are covered by a collectively bargained plan. Since Tharco and TCC have separate employees, the Trustee maintains separate accounts in the Plan for accepting, allocating, and determining earnings and forfeitures of Plan contributions from Tharco and TCC, respectively. As of June 29, 1984, the funds held in the Plan by the Trustee for the benefit of the employees of Tharco was \$1,991,678 and for the benefit of the employees of TCC was \$877,132. Also, as of March 29, 1985, there was an outstanding principal balance of \$100,018 remaining upon a loan from the Plan to TCC which had been made pursuant to an individual exemption granted by the Department (PTE 81-70, 46 Fr 44536, September 4, 1981). The Loan as proposed plus the prior loan to TCC will be less than 18.6

percent of the total assets of the Plan, as of June 29, 1984.

3. Tharco and the Plan are requesting an exemption from the prohibited transaction provisions of the Act which would permit the Plan to loan to Tharco the sum of \$435,000 for use as partial payment on a \$2,700,000 general line of credit issued by Wells Fargo Bank, N.A. of San Francisco, California (Wells Fargo) to Tharco and its affiliated companies. As of August 31, 1984, there was outstanding and owing on this line of credit the sum of \$1,200,000 plus a floating rate of interest of ¾ percent over the Wells Fargo prime rate. Wells Fargo and the Tharco affiliated companies maintain a continuing bank-customer relationship. Except for this relationship, Wells Fargo is independent of Tharco and its affiliated companies. When advancing funds for the Loan, the Trustee will prorate the amount of the advance from two separate accounts which the Plan maintains for the benefit of employees of Tharco and TCC, respectively. Based upon the amount of assets of the Plan held in each separate account, as of June 29, 1984 (Tharco—\$1,991,678; TCC—\$877,132) the prorated share that the Tharco account will contribute to the Loan is \$302,000 and the prorated share that the TCC account will contribute to the Loan is \$133,000, for a total of \$435,000.

4. The Loan will be evidenced by a Loan Agreement executed by Tharco and two affiliated companies of Tharco (Tharco Containers Oakland and Precision Packaging, Inc., both California corporations) and by a Promissory Note issued by Tharco and secured by the motor vehicles, equipment, furniture, machinery, and all other tangible personal property of Tharco, with the exception of its inventory. In addition, the two aforementioned affiliated companies of Tharco have agreed, as evidenced by a Guaranty Agreement, to guarantee all amounts due by Tharco to the Plan under the Loan Agreement. As security for these guarantees, these two affiliated companies of Tharco will join Tharco in filing respective Security Agreements, including the Form UCC-1, with the State of California. Under California law these filings will grant a prior security interest in the three respective companies' motor vehicles, equipment, furniture, machinery, and all other tangible personal property, with the exception of their inventories. All this collateral securing the Loan is located in San Lorenzo, California where it was appraised by the American Appraisal Associates, Inc. of Oakland, California to have a "Forced Liquidation Value" of

not less than \$1,500,000, as of February 15, 1985.

5. The principal of the Loan in the sum of \$435,000 will be paid back to the Plan in 60 equal monthly installments of \$7,250 and will provide monthly interest payments at a floating rate of $\frac{3}{4}$ percent over the Wells Fargo prime rate. In no event will the interest rate of the Loan be less than 13 percent per annum. Furthermore, in a form acceptable to the Trustee, Wells Fargo will subordinate its security interest in the collateral for the Loan to the security interest of the Plan. Also, if Tharco or either corporate guarantor should misrepresent information in any of their financial statements or Tharco should default in any way on the Loan or with other creditors, including Wells Fargo, such misrepresentation or default will accelerate the Loan so as to give the Plan a preference with respect to any other creditor of Tharco. The various information agreements provide, in part, that the collateral will be (a) maintained in good working order and condition; (b) kept fully insured; (c) considered as personal property at all times and not a fixture in any sense; (d) free of liens except as permitted under the security agreements (i.e., the security interest granted to the Plan in connection with the proposed Loan, the subordinated security interest to the Loan which is granted Wells Fargo as security for its \$2,700,000 line of credit, and such additional security interest which may be consented to in writing by the Trustee, as secured party); (e) not sold or otherwise disposed of without prior written consent of the Plan, except for transactions in the ordinary course of business dealing with replacements or retirements of damaged or obsolete property; and (f) maintained at a value of at least 200 percent of the unpaid balance of the Loan.

6. The application for exemption states that the Trustee is an independent fiduciary and does not have any relationship with Tharco or its affiliated companies other than acting as trustee for the Plan. Furthermore, the Trustee is represented to be totally independent in exercising its fiduciary obligations under the loan documents and will perform its duties so as to be acting in the best interests of the Plan and its participants. The Trustee represents that it is acting as an independent fiduciary in approving, monitoring, and enforcing all rights and obligations of the Plan under the Security Agreements and the Promissory Note, including making demand for timely payment, bringing suit or other appropriate action in case of any default on the Loan. Furthermore,

before approving the Loan, the Trustee represents that it reviewed the investment portfolio of the Plan, the cash flow needs of the Plan, the necessity of sale of any Plan assets, diversification requirements of the Plan, both before and after the Loan, and all of the Loan documents. Based on the review, the Trustee determined that the proposed transaction is appropriate for the Plan and in the best interests of the Plan and its participants and beneficiaries and the return on this investment is a fair market rate for such transaction. The Trustee further represents that the Loan is administratively feasible with adequate independent safeguards to protect Plan assets in the event of default.

7. In summary, the applicants represent that the proposed Loan satisfies the statutory criteria of section 408(a) of the Act because (a) the Trustee has determined that the proposed transaction is appropriate for the Plan and its participants and beneficiaries; (b) the terms of the Loan will produce a fair market rate of return and such investment is secured by assets which substantially exceed the Loan; (c) the Trustee, as the independent fiduciary will pursue the rights of the Plan and its participants and beneficiaries in the event of default, including attachment and foreclosure on the security of the Loan; (d) the Loan will be secured at all times by collateral with a value of at least 200 percent of the outstanding balance of the Loan; and (e) the collateral will be appraised at any time the Trustee deems it necessary.

For Further Information Contact: Mr. C.E. Beaver of the Department, telephone (202) 523-7901. (This is not a toll-free number.)

Rahives Organizations Profit Sharing Plan (RO Plan) and the Rahives and Rahives, Inc. Profit Sharing (RR Plan; collectively the Plans) Located in San Ramon, California

[Application No. D-5716]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply for a period of five years to the proposed purchases of interests in a parcel of real property by

the Plans involving up to 25% of each Plan's assets from the Rahives Organization (RO) and the leasing of the property purchased to Bay Vista Partnership (the Partnership), provided that the terms and conditions of the transactions are at least as favorable to the Plans as those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of each transaction.

Summary of Facts and Representations

1. The Plans are profit sharing plans with each Plan having the same 3 participants (Louis G. Rahives, Dennis L. Rahives and Margy Urnberg). As of October 31, 1984, there was \$795,000 in the RO Plan and \$348,500 in the RR Plan.

The members of each Plans' advisory committee are Louis G. Rahives and Dennis L. Rahives. Both of said individuals are participants in each Plan and are officers, directors and employees of RO and Rahives and Rahives, Inc. (RR). The outstanding stock of RO is owned 76% by Louis G. Rahives and 24% by Dennis L. Rahives. The outstanding stock of RR is owned 63% by Danna L. Rahives and 37% by irrevocable inter vivos trusts created for the benefit of his two children. RO sponsors the RO Plan and RR sponsors the RR Plan. RO is engaged in the purchase and development of industrial and commercial properties in Benicia and San Ramon, California.

2. On June 18, 1984, RO purchased from Dr. Pepper Bottling Company of San Francisco approximately 5.7 acres of unimproved land (the Property) located in Benicia, California for \$638,400. On July 7, 1984, RO leased the Property (Ground Lease) to the Partnership. The Partnership is owned 50% by RO and 50% by RR.

3. RO proposes to sell undivided fractional interests in the Property to the RO Plan and the RR Plan. For purposes of such sale, the total value of the Property will be deemed to be \$638,400 and each Plan will purchase an undivided fractional interest in the Property in an amount not to exceed 25% of each Plans' respective assets at the time of each such sale. Each undivided fractional interest will be sold free and clear of any and all liabilities, encumbrances, restrictions, easements, etc., except for (i) items of record as of closing (ii) current real and personal property taxes not yet due and payable as of the closing date and (iii) the existing Ground Lease. No broker will be employed in connection with the subject sale or any subsequent sales, not will any sales commission or other remuneration be paid in connection with

the sales of fractional interests to the Plans.

Rents, property taxes, and/or other charges will be prorated between RO and the Plans as of closing. The purchase price for the respective Plans' undivided interests will be payable in cash, on closing.

4. With respect to purchases of additional fractional interests in the Property, such purchases will be approved by the Plans' independent fiduciary (see representation ± 7) and the purchase price will be determined pursuant to a current fair market appraisal. The Plans, however, at no time will purchase interests in the Property which would cause either Plan to exceed 25% of its total assets. The applicant represents that the rental income generated from the Ground Lease will be allocated among the parties in proportion to their percentage of ownership.

5. As a result of the proposed transactions, RO, the RO Plan, and the RR Plan will each own an undivided fractional interest in the Property as tenants in common. Contemporaneously with the proposed sale, RO and the independent fiduciary acting on behalf of the Plans will enter into a Tenants-In-Common Agreement. The Tenants-In-Common Agreement will provide that any and all decisions concerning the operation, management, development and disposition (including the exercise of the purchase option referred to in the Ground Lease) of the Property shall be made in the sole discretion of the independent fiduciary.

6. The terms and conditions of the Ground Lease executed between RO and the Partnership as amended provide:

a. A term of 25 years plus the construction period (which will not exceed 9 months).²

b. An initial triple net rent of \$76,608 (representing approximately 12% of the value of the underlying land), said rent to be adjusted every three years during the term of the lease to the current fair rental value of the Property.

c. At any time prior to the 15th anniversary date of said Ground Lease, the Landlord can require the tenant to purchase the Landlord's interest in the leased premises for cash, at a purchase price equal to the greater of the Property's appraised value, or \$638,400.

d. All improvements will revert to the Landlord upon termination of the lease.

It is represented that the Partnership and its corporate general partners have

a net worth in excess of \$8,000,000, and accordingly, are fully able to perform their obligations under the Ground lease, including the obligation to purchase the Plans' interest in the leased premises.

Mr. James H. Shaw, an M.A.I. appraiser with the firm of James H. Shaw & Associates, Danville, California, pursuant to an investigation of ground leases in the area where the Property is located, determined that as of July 15, 1985, a long term ground lease in the subject vicinity would provide for an annual net return of 12% of the current market value of the Property.

7. Mr. John Barnard (Mr. Barnard), an attorney with the firm of Davis, Young & Mendelson of Alameda, California, has agreed to serve as an independent fiduciary for the proposed transactions. Mr. Barnard represents that after reviewing the proposed transactions with respect to (i) the Plans' overall investment portfolio, (ii) the cash flow needs of the Plans, (iii) the necessity of sale of any of the Plans' assets, (iv) diversification, both before and after the proposed transaction, and (v) related documents and history of RO, the Partnership and the respective Plans, Mr. Barnard has concluded that the proposed transactions would be appropriate and in the best interest of the Plans and suitable for the Plans and their respective participants and beneficiaries. Mr. Barnard represents that he will make a similar determination immediately before each transaction is consummated. Mr. Barnard states that the terms and conditions of the proposed transactions are comparable, if not more favorable to the Plans than those which the Plans might receive in similar transactions with an unrelated third party. Also, the terms of said Ground Lease, the rental under said Ground Lease, and the remaining terms and conditions of the Ground Lease are commercially reasonable given the nature, extent and location of the Property. Mr. Barnard states that the rent on the Property, that being 12% per annum, represents a very attractive rate of return in light of the triple net lease and provision for rent increases.

8. As independent fiduciary, Mr. Barnard has agreed to accept the responsibility of enforcing the terms of the Ground Lease, the Purchase Agreement, and the Tenants-in-Common Agreement on behalf of the Plans, including making demand for the timely payment of rent and enforcement of all obligations of the tenant under the Ground Lease, bringing suit or other appropriate process in order to enforce the Plans' rights under any of the

agreements in the event of threatened or actual default or breach, and keeping adequate records and reporting annually to the Plans' trustees as to the performance of the subject transactions.

As an attorney, Mr. Barnard represents that he is aware of his duties, responsibilities and potential liabilities in serving as an independent fiduciary. Mr. Barnard states that although his firm represents RO from time to time, the annual fees paid to this firm by RO and/or any of its affiliated entities represent less than 1% of the gross receipts of his firm.

9. In summary, the applicant represents that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

a. The transactions will be approved and maintained by Mr. Barnard;

b. The exemption will be limited to a five year period with respect to purchase transactions; and

c. Mr. Barnard has determined that the transactions are appropriate and suitable for the Plans.

Temporary Nature of Exemption

The proposed exemption is temporary and, if granted, will expire five years after the date of grant with respect to purchases of additional interests in the Property by the Plan. Should the applicant wish to continue selling additional parcels of the Property to the Plans beyond the five year period, the applicant may submit another application for exemption.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Southern Fruit Distributors, Inc. Employees Profit Sharing and Benefit Plan (the Plan) Located in Orlando, FL.

[Application No. D-5573]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 10471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the past cash sale on June 29, 1984 by the Plan of: 1) its 60% interest (the Southside Interest) in certain real property known as the Southside

² In December 1984, the Partnership completed construction of an industrial office and warehouse facility at a cost of \$1,427,000.

Shipping Center (Southside) for \$1,629,612 to Southside Shopping Center, Ltd. (the Partnership), a Florida limited partnership, and 2) its 10% limited partnership interest (the Compton Interest) in a limited partnership known as Compton Properties, Ltd. (Compton) for \$407,988 to the other partners in Compton, provided that the purchase price for the Interests was not less than their fair market value as of June 29, 1984.

Effective Date: If this proposed exemption is granted, the effective date will be June 29, 1984.

Summary of Facts and Representations

1. The Plan is a profit sharing plan which had 276 participants as of September 30, 1983. The Plan had assets of \$5,818,207 as of the same date. Austin A. Caruso is the trustee (the Trustee) of the Plan and the president of Southern Fruit Distributors, Inc. (the Employer) the Plan sponsor.

2. The Plan acquired the Southside Interest on April 21, 1958. Southside is a shopping center located in Orange County, Florida. The Trustee, his two brothers and his brother-in-law, acting as trustees under personal trusts acquired the remaining 40% interest in Southside. Subsequently this 40% interest was transferred to the Partnership which includes lineal descendants and other relatives of the Trustee, his two brothers and his brother-in-law, thus making the sale of the Southside Interest to the Partnership a prohibited transaction. The Trustee, his two brothers and his brother-in-law do not own partnership interests in the Partnership. Eight of the seventeen partners in the Partnership are participants in the Plan. The Partnership, however, is not a party in interest with respect to the Plan under section 3(14) of the Act.

3. The Plan acquired the Compton Interest on August 1, 1972. Compton is a Florida limited partnership investing in real estate. The remaining 90% of Compton is owned by the Trustee, his two brothers, his brother-in-law and their lineal descendants, thus making the sale of the Compton Interest to the other partners in Compton a prohibited transaction. Twelve of the twenty-one partners in Compton are participants in the Plan.

4. On January 11, 1983, the applicants applied for an exemption to sell the Interests to parties in interest with respect to the Plan and an extension of credit to such parties in interest by the Plan in connection with the sale. This exemption request was withdrawn on April 20, 1983. The applicant represents that the transactions were covered by

section 414(c)(3) of the Act, but that there is sufficient question as to whether the conditions of section 414(c)(3) were met such that they are seeking exemptive relief pursuant to section 408(a) of the Act.³ On June 26, 1984, the current application was filed, requesting an exemption to permit the cash sale of the Interests by the Plan. The applicant represents that in order to preserve their position that the transaction was covered by section 414(c)(3) of the Act, the transactions were engaged in on June 29, 1984.

5. The applicant represents that the Plan has several reasons to sell the Interests to the respective buyers. First, the four major participants in the Plan have or will shortly attain retirement age, and the Plan may have to make cash distributions of \$3,422,953 through the end of the 1988 Plan year. This amount represents approximately 60% of the Plan's assets as of September 30, 1983. If the Southside and Compton Interests were not sold, more than 90% of the remaining Plan assets would have had to have been liquidated to fund the anticipated distributions. This would have caused the Interests to increase from 35% of the Plan's assets as of September 30, 1983 to in excess of 85% after the 1988 Plan year. The sale of the Interests therefore helped to diversify the Plan's investment portfolio. Finally the applicant represents that the sale of the Compton Interest to a third party would have resulted in a lower price to the Plan because it is a minority interest with no participation in managing Compton, which could have resulted in a 10-20% discount to such a buyer.

6. Real Property Analysts, Inc., M.A.I. (RPA), of Winter Park, Florida, was retained to appraise the fair market value of the Southside and Compton Interests. RPA is an independent real estate appraisal firm, which represents that none of the officers, directors, or employees of the Employer, the partners in Compton or Southside own an interest in RPA, and that in 1984 no fees were received from those individuals or the Employer, Compton, or the Partnership other than fees of \$6600 for the appraisal of the Southside and Compton Interests. RPA did its initial appraisal on September 30, 1983, with updates on February 15 and May 31, 1984. As of May 31, RPA valued the Southside Interest at \$1,590,000 and the Compton Interest at \$378,500.

7. On June 15, 1984, Peat, Marwick, Mitchell & Co., C.P.A.'s (Peat), prepared

³ The Department expresses no opinion herein as to whether the sale of the Interests by the Plan satisfied the conditions of section 414(c)(3) of the Act.

a financial report to reflect all other assets and liabilities, in addition to the real property, affecting the Plan's Interests. The applicant represents that Peat is the accountant for Southside and Compton, as well as the Employer and many of its officers and shareholders and their relatives. The fees Peat received from these parties in 1984 was \$87,665, which represented less than 3% of the annual receipts of Peat's Orlando, Florida office, and less than 0.01% of Peat's annual receipts nationally. None of the parties involved owns an interest in Peat. The applicant represents that Peat, a Big Eight accounting firm, was the only firm with sufficient knowledge of and experience with Southside and Compton to properly value the Plan's Interests. Peat valued the Southside Interest at \$1,629,612 and the Compton Interest at \$407,988.

8. In order to assure that the transactions were conducted at arm's-length, on December 21, 1983 the Trustee and the Employer engaged Sun Bank, N.A. (the Bank) to act as special Trustee on behalf of the Plan. The applicant represents that the Employer had no current banking relationship with the Bank in 1984. The Bank determined that the fair market value of the Interests was the net value of the Interests as estimated by Peat. On behalf of the Plan, the Bank negotiated the terms and conditions of the sales of the Interests and consummated the sales on June 29, 1984. The Plan bore not costs with respect to the sale; all costs were borne by the Employer or the buyers of the Interests.

9. In summary, the applicant represents that the transactions satisfied the statutory criteria of section 408(a) of the Act because: (a) the sale of Interests was a one-time transaction for cash; (b) the Plan received the fair market value of the Interests, as determined by RPA and Peat; (c) the Plan bore no costs or expenses with respect to the sale; and (d) the Plan was able to diversify its investments and acquire needed liquidity.

For Further Information Contact: David Lurie of the Department, telephone (202) 523-8884. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or

disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 10th day of September, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor

[FR Doc. 85-22036 Filed 9-13-85; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 85-150; Exemption Applications No. D-5403 et al.]

**Grant of Individual Exemptions;
Mortgage Asset Management
Associates et al.**

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 [43 FR 47713, October 17, 1978] transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 [40 FR 18471, April 28, 1975], and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

**Mortgage Asset Management Associates
(Mortgage Associates) Located in
Sausalito, California**

[Prohibited Transaction Exemption 85-150; Exemption Application No. D-5403]

Exemption

Section I—Exemption for Certain Transactions Involving the Purchase and Sale of Units in the Trust

The restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the purchase and sale of units of the Trust between Mortgage Associates and an employee benefit plan that is participating in the Trust (Participating Plan) where Mortgage Associates provides or will provide investment management services and therefore is or will be a fiduciary, provided that:

(a) Each purchase or sale is authorized in writing by a fiduciary of a Participating Plan who is independent of Mortgage Associates and any of its affiliates;

(b) Not more than 10 percent of a Participating Plan's assets are invested in the Trust; and

(c) The applicable conditions set forth in Section IV of this exemption are met.

Section II—Transactions With Persons Who Are Parties in Interest With Respect to the Trust Solely by Virtue of Being Certain Service Providers or Certain Affiliates of Service Providers

The restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any transaction between the Trust and a person who is a party in interest with respect to the Trust, if:

(a) The person is a party in interest (including a fiduciary) solely by reason of providing services to the Trust or solely by reason of a relationship to a service provider described in section 3(14) (F), (G), (H), or (I) of the Act, or both; and

(b) The person is not Mortgage Associates or any affiliate thereof.

Section III—Transactions With Persons Who Are Parties in Interest With Respect to a Participating Plan

the restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to any transaction

between the Trust and a person who is a party in interest with respect to a Participating Plan that has an interest in the Trust, if:

(a) The person is a party in interest (including a fiduciary) and the person neither exercised nor has any discretionary authority, control, responsibility or influence with respect to the investment of the Participating Plan's assets in, or held by the Trust;

(b) The person is not Mortgage Associates or any affiliate thereof;

(c) The person is a party in interest with respect to a Participating Plan, which Participating Plan's interest in the Trust, together with the interest(s) held by any other plans maintained by the same employer or employee organization, does not exceed 20 percent of the total assets of the Trust.

Section IV—General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of Mortgage Associates or its affiliates, the terms of the transaction are not less favorable to the Trust than the terms generally available in arm's-length transactions between unrelated parties.

(b) Mortgage Associates or its affiliates maintain for a period of six years from the date of the transaction the records necessary to enable the persons described in subsection (c) of this section to determine whether the conditions of this exemption have been met, except that: (1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Mortgage Associates or its affiliates, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by subsection (c) below.

(c)(1) Except as provided in paragraph (2) below and notwithstanding any provision of subsections (a) (2) and (b) of section 503 of the Act, the records referred to in subsection (b) of this section are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a Participating Plan who has authority to acquire or dispose of the interests in the Trust or

any duly authorized employee or representative of such fiduciary.

(C) Any contributing employer to any Participating Plan, or any duly authorized employee or representative of such employer, or

(D) Any participant or beneficiary of any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) above shall be authorized to examine trade secrets of mortgage Associates or its affiliates, or commercial or financial information which is privileged or confidential.

Section V—Definitions and General Rules

For purposes of this exemption,

(a) an "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any officer, director, employee, relative of, or partners in any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

For the purpose of this subsection (a), the term "affiliate" shall not be limited to persons or entities that are in existence on the effective date of this exemption.

(b) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) The term "Trust" means: (i) Any group trust that is currently managed by Mortgage Associates or its affiliates (the MAMA Trust); or (ii) any group trust that may hereafter be established and managed by Mortgage Associates or its affiliates, provided that in all material respects such trusts will be similar to the MAMA Trusts.

(d) The time as of which any transaction, acquisition or holding occurs is the date upon which the transaction is entered into, the acquisition is made or the holding commences. In addition, in the case of transaction that is continuing, the transaction shall be deemed to occur until it is terminated. If any transaction is entered into, or a renewal that requires the consent of the Trust occurs on or after the date of granting of this exemption are satisfied at the time the transaction is entered into or renewed, respectively, or at the time the acquisition is made, the requirements will continue to be satisfied thereafter with respect to the transaction or

acquisition and the exemption shall apply thereafter to the continued holding of the property so acquired. Notwithstanding the foregoing, this exemption shall cease to apply to a transaction or holding exempt by virtue of Section III at such time as the interest of any Participating Plan exceeds the percentage interest limitations of Section III unless no portion of such excess results from the purchase of an additional interest in the Trust by such Participating Plan. For this purpose, purchases do not include the reinvestment of Trust earnings. Nothing in this subsection (d) shall be construed to exempt a transaction entered into by the Trust which becomes a transaction entered into by the Trust which became a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(e) Each Participating Plan shall be considered to own the same proportionate undivided interest in each asset of the Trust as its proportionate interest in the total assets of the such trust as calculated on the most recent preceding valuation date of the Trust.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 2, 1985 at 50 FR 27381.

FOR FURTHER INFORMATION CONTACT:
Paul R. Antsen of the Department, telephone (202) 523-8753. (This is not a toll-free number.)

Byung Soon Lee, M.D., P.C., Employees' Profit Sharing Plan (the Plan) Located in Mount Clemens, Michigan

[Prohibited Transaction Exemption 85-151; Exemption Application No. D-5898]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the September 1, 1981 purchase by Dr. and Mrs. Byung Soon Lee, parties in interest with respect to the Plan, of certain improved real property from the Plan for \$184,126, provided that the sale price was not less than fair market value on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this

exemption refer to the notice of proposed exemption published on July 15, 1985 at 50 FR 28664.

EFFECTIVE DATE: The effective date of this exemption is September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Shore of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Everett & Hurite Ophthalmic Association Money Purchase Pension Plan and Trust (the Money Purchase Plan) and Everett & Hurite Ophthalmic Association Defined Benefit Pension Plan and Trust (the Defined Benefit Plan) Located in Pittsburgh, Pennsylvania

[Prohibited Transaction Exemption 85-152; Exemption Application No. D-6003 and D-6004]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past sale by the Defined Benefit Plan of a painting (the Painting) to the Money Purchase Plan for \$225,000 in cash, provided that the sale price was the fair market value of the Painting on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 15, 1985 at 50 FR 28665.

EFFECTIVE DATE: The effective date of this exemption is July 18, 1984.

FOR FURTHER INFORMATION CONTACT: David M. Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Cone, Wagner, Nugent, Johnson, Hazouri & Roth, P.A. Profit Sharing Plan and Trust (the Plan) Located in Palm Beach, Florida

[Prohibited Transaction Exemption 85-153; Exemption Application No. D-6038]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a certain condominium unit (the Property) by the individually directed account (the Account) in the Plan of David Roth (Mr. Roth) to Mr. Roth, for the greater of the Property's fair market value or the Account's costs in acquiring and holding the Property.

For a more complete statement of the

facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 26, 1985 at 50 FR 30542.

FOR FURTHER INFORMATION CONTACT: Mr. David Lurie of the Department, telephone (202) 523-8884. (This is not a toll-free number.)

Altmeyer Home Stores, Inc. Employees' Profit Sharing Plan (the Plan) Located in New Kensington, Pennsylvania

[Prohibited Transaction Exemption 85-154; Exemption Application No. D-6056]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale by the Plan to Altmeyer Home Stores, Inc., the Plan sponsor, of certain real property (the Real Property) for the cash consideration of \$86,000, provided that the price paid for the Real Property is not less than its fair market value at the time the transaction is consummated.

For a more complete statement of the facts and representatives supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 19, 1985 at 50 FR 29496.

FOR FURTHER INFORMATION CONTACT: Joseph L. Roberts III of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

Buffalo Laborers Pension Fund (the Plan)

[Prohibited Transaction Exemption 85-155; Located in Buffalo, New York Exemption Application No. D-6096]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the proposed purchase by the Plan of certain improved real property (the Property) from Local 210, Inc. (the Union Corporation), a party in interest with respect to the Plan; (2) the subsequent leasing by the Plan of space in the Property to the Laborer's International Union of North America, Local 210, the Union Corporation and the Buffalo Laborers Welfare Plan; and (3) section 406(b)(2) of the Act shall not apply to the subsequent leasing by the Plan of space in the Property to the Buffalo

Laborers Training Fund and the Buffalo Laborers Supplemental Unemployment Benefit Fund; provided that the terms and conditions of all of the above transactions are at least as favorable to the Plan as those obtainable by the Plan in arm's length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on July 15, 1985 at 50 FR 28666.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523-3882. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 10th day of September, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-22037 Filed 9-13-85; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-6065]

Withdrawal of Proposed Exemption; Professional Golfers Association of America Pension Plan Trust (the Plan) Located in Palm Beach, FL

In the Federal Register dated July 8, 1985, (50 FR 27859), the Department of Labor (the Department) published a notice of pendency (the Notice) of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The Notice concerned an application filed on behalf of the Plan and involved the past sale out of the Plan of common stock of IBM, Masco, and Outboard Marine to a pension trust, American Resources, Inc. Retirement Trust (the American Trust), and a foundation account, the Edward C. Stuart Foundation, which were managed by Colonial Trust Company, N.A., (the Applicant) a trustee for the Plan and fiduciary for the American Trust.

By a telephone conversation of August 9, 1985, the Applicant informed the Department that it wished to withdraw its request for exemptive relief.

Accordingly, the Department has reconsidered its earlier action and is hereby withdrawing its previously published Notice.

Signed at Washington, D.C., this 29th day of August 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-22038 Filed 9-13-85; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Public Service Co. of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Reconstitution of Board

[Docket Nos. 50-443-OL and 50-444-OL; ASLBP No. 82-471-02 OL]

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Public Service*

Company of New Hampshire, et al.

(Seabrook Station, Units 1 and 2), Docket Nos. 50-443-OL and 50-444-OL, is hereby reconstituted by appointing Administrative Judge Sheldon J. Wolfe as Chairman of this Licensing Board for all safety and onsite emergency planning issues in place of Administrative Judge Helen F. Hoyt, who is temporarily unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Sheldon J. Wolfe, Chairman
Dr. Emmeth A. Luebke
Dr. Jerry Harbour

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new board member is: Administrative Judge Sheldon J. Wolfe, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 9th day of September, 1985.

Robert M. Lezo,

Acting Chief Administrative Judge Atomic Safety and Licensing Board Panel.

[FR Doc. 85-22139 Filed 9-13-85; 8:45 am]

BILLING CODE 7590-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

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

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency

Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Suite 461, 1615 M Street NW., Washington, D.C. 20527; Telephone (202) 457-7151.
OMB Reviewer: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; Telephone (202) 395-7231.

SUMMARY:

Type of Request: Revision
Title: Project Information Report
Form Number: OPIC-71
Frequency of Use: On occasion—a function of the sampling criteria
Type of Respondent: Business or other institutions (except farms)
Standard Industrial Classification Codes: All
Description of Affected Public: Business and other institutions
Number of Responses: 50 per year
Reporting Hours: 1½ hrs per application
Authority for Information Collection: Section 231(k) of the Foreign Assistance Act of 1961, as amended.
Abstract (Needs and Uses): The Project Information Report is necessary to elicit and record the information on the developmental, environmental, and U.S. economic effects of OPIC-assisted projects. The information will be used by OPIC's staff and management solely as a basis for monitoring these projects and reporting the results, as required by Congress, in aggregate form.

Dated: August 22, 1985.

Robert C. O'Sullivan,

Office of the General Counsel.

[FR Doc. 85-22078 Filed 9-13-85; 8:45 am]

BILLING CODE 3210-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-49]

Initiation of Investigation Under Section 301; Brazil's Informatics Policy

Pursuant to his authority under section 302(c) of the Trade Act of 1974, as amended (19 U.S.C. 2412(c)), the United States Trade Representative is hereby initiating an investigation into Brazil's informatics policy in order to advise the President concerning the exercise of his authority under section 301 of the Trade Act of 1974.

In 1984, Brazil codified a pre-existing policy designed to promote a national informatics industry. The informatics law imposes a wide array of restrictions on foreign participation in this sector. For example, it provides broad authority to restrict imports for at least eight years and grants to Brazilian-owned firms the exclusive right to produce and sell certain types of high technology products. It also provides certain incentives for national firms. The law also restricts foreign direct investment through the imposition of local content and export performance requirements.

During the period this policy has been in effect, U.S. firms in Brazil have been denied approval to manufacture new product lines and have found it increasingly difficult to import needed inputs.

Moreover from 1980-1982, when the Brazilian market expanded rapidly, U.S. exports grew at less than half the rate of Brazilian market growth.

Interested parties are invited to submit written comments with respect to issues arising from the investigation, including the appropriate scope of the investigation. Such comments should be filed in accordance with the procedures set forth in 15 CFR 2006.8 and should be submitted to the Chairman, Section 301 Committee, Office of the U.S. Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C. 20506, no later than October 11, 1985. Rebuttal briefs must be submitted no later than October 18, 1985.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 85-22245 Filed 9-13-85; 8:45 am]

BILLING CODE 3190-01-M

[Docket No. 301-51]

Initiation of Investigation Under Section 301; Korea's Restrictions on Insurance Services

Pursuant to his authority under section 302(c) of the Trade Act of 1974, as amended (19 U.S.C. 2412(c)), the United States Trade Representative is hereby initiating an investigation into Korea's policy of prohibiting or restricting foreign insurance firms from providing insurance services in Korea in order to advise the President concerning the exercise of his authority under section 301 of the Trade Act of 1974.

For years, the Government of the Republic of Korea has restricted the ability of foreign insurance providers to offer their services in the Korean market under the same terms and conditions as those applicable to Korean insurance providers. For example, foreign firms are

not permitted to underwrite life insurance policies, which account for a large majority of the total Korean insurance market; nor are they permitted to underwrite certain types of fire insurance.

Interested parties are invited to submit written comments with respect to issues arising from this investigation, including the appropriate scope of the investigation. Such comments should be filed in accordance with the procedures set forth in 15 CFR 2006.8 and should be submitted to the Chairman, Section 301 Committee, Office of the U.S. Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C. 20506, no later than October 11, 1985. Rebuttal briefs must be submitted no later than October 18, 1985.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 85-22244 Filed 9-13-85; 8:45 am]

BILLING CODE 3190-01-M

[Docket No. 301-50]

Initiation of Investigation Under Section 301; Japan's Practice With Respect to the Manufacture, Importation and Sale of Tobacco Products

Pursuant to his authority under section 302(c) of the Trade Act of 1974, as amended (19 U.S.C. 22412(c)), the United States Trade Representative is hereby initiating an investigation into Japan's policies and practices with respect to the manufacture, importation and sale of tobacco products in order to advise the President concerning the exercise of his authority under section 301 of the Trade Act of 1974.

For years, Japan maintained barriers to imports of foreign tobacco products. These barriers included high tariffs, discriminatory rules on marketing, advertising and distribution, and maintenance of a government monopoly on the importation and sale of tobacco products. They have resulted in higher prices for imported products than for domestically-produced products. While Japan has taken steps to liberalize and modify these practices, it continues to impose relatively high tariffs, to prohibit foreign firms from manufacturing tobacco products in Japan and to restrict the distribution of tobacco products.

Interested parties are invited to submit written comments with respect to issues arising from this investigation, including the appropriate scope of the investigation. Such comments should be filed in accordance with the procedures set forth in 15 CFR 2006.8 and should be submitted to the Chairman, section 301

Committee, Office of the U.S. Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C. 20506, no later than October 11, 1985. Rebuttal briefs must be submitted no later than October 18, 1985.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 85-22243 Filed 9-13-85; 8:45 am]

BILLING CODE 3190-01-M

PEACE CORPS

Peace Corps Advisory Council; Meeting

AGENCY: Peace Corps.

ACTION: Peace Corps Advisory Council; Meeting.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), notice is hereby given that an open meeting of the Peace Corps Advisory Council will be held on September 24, 1985, from 9:00 a.m. to 4:00 p.m. in room 414 of Peace Corps Headquarters, 806 Connecticut Avenue, NW, Washington, D.C.

The purposes of the meeting are to review the Council activities since last April and to discuss and possibly formulate a report from the Council to the President.

In accordance with Chapter 101, section 6.1015(b)(2), of the General Services Administration regulations, notice is hereby given also that less than 15 days notice is being given prior to the meeting because of the following exceptional circumstances:

(1) The Peace Corps Advisory Council is to sunset on October 8th and therefore there is a very limited amount of time in which to schedule a meeting;

(2) Sufficient time must be allowed between the meeting and the sunset date to provide for the formulation of a report and any other unfinished business;

(3) Due to the conflicting schedules of the members of the Council confirmation of the above date was delayed, and similarly, selection of another date is infeasible.

Further information on the meeting may be obtained by contacting Marcia Nauckhoff at 254-6360.

Signed this 11th day of September in Washington, D.C.

Jack Burgess,

Acting Director.

[FR Doc. 85-22067 Filed 9-13-85; 8:45 am]

BILLING CODE 6051-01-M

Peace Corps Background Information Form; Extension

AGENCY: Peace Corps.

ACTION: Extension of Peace Corps Background Information Form.

SUMMARY: Pursuant with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Peace Corps has submitted to the Office of Management and Budget, a request to extend approval of the Peace Corps Background Information Form. The OMB approval and identification number for the current background form expires December 31, 1985.

Section 22 of the Peace Corps Act (22 U.S.C. 2501 et seq) mandates that "all persons employed or assigned to duties under this Act shall be investigated to insure that employment or assignment is consistent with national interest in accordance with standards and procedures established by the President." A copy of the form may be obtained from Mr. Phillip Seder, Peace Corps, Office of Placement, by telephoning (202) 632-6594.

For information about the proposed collection:

Agency Address: Peace Corps, 806 Connecticut Ave. NW., Washington, DC 20526

Type of Request: Extension

Frequency of Request: Recurring—Voluntary

General Description of Respondents: Individuals who have applied for Peace Corps service and have been nominated to a specific program

Estimated Number of Respondents: 10,000

Estimated Hours for Respondents to Complete Form: 3,333

Respondents Obligation to Reply: Voluntary

Comments: Telephone comments on this proposal should be directed to Francine Picoult, Desk Officer, Office of Management and Budget on area code (202) 395-7231. A copy of this form can be obtained by contacting Bob Harrison at (202) 632-6594. This is not a request to which 44 U.S.C. S3504(h) applies.

This notice was issued in Washington, D.C., on September 11, 1985.

Linda Rae Gregory

Associate Director for Management.

[FR Doc. 85-22066 Filed 9-13-85; 8:45 am]

BILLING CODE 6051-01-M

POSTAL RATE COMMISSION

[Order No. 632; Docket No. A85-26]

North Scituate, MA (Merrill A. Merritt, P.H.M., Petitioner); Accepting Appeal and Establishing Procedural Schedule

Issued September 9, 1985.

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; James H. Duffy; Bonnie Guiton.

Docket No. A85-26

Name of affected post office: North Scituate, Massachusetts 02060

Name(s) of petitioner(s): Merrill A. Merritt, P.H.M.

Type of determination: Consolidation

Date of filing of appeal papers:

September 3, 1985

Categories of issues apparently raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Economic savings [39 U.S.C. 404(b)(2)(D)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before September 18, 1985.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix—Docket No. A85-26, North Scituate, Massachusetts 02060

September 3, 1985—Filing of Petition.

September 9, 1985—Notice and Order of Filing of Appeal.

September 30, 1985—Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)].

October 8, 1985—Petitioners' Participant Statement or Initial Brief [see 39 CFR 3001.115(a) and (b)].

October 28, 1985—Postal Service Answering Brief [see 39 CFR 3001.115(c)].

November 12, 1985—(1) Petitioners' Reply Brief should petitioners choose to file one [see 39 CFR 3001.115(d)].
November 19, 1985—(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument [see 39 CFR 3001.116].

January 2, 1986—Expiration of 120-day decision schedule [see 39 U.S.C. 404(b)(5)].

[FR Doc. 85-22079 Filed 9-13-85; 8:45 am]

BILLING CODE 7715-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2200]

Alabama; Declaration of Disaster Loan Area

Walker County and the adjacent County of Cullman in the State of Alabama constitute a disaster area because of a tornado which occurred on August 16, 1985. Applications for loans for physical damage may be filed until the close of business on November 7, 1985, and for economic injury until the close of business on June 6, 1986, at the address listed below:

Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St. SW., Suite 822, Atlanta, GA 30303

or locally announced locations.
Interest rates are:

	Percent
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Businesses with credit available elsewhere.....	8.000
Businesses without credit available elsewhere.....	4.000
Businesses (EIDL) without credit available elsewhere.....	4.000
Other (non-profit organizations including charitable and religious organizations).....	11.125

The number assigned to this disaster is 220012 for physical damage and for economic injury the number is 632900.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008]

Dated: September 6, 1985.

Robert A. Turnball,

Associate Deputy Administrator for Management & Administration.

[FR Doc. 85-22056 Filed 9-13-85; 8:45 am]

BILLING CODE 8025-01-M

Indiana Advisory Council; Public Meeting

The U.S. Small Business Administration, located in the geographical area of Indianapolis, Indiana, will hold a public meeting at 10:30 a.m., E.s.t., Tuesday, October 8, 1985, at the North Meridian Inn, Indianapolis, Indiana, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, Minton-Capehart Federal Building, Room 578, 575 North Pennsylvania Street, Indianapolis, Indiana 46204-1584—(317) 269-7275.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 4, 1985.

[FR Doc. 85-22058 Filed 9-13-85; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Helena, Montana, will hold a public meeting at 9:30 a.m. on Friday, October 11, 1985, at the Federal Office Building, 301 South Park, Room 389, Helena, Montana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John R. Cronholm, District Director, U.S. Small Business Administration, Federal Office Building, 301 South Park, Drawer 10054, Helena, Montana 59626—(406) 449-5381.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 4, 1985.

[FR Doc. 85-22059 Filed 9-13-85; 8:45 am]

BILLING CODE 8025-01

Region X Advisory Council; Public Meeting

The Small Business Administration Region X, Portland District Office, Advisory Council, located in the geographical area of Oregon and southwest Washington, will hold a public meeting at 1:00 p.m. on Thursday, October 10, 1985, at The Riverhouse Motel and Restaurant, 3075 N. Highway 97, Bend, Oregon, to discuss such matters as may be presented by members, staff of the U.S. Small

Business Administration, or others present.

For further information, write or call Peter A. Plumridge, Acting District Director, U.S. Small Business Administration, Room 676, 1220 SW, Third Avenue, Portland, Oregon 97204—(503) 294-5226.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 4, 1985.

[FR Doc. 85-22060 Filed 9-13-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/869]

Integrated Services Digital Network (ISDN) Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 11, 1985 in Room 1207, Department of State, 2201 C Street NW., Washington, D.C. The meeting will begin at 9:30 a.m.

The agenda for the meeting is as follows:

1. Report on the meeting of CCITT Study Group XVIII (June 1985) and on the meeting of Rapporteurs of CCITT Study Group IX (Boulder, Colorado, July 1985);
2. Consideration of contributions to the Study Group XI meeting (Geneva, October 21–November 8, 1985);
3. Consideration of contributions to the meeting of the ISDN Working Parties of Study Group XVIII (Kyoto, December 2–13, 1985);
4. Any other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 632-5832. All attendees must use the C Street entrance to the building.

Dated: August 23, 1985.

Domenick Iacovo,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 85-22134 Filed 9-13-85; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/890]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Working Group on the Carriage of Dangerous Goods; Meeting

The Working Group on the Carriage of Dangerous Goods of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on October 9, 1985, at 9:30 A.M. in Room 2415 at Coast Guard Headquarters, 2100 2nd Street, S.W., Washington, D.C. 20593.

The purpose of this meeting is to discuss:

1. Decisions of the 37th Session of the IMO Subcommittee on the Carriage of Dangerous Goods held May 13–17, 1985, including those related to:

- The adoption of an International Maritime Dangerous Goods (IMDG) Code chapter to permit relaxations for hazardous materials in limited quantities;
- The preparation of a draft of the Class 7 IMDG Code requirements for radioactive materials incorporating the provisions of the 1985 International Atomic Energy Agency revisions;
- The inclusion of additional shipping requirements in the IMDG Code for marine pollutants;
- The IMDG Code requirements for marking gas cylinders used to carry hazardous materials; and
- The IMDG Code standards for portable tanks used to carry hazardous materials.

2. The United States position on the rewrite of the IMDG Code stowage and segregation requirements.

3. Possible United States proposals to the 38th Session of the IMO Subcommittee on the Carriage of Dangerous Goods to be held April 21–25, 1986.

4. IMO activities of a continuing nature.

Members of the public may attend up to the seating capacity of the room.

For further information contact Lieutenant Commander John P. Aherne, U.S. Coast Guard Headquarters (G-MTH-1), 2100 2nd Street SW., Washington, D.C. 20593. Telephone: (202) 426-1577.

Dated: September 6, 1985.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 85-22133 Filed 9-13-85; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/891]

State Department; American Private Sector Overseas Security Advisory Council; Closed Meeting

Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), dated October 6, 1972, the Department of State announces a meeting of the State Department—American Private Sector Overseas Security Advisory Council on October 24, 1985 at 9 a.m. in Room 6320 N.S., U.S. Department of State. Under the provisions of United States Code Title 5, Section 553b(c) (1) and (4), and Executive Order #12356, it has been determined the meeting will be closed to the public. This decision relates to the anticipated discussion of matters that are to be kept secret in the interest of national defense and foreign policy, and items of a privileged commercial nature. The agenda calls for the approval of working agendas of new committees, briefings on a recent hijacking and a discussion of Federal law enforcement practices and procedures.

Dated: August 29, 1985.

David C. Fields,

Deputy Assistant Secretary for Security.

[FR Doc. 85-22132 Filed 9-13-85; 8:45 am]

BILLING CODE 4710-24-M

[CM-8/888]

Study Group C of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 1, 1985 at 9:30 a.m. in Conference Room 918, AT&T Building, 1120 20th Street NW., Washington, D.C.

The purpose of this meeting is to review contributions to the October 7-18 meeting of CCITT Study Group II Working Parties and related topics as appropriate.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Earl Barbely, Department of State,

Washington, D.C.; telephone (202) 632-5832.

Dated: September 5, 1985.

Domenick Iacovo,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 85-22135 Filed 9-13-85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 85-064]

Towing Safety Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Towing Safety Advisory Committee (TSAC). The meeting will be held on 10 October 1985 in Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. and end at 4: p.m. The agenda is expected to be as follows:

1. TSAC discussion and/or recommendations concerning the following past agenda items:
 - (a) Air Quality: Vapor Control/Recovery.
 - (b) Hazardous Cargo Containers on Deck Cargo Barges.
 - (c) Bulk Liquid Cargoes.
 - (d) Tankerman Requirements.
 - (e) Certification of Seamen.
 - (f) Licensing of Maritime Personnel.
 - (g) Intervals for Drydocking and Tailshaft Inspection Requirements.
 - (h) Inspection Intervals for Pressure Vessels and Cargo Tanks.
 - (i) Licensing of Pilots; Manning of Vessels—Pilots.
 - (j) Hybrid PFDs
 - (k) Recent International Maritime Organization Developments.
 - (l) Bridge Lighting and Other Signals.
 - (m) Documentation of Vessels.
 - (n) Waste Reception Facilities.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than the day before the meeting.

For further information contact: Executive Director, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/21), Washington, D.C. 20593, (202) 426-1477.

Dated: September 11, 1985.

R.F. Ingraham,

Captain, U.S. Coast Guard, Executive Director, Towing Safety Advisory Committee.

[FR Doc. 85-22113 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD 85-065]

Towing Safety Advisory Committee; Subcommittee Meetings

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of all Subcommittees of the Towing Safety Advisory Committee (TSAC). The subcommittee meetings will be held on 9 October 1985 in Room 3328-30 of the Department of Transportation Headquarters (NASSIF) Building 400 7th Street SW., Washington, D.C. The meeting will begin at 1:30 p.m. and end at 4:00 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of the following topics:
 - (a) Air Quality: Vapor Control/Recovery.
 - (b) Tankerman Requirements.
 - (c) Licensing of Maritime Personnel.
 - (d) Recent International Maritime Organization Developments.
 - (e) Bridge Lighting and Other Signals.
3. Presentation of any new items for consideration of the Subcommittees.
4. Adjournment.

Attendance is open to the interested public. Members of the public may present oral or written statements at the meeting. Additional information may be obtained from Captain R.F. Ingraham, Executive Director, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/21), Washington, D.C. 20593 or by calling, (202) 426-1477.

Dated: September 11, 1985.

R.F. Ingraham,

Captain, U.S. Coast Guard, Executive Director, Towing Safety Advisory Committee.

[FR Doc. 85-22115 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Airway Science Grants; Solicitation for Proposals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Solicitation For Airway Science Grant Proposals.

SUMMARY: The Federal Aviation Administration (FAA) is authorized by Pub. L. 98-473 (98 Stat. 1837) to solicit competitive proposals for Airway Science (AWS) grants from accredited 4-year public or nonprofit private colleges and universities with FAA Airway Science Curriculum programs. The FAA expects to award most, if not all, of an available \$3,000,000 in the form of grants, to a small, select number of these institutions of higher learning.

The grant awards are available for the purchase, lease, or construction of buildings and associated facilities, instructional materials or equipment to be used in conjunction with AWS curricula. No funds are to be used for salaries, operating expenses or research and development.

Proposers' Conference: The FAA will sponsor a 1-day AWS conference in Washington, D.C., on September 19, 1985, to discuss the solicitation.

FOR FURTHER INFORMATION CONTACT:

Virginia Hancock Krohn, Airway Science Grant Manager, Federal Aviation Administration, APT-200, Room 524, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone: (202) 426-8878.

Closing deadline: The original and 10 copies of the proposal from an interested institution must be submitted to the FAA by either mail or hand delivery, no later than November 29, 1985.

Proposals Submitted by Mail: A proposal submitted by mail must be addressed to: Federal Aviation Administration, Airway Science Grant Manager, APT-200, Room 524, 800 Independence Avenue, SW., Washington, D.C. 20591.

A grant applicant must show proof of having mailed the proposal package no later than November 29, 1985, consisting of one of the following:

- (1) A legible, dated U.S. Postal Service postmark;
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;
- (3) A dated shipping label, invoice, or receipt from a commercial carrier; or
- (4) Any other proof of mailing acceptable to the Administrator of the FAA.

If a proposal package is sent through the U.S. Postal Service, the FAA will not accept either of the following as proof of mailing:

- (1) A private metered postmark; or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying

on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or, at least, first class mail. Each late applicant will be notified that its application will not be considered.

Proposals Submitted by Hand: A proposal that is hand delivered must be taken to the Federal Aviation Administration, Office of the AWS Grant Manager, Room 524, 800 Independence, SW., Washington D.C. 20591. The Office of the AWS Grant Manager will accept hand delivered proposals between the hours of 8:30 a.m. and 4:30 p.m. (e.s.t.), daily except Saturdays, Sundays, and Federal holidays. A proposal that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

No supplemental materials received after the application deadline date will be considered unless such material is specifically solicited by the AWS Grant Manager. Questions regarding grants management requirements should be referred to the AWS Grant Manager.

Background

The FAA is engaged in a comprehensive program to modernize the Nation's airway system to meet the challenge of aviation growth in the coming decades. The modernization program is reflected in the agency's National Airspace System plan which takes advantage of current technological advances to increase the capacity and efficiency of the Nation's airspace system while reducing relative costs to Nation's taxpayers.

The FAA recognized the increasing complexity of the technical and managerial skills necessary to accommodate the technological advances in equipment, systems and configurations being planned and implemented. The FAA decision to sponsor an AWS curriculum was a direct result of a FAA assessment of the human resources needed to realize the full benefits of the forthcoming airspace and airway system modernization.

Beginning in 1982, in collaboration with the University Aviation Association, the FAA developed and recommended a specific college-level airway science curriculum. The airway science curriculum was designed to meet normal university academic and accreditation requirements, be easily adapted to existing aviation-related programs, and allow individual educational institutions the option of offering any number of the five areas of concentration according to their individual resources. (48 FR 32490, July 15, 1983).

The five areas of concentration are: (1) Airway Science Management, (2) Airway Computer Science, (3) Aircraft Systems Management, (4) Airway Electronics Systems, and (5) Aviation Maintenance Management. Graduates of educational institutions offering recognized airway science programs are eligible for recruitment by the FAA in one of four agency career fields: air traffic control, electronics technology, aviation safety inspection (general aviation operations and maintenance), and computer sciences.

The FAA has recognized 25 institutions with one or more airway science areas of concentration. Their curricula directly support FAA's human resource needs by producing graduates with the necessary knowledge and skills to pursue aviation-related technical careers in the public and private sectors. Another 25 institutions have presented their AWS programs to the FAA for AWS recognition.

References: Those parties interested in the FAA's previous AWS activities may refer to the following Federal Register notices: March 18, 1983 (48 FR 11672, the FAA proposed Airway Science curriculum demonstration project plan); July 15, 1983 (48 FR 32490; Office of Personnel Management approval of the FAA demonstration project final plan); and June 1, 1984 (49 FR 22903; a notice that announced the first competitive criteria initially employed by the FAA in selecting its first AWS grant recipient).

The Airway Science Grant

Authority: This solicitation represents a continuation of the FAA's Airway Science Grant Program. This Program funds projects at selected institutions of higher learning which have evidenced a commitment to the agency's AWS curriculum program. These grants are authorized by Pub. L. 98-473 (98 Stat. 1837). An amount of \$3,000,000 is available for grant awards for the purchase, lease, or construction of buildings and associated facilities, instructional materials or equipment to be used in conjunction with AWS curricula. Monies are not available for salaries, operating expenses or research and development.

Eligibility: Eligible institutions must be accredited four-year public and non-profit colleges or universities in the United States and its possessions. To be eligible an applicant institution must either: (1) Have an established FAA recognized AWS curriculum in place, (2) have submitted its AWS curriculum to the FAA for recognition and be in the process of receiving AWS program

recognition, or (3) submit an AWS curriculum proposal to the FAA no later than 30 days from the date of this announcement. In no event will a final grant award be made to an institution without a recognized AWS curriculum.

Proposal Format and Content

Each AWS grant proposal is subject to the provisions of applicable FAA regulations and OMB Circulars A-21, A-73, A-88 and A-110. Proposals should contain the following information in the order listed:

1. **Cover Sheet.** Near the top of the Cover Sheet, type the title "Airway Science Grant Proposal." The legal name of the proposed grantee institution, its mailing address and Employer Identification Number, as assigned by the Internal Revenue Service, should be centered on the Cover Sheet. The names, titles and telephone numbers of the proposed Project Director and of an official authorized to sign for the proposed grantee institution should be typed on the lower left and right corners, respectively, of the Cover Sheet. The Cover Sheet of one copy of the proposal must bear the original signature of each of the above individuals. The signature of the authorized official signifies institutional endorsement of the proposal, cognizance of the eligibility and limitation requirements and a commitment to provide the specific support for the proposed activities in the event the grant is made.

2. **Project Summary.** A concise summary of the proposed project, including a statement of the goals and objectives, the plan to achieve these goals and objectives and the long-term benefits of the project to the institutional and national AWS programs. The summary should not exceed two (2) double-spaced typewritten pages and should be written so that a layperson can understand the use of federal funds to support the proposed project.

3. **Budget Plan.** The proposal must contain a Budget Plan that includes a detailed itemization of proposed expenditures according to the following categories:

- (a) Equipment
- (b) Materials and supplies
- (c) Publications
- (d) Computer services
- (e) Travel
- (f) Consultant services
- (g) Facilities
- (h) Other direct costs
- (i) Indirect costs

Each line item within each of the above categories must show the allocations of expenditures between the

FAA grant funds and the institutional matching funds and/or equivalent support services. The Budget Plan must also include a description of the items listed in each of the above categories.

4. **Narrative.** The proposal narrative should be clearly written and not exceed forty (40) double-spaced typewritten pages in length. The Narrative should contain the following:

(a) **Introduction.**—The introduction should present a brief description of the institution including historical background, full-time graduate and undergraduate student enrollment, student body profile, location (rural, urban, etc.), fields of emphasis and degrees awarded.

(b) **Background.**—The Narrative should provide a description of the institution's current programs in mathematics, science and engineering, computer sciences, management and the aviation sciences. The description should characterize these programs according to: the number of full-time faculty, total student enrollment, the number of majors by discipline, undergraduate degrees awarded during the 1984-1985 academic year, average faculty salaries, and the average teaching loads (in semester or quarter hours).

(c) **The Existing AWS Program.**—The Narrative should include a description of the current AWS program. Discuss the relationship of the proposed project to the goals and objectives of the overall AWS program at the institution. Assess the impact of the project upon other AWS program activities. Information should be provided on the number of full- and part-time faculty, average salaries, the total student enrollment in the AWS program, the number of AWS majors by AWS concentration area, the number of AWS degrees awarded, and projections of student enrollment and expected degrees to be conferred over the next five years. Describe institutional plans to attract students to the AWS program. If the AWS program is presently in the process of implementation, describe the current activities and projected student enrollment.

An institution that has a recognized AWS program in place should enclose, with the proposal submission, a copy of the official course catalog and/or other brochure(s) showing the AWS course offerings to students during the 1985-1986 academic year. An institution that does not have a recognized AWS curriculum in place should enclose a copy of its proposed AWS curriculum.

(d) **Institutional Needs in Airway Science.**—The Narrative should identify and discuss the institution's needs for

funds, faculty, facilities and other resources in terms of the institution's goals and objectives for the AWS curriculum. The role of the proposed project should be discussed in this context.

(e) **Project Plan.**—A Project Plan should be prepared that sets forth the goals and objectives of the proposed project and the various activities and tasks necessary to bring the project to a successful conclusion. The plan should include time schedules for performance with appropriate mile-stones relating to the conduct of the project. The Plan should describe the mechanisms that will be used to manage and monitor the progress of the project. Anticipated progress reports, advisory committee meetings and similar events should be described.

(f) **Project Personnel.**—Identify and describe the relevant skills of those individuals who will have major project responsibilities. A Curriculum Vitae should be appended to the proposal for each individual who has a significant project responsibility. The amount of time each such person will be required to devote to the project must be stated.

The role of the Project Director is particularly critical. The proposal must provide information indicating that the Project Director has well-defined responsibilities and sufficient time and adequate academic and institutional authority and support to effectively manage the project. If the AWS program is in the implementation stage, and a Project Director has not yet been appointed, describe the procedures being used to locate and evaluate candidates for the position. Provide a statement of the required credentials.

(g) **Evaluation Plan.**—As part of the Narrative, a project Evaluation Plan should be outlined. The purpose of the Evaluation Plan, when completed at the close of the project, is to permit FAA officials an other educational and aviation specialists to assess whether the objectives of the project have been achieved and assess the impact of the project upon the AWS program at the grantee institution. The completed Evaluation Plan should give attention to the enhanced skills and subsequent occupational marketability of those AWS students who have benefited from the project. The Evaluation Plan may be prepared entirely by institutional staff or in collaboration with outside consultants. The results of the completed evaluation are to be included in the Final Project Report. The FAA anticipates that FAA representatives will make site visits to each grantee

institution during the lifetime of the project.

(h) *Equipment and Facilities*—The Narrative should present a detailed discussion of each Equipment and Facilities item for which grant award funds are proposed to be spent. This must include the need for the item, the source, the time-table and method (lease, purchase or construction) for acquisition and the proposed disposition at the close of the project. Award applicants may submit photographs, architectural drawings, site plans or other visual representations that would aid the reviewing panel in assessing the relative merits of the proposed facilities. The institution must include a detailed description of how the specific items directly support its AWS curriculum.

Reporting Requirements

Until the proposed project is completed, the FAA requires that each awardee institution prepare an Annual Project Report, not to exceed twenty (20) double-spaced typewritten pages in length. The Annual Project Report is to be submitted to the FAA AWS Grant Manager within 90 days of the close of each fiscal year of the awardee institution. The Report should include a summary of project progress, highlights and accomplishments, personnel changes and a status report on expenditures and account balances for each of the line items presented in the proposed Budget Plan.

In addition, a Final Project Report is to be prepared and sent to the FAA AWS Grant Manager within 90 days of project completion. The Final Project Report should include summaries of project activities, accomplishments and Budget Plan expenditures. The Report must contain the completed Evaluation Plan described above. "Project completion" will be determined by the FAA in terms of the proposed project goals and objectives and usually will occur after the principal project objectives have been achieved and the award funds expended.

Local Review Statement

The proposal must have appended to it a statement, signed by the Chief Executive Officer of the institution, that contains: (a) An endorsement of the proposed project; (b) a description of how the proposed project supports the larger institutional goals and objectives in AWS; and (c) a commitment to provide the institutional resources necessary to complete the proposed project and continuing support for the AWS program after the grant award funds have been expended.

Proposal Review

Proposals will be reviewed, evaluated and ranked on the basis or merit by a panel of educational and aviation specialists from the public and private sectors, including academia, private industry and the Federal Government. For the purposes of review, all proposals received by the FAA will be placed into one of three competitive classes: (1) Minority institutions (see 49 FR 22903), (2) majority institutions with a full-time under-graduate student enrollment less than 6,500, and (3) majority institutions with a full-time undergraduate student enrollment greater than 6,500. Competitive class assignments will be validated by the latest statistics from the U.S. Department of Education. Proposals presenting a joint project shared by two or more institutions will be placed into the competitive class appropriate to the lead institution.

Grant awards will be made on a competitive basis, not to exceed \$1,000,000 in each of the respective classes. The awards within a given competitive class will range from \$1,000,000 to the \$1,000,000 maximum. Each proposal will be reviewed, evaluated and ranked, within the competition class to which it is assigned by the FAA. If a proposed grantee institution fails to be awarded a grant within its competition class, the institution will not be allowed to compete for funds in the other two classes.

The FAA does not intend to fund all proposed projects or necessarily all components of a proposal selected for award. The agency expects to distribute most, if not all, of the \$3,000,000 available.

Evaluation Criteria

Evaluation criteria are designed to enable the reviewing panel and FAA officials to effectively evaluate the relative merit of proposals submitted in response to this solicitation. Each reviewer will be instructed to consider the weighted factors listed below and rate each proposal on a 100-point numerical scale. The evaluation criteria are the following:

1. *Institutional Impact*. Each proposal will be evaluated to determine the extent to which the proposing institution has assessed:

- (a) The need for funding of its AWS program in terms of the AWS program goals and objectives;
- (b) The role grant funding will play in achieving these goals and objectives;
- (c) The impact the grant funding will have upon the existing AWS program; and

(d) The expected benefits that will accrue to the institution and its AWS graduates.

The proposal should identify the ways in which the proposed project will support the overall institution goals and objectives in related disciplines such as mathematics, science and engineering, management and the computer sciences. (15 points maximum)

2. *Institutional Commitment*. Each proposal will be evaluated as to the extent of the institution's commitment to the AWS Program. This includes consideration of the following: (a) recognized AWS curriculum vs. proposed curriculum submitted to FAA; (b) the amount of institutional matching funds, facilities and other collateral resources provided toward the support of the proposed grant project; and (c) the continued support and growth of the institutional AWS program, including the beneficial impact of the proposed project after the grant funds are expended. In addition, the Local Review Statement from the Chief Executive Officer of the institution will be considered in determining how the proposed project will assist the institution in attaining the goal of establishing a quality AWS program (20 points maximum)

3. *Qualifications of Key Personnel*. The reviewing panel will evaluate the professional qualifications and experience of the institution's present AWS personnel and other key individuals who would be involved in the proposed AWS project, with particular attention being given to the Project Director. The relationship of the qualifications and past experience of these individuals to the goals and objectives of the project will be considered. (10 points maximum)

4. *Project Plan Quality*. The Project Plan for each proposed AWS project will be evaluated in regard to the following characteristics:

- (a) The relationship between the goals and objectives of the proposed project and those of the other AWS programs of the institution;
- (b) The adequacy of the institutional resources for achieving the goals and objectives of the proposed project;
- (c) The effectiveness of the proposed mechanisms for the management and coordination of the faculty, administrative, facility and other institutional resources in achieving the goals and objectives of the proposed project;
- (d) Project management mechanisms that provide for the effective administration and technical direction of the project, including the

establishment of specific project goals and objectives, time-tables for performance and milestones that permit monitoring of the progress of the project and the measurement of its overall effectiveness;

(e) A Budget Plan that sufficiently details proposed expenditures by budget category and line item and shows the allocation between grant funds and institutional matching funds and/or equivalent support services. The budget figures should be appropriate for the goods and services being procured and consistent with the project narrative presented elsewhere in the Project Plan;

(f) Adequate institutional budgeting and other fiscal controls that allow for periodic review of resource commitments and determinations that expenditures are in accordance with the Project Plan; and

(g) The identification of significant educational, technical and administrative innovations that would further the attainment of the institutional and national goals and objectives for the AWS programs. (30 points maximum)

5. *Expected Benefits.* The benefits of the proposed project to both the institutional and national AWS programs will be evaluated. The reviewers will consider: (a) The long-term benefits to the institution, including the AWS students, faculty, facilities and curriculum development efforts; (b) the applicability and usefulness of educational, technical and administrative innovations to AWS programs at other institutions and in other instructional and occupational environments; (c) the benefit to future employers of AWS program graduates, including academia, private industry and Federal, state and local governments; and (d) projections of the number of AWS program graduates over the next five years, in each of the concentration areas of the FAA AWS curriculum (15 points maximum)

6. *Evaluation Plan.* The reviewing panel will consider the adequacy of the proposed Evaluation Plan in assessing project performance and the impact of the project upon the existing institutional AWS program and the quality of graduating AWS students. (10 points maximum)

Award Date

The FAA expects to announce the institutional recipients of the AWS grant awards during January 1986.

Issued in Washington, D.C., on September 9, 1985.

E.V. Curran,

Director of Personnel and Technical Training.
[FR Doc. 85-22035 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-13-M

Organization and Functions; Flight Service Station Kansas City, MO; Closure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Flight Service Station at Kansas City, MO; Closure.

SUMMARY: Notice is hereby given that on September 30, 1985, the Flight Service Station at Kansas City, Missouri, will be closed. Thereafter services to the general aviation public at Kansas City will be provided by the Columbia, Missouri, Flight Service Station. This information will be reflected in the next issue of the FAA Organizational Statement.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Kansas City, Missouri, on September 6, 1985.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 85-22031 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Bell Township Westmoreland County, PA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Westmoreland County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: George J. Catselis, District Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108-1086, Telephone (717) 782-3411 or Timothy R. O'Brien, Project Manager, Pennsylvania Department of Transportation, North Gallatin Avenue Extension, P.O. Box 459, Uniontown, Pennsylvania, 15401, Telephone (412) 439-7133.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation (PennDOT), will prepare an environmental impact statement on a

proposal to improve traffic safety by eliminating the sharp curves, steep grades, narrow widths and poor sight distance on Traffic Route 981 (Legislative Route 990) and Legislative Route 64261 in Bell Township. Also, the proposal will alleviate the traffic flow by diverting traffic, particularly by reducing the number of large trucks around the communities of Salina and Tinsmill, located in southwestern Pennsylvania. The proposed project is approximately 1.7 to 2.5 miles in length and may consist of a relocation of T.R. 981 (L.R. 990) and L.R. 64261 around the community of Salina and/or Tinsmill. The project begins just west of Salina near the intersection of T.R. 819 and L.R. 64261 and extends to the east, ending at the intersection of T.R. 981 and T.R. 156.

Three basic build alternatives will be considered in conjunction with the project: Two alternatives would be south of Salina but north of the Tinsmill community. The third alternative would be south of the Tinsmill community. The three alternatives being considered will be relocations of the existing highway (L.R. 64261 and L.R. 990) described above. A do-nothing alternative will also be considered. For each alternative under study, the following areas will be investigated: traffic, preliminary design and cost, air, noise, socioeconomic and land use, historical resources, cultural resources, archaeological resources, water resources, floodplains, stream modifications, wetlands, vegetation and wildlife, prime or unique agricultural lands, energy, visual impacts, construction impacts, and mineral resources. The plan of study (POS) will be sent to the appropriate Federal, State and local agencies in late August or early September of 1985. Scoping meetings with the concerned agencies are planned for September 1985.

Since this project was originally advanced in 1973, numerous public meetings and public officials meetings were held. In 1977 further design development on the project was deferred due to a lack of sufficient State funds and a need to complete higher priority projects. In 1981 the project design was reactivated and further public meetings and public officials meetings were held in 1982. Further public involvement opportunities will consist of a public display of plans, at which time the preferred alternative will be presented to the public. The opportunity to request a public hearing will be afforded the public via an advertisement in the newspapers of the project area.

To ensure the full range of range of issues related to this proposed action are addressed and all significant issues are identified, comments or questions concerning this action and the environmental impact statement should be directed to the FHWA or PennDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.

Issued On: September 9, 1985.

Louis M. Papet,

Division Administrator Harrisburg, Pennsylvania.

[FR Doc. 85-22128 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is

requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closed October 26, 1985.

ADDRESS: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9497-N	Pressure Pak, East Hampton, CT	49 CFR 173.302(a)(4), 173.304, 175.3	To manufacture, mark and sell non-DOT specification steel cylinders comparable to DOT Specification 39 for shipment of those flammable and nonflammable compressed gases authorized in DOT Specification 39. (Modes 4, and 5.)
9498-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.370	To authorize shipment of sodium cyanide and potassium cyanide, class B poisons in non-DOT specification woven polypropylene flexible intermediate bulk containers not to exceed 2,205 pound each. (Modes 1, 2, and 3.)
9499-N	Cleveland Container Corporation, Cleveland, OH	49 CFR 173.119, 173.245, 173.346	To manufacture, mark and sell DOT Specification 35 containers not to exceed 6 gallon capacity for shipment of certain flammable, corrosive and poison B liquids. (Modes 1, 2, and 3.)
9500-N	Bonar Rosedale Plastics Ltd, Lindsay, Canada	49 CFR Part 173, Subpart D, F	To manufacture, mark and sell non-DOT specification rotationally molded polyethylene containers of 300 gallon capacity enclosed in a steel frame for shipment of certain flammable or corrosive materials. (Modes 1, and 2.)
9501-N	Hughes Aircraft Company, Los Angeles, CA	49 CFR 173.301, 175.3, 178.65	To authorize shipment of nickel-hydrogen battery cells contained in a pressure vessel configuration comparable to DOT Specification 39 overpacked in specially designed packaging. (Modes 1, 3, and 4.)
9502-N	Callery Chemical Company, Evans City, PA	49 CFR 173.302(g)	To authorize shipment of diborane and diborane mixtures, classed as flammable gas, in DOT Specification 3A1800 and 3E1800 cylinders. (Modes 1, 2, and 3.)
9503-N	Rotational Molding, Inc., Gardena, CA	49 CFR Part 173, Subpart D, E, F	To manufacture, mark and sell non-DOT specification polyethylene portable tanks encased in steel structure for shipment of certain flammable, or corrosive liquids or hydrogen peroxide solution 52% or less, classed as an oxidizer. (Modes 1, and 2.)
9504-N	Dow Chemical Company, Midland, MI	49 CFR Part 172, Subpart B, Part 173, Subpart A, B, D, E, Subpart C, D, E, F, Subpart F, G, H, I, Subpart J, K, L, M	To authorize shipment within a 10 mile radius, of standard analytical laboratory samples in inside glass, plastic or metal containers not to exceed 1 quart capacity overpacked in specially designed shipping case, as essentially nonregulated. (Mode 1.)
9505-N	The Norac Company, Abusa, CA	49 CFR 173.157(a)(5), 173.157(b)(3)	To authorize shipment of benzoyl peroxide with at least 30% water contained in one polyethylene container overpacked in 12B fiberboard box not to exceed 35 pounds dry weight without cushioning material or with at least 20% water not to exceed 25 pounds dry weight without cushioning material. (Mode 1.)
9506-N	Akzo Chemie America McCook, IL	49 CFR 173.286, 175.3	To authorize shipment of certain alkaline, flammable, and corrosive liquids contained in 16 plastic 6 ounce bottles overpacked in specially designed sample chemical kits. (Modes 1, 2, 4, and 5.)
9507-N	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.301, 173.320, 173.304, 173.327	To authorize shipment of damaged or deficient DOT Specification cylinders containing various hazardous materials, overpacked in a recovery cylinder, for repair or disposal. (Mode 1.)
9508-N	Callery Chemical Company, Evans City, PA	49 CFR 173.34(e)	To authorize shipment of sodium potassium alloy liquid in DOT Specification 4BW240 with a retest period of 10 years rather than 5 years. (Modes 2, and 3.)
9511-N	Ticar Chemical Company, Inc., Asheville, NC	49 CFR 173.245b	To ship approximately 500 caustic soda (solid) drums with pin holes loaded in a polyethylene lined metal, roll-off container mounted on a motor vehicle chassis to a disposal site. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 10, 1985.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 85-22137 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections of affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes October 1, 1985.

ADDRESS: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
3128-X	U.S. Department of Defense, Falls Church, VA	3128
3415-X	Aerojet Strategic Propulsion Co., Sacramento, CA	3415
4453-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	4453
4453-X	Ireco Incorporated, Salt Lake City, UT	4453
5243-X	Appalachian Explosives, Inc., Romney, WV	5243
6250-X	U.S. Department of Defense, Falls Church, VA	6250
6614-X	All Pure Chemical Company Tracy, CA	6614
6614-X	Hasa Chemicals, Inc., Saugus, CA	6614
6614-X	GPS Industries, City of Industry, CA	6614
6800-X	Plasti-Drum Corporation, Lockport, IL	6800
6902-X	Halocarbon Products Corporation, Hackensack, NJ	6902
6984-X	Appalachian Explosives, Inc., Romney, WV	6984
7035-X	Owen-Illinois, Inc., Toledo, OH	7035
7052-X	Flow Research Corporation, Houston, TX	7052
7072-X	Container Corporation of America, Wilmington, DE	7072
7541-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE	7541
7616-X	Union Pacific Railroad Company, Omaha, NE	7616
7616-X	Missouri Pacific Railroad Company, Omaha, NE	7616
7616-X	The Kansas City Southern Railway Co., Kansas City, MO	7616
7616-X	The Atchison, Topeka and Santa Fe Railway Company Chicago, IL	7616
7835-X	Big Three Industries, Inc., Houston, TX	7835
7835-X	Airco Industrial Gases, Riverton, NJ	7835
7835-X	Lincoln Big Three, Inc., Baton Rouge, LA	7835
7887-X	Centuri Engineering Co., Inc., Penrose, CO	7887
7887-X	Flight Systems, Inc., Raytown, MO	7887
7887-X	Flight Systems, Inc., Burns Flat, OK	7887
7887-X	Crown Rocket Technology, Mountlake Terrace, WA	7887
7887-X	Estes Industries, Inc., Penrose, CO	7887
8063-X	Taylor-Wharton Division of Harsco Corporation, Indianapolis, IN	8063
8180-X	Dow Corning Corp., Midland, MI	8180
8214-X	Morton Thiokol, Inc., Ogden, UT (See Footnote 1)	8214
8215-X	Olin Corp., East Alton, IL (See Footnote 2)	8215
8269-X	M-D Trailer Company, Fort Worth, TX	8269
8301-X	Container Corporation of America, Wilmington, DE	8301
8344-X	All-Sports Supply, Inc., Portland, OR	8344
8344-X	Western-Hoegge Company, Glendale, CA	8344
8348-X	Frell, Inc., Corpus Christi, TX	8348
8354-X	Compagnie des Containers Reservoirs (CCR), Paris, France	8354
8579-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	8579
8640-X	Fruehauf Corporation, Omaha, NE	8640
8698-X	Union Carbide Corporation, Danbury, CT	8698
8706-X	Prairie State Equipment, Inc., Sioux Falls, SD	8706
8708-X	Great Lakes Chemical Corp., El Dorado, AR	8708
8708-X	Trical, Inc., Hollister, CA	8708
8732-X	Delta Solvents & Chemicals Co., Longview, TX	8732
8742-X	Cusco Fabricators Ltd., Richmond Hill, Ont., Can.	8742
8772-X	Akzo Chemie America, Chicago, IL	8772
8871-X	Chase Bag Co., Oak Brook, IL (See Footnote 3)	8871
8988-X	Welch, Houston, TX	8988

Application No.	Applicant	Renewal of exemption
9027-X	McGeen-Rohco, Inc., Cleveland, OH	9027
9043-X	Ozella Harrington Trucking Company, Benson, AZ	9043
9057-X	Olympic Chemical Company, Orange, CA	9057
9059-X	Air Products and Chemicals, Inc., Allentown, PA	9059
9120-X	Dresser Industries, Inc., Houston, TX	9120
9132-X	Welchem, Inc., Houston, TX	9132
9149-X	Ethyl Corp., Baton Rouge, LA	9149
9150-X	Hoover Universal, Inc., Beatrice, NE	9150
9169-X	Pacific Smelting Company, Torrance, CA	9169
9170-X	Transport Company, Inc., El Dorado, AR	9170
9170-X	Davison Transport Co., Inc., Ruston, LA	9170
9174-X	The National Aeronautics and Space Administration, Washington, DC	9174
9222-X	Wilms Trucking Company, Inc., Charleston Heights, SC (See Footnote 4)	9222
9367-X	Marino Technology/Champion International Corp., West Nyack, NY (See Footnote 5)	9367
9425-X	American Chemical & Refining Company, Inc., Waterbury, CT (See Footnote 6)	9425

¹ To renew, to authorize certain mechanical modification of the inflator system and to use DOT Specification 15A wooden box as packaging for module.

² To authorize use of 3 gallon porcelain buckets for in plant shipments of rejected small arms ammunition.

³ To authorize shipment of arsenic trioxide, solid and arsenical flux dust, class B poisons as additional commodities.

⁴ To expand travel distance by changing points of origin and destination.

⁵ To authorize cargo vessel as an additional mode of transportation.

⁶ To authorize sodium potassium and calcium hydroxide solutions classed as corrosive materials as additional commodities.

Application No.	Applicant	Parties to exemption
3004-P	National Welders, Charlotte, NC	3004
3187-P	Silor Optical of Florida, Inc., St. Petersburg, FL	3187
4453-P	Stockdale and Means Explosives, Inc., Frostburg, PA	4453
4990-P	Joseph E. Seagram & Sons, Inc., New York, NY	4990
5038-P	National Welders, Charlotte, NC	5038
5206-P	Austin Sales, Inc., Vansant, VA	5206
5372-P	National Welders, Charlotte, NC	5372
5649-P	Olin Chemicals, Stamford, CT	5649
6296-P	Rhone-Poulenc Inc., Monmouth Junction, NJ	6296
6349-P	National Welders, Charlotte, NC	6349
6530-P	National Welders, Charlotte, NC	6530
6543-P	National Welders, Charlotte, NC	6543
6614-P	GLD Distributors, Inc., Fairport, NY	6614
6626-P	National Welders, Charlotte, NC	6626
6670-P	Airco, The BOC Group, Inc., Murray Hill, NJ	6670
6752-P	3M—St. Paul, MN	6752
7052-P	Aimoco Battery Technology Corporation, Naperville, IL	7052
7052-P	Compton Parkinson PLC of United Kingdom, England	7052
7052-P	ACR Electronics, Inc., Hollywood, FL	7052
7808-P	Cline-Buckner, Inc., Carritos, CA	7808
7835-P	National Welders, Charlotte, NC	7835
7887-P	Aero Technology Company, Rancho Cordova, CA	7887
8074-P	Airco, The BOC Group, Inc., Murray Hill, NJ	8074
8127-P	Israel Military Industries, Washington, DC	8127
8445-P	ECOFLO, Inc., Tuxedo, MD	8445
8451-P	Martin Electronics, Inc., Perry, FL	8451
8554-P	Atlas Powder Company, Dallas, TX	8554
8582-P	Boston and Maine Corporation, North Billerica, MA	8582
8582-P	Delaware & Hudson Railway Company, North Billerica, MA	8582
8582-P	Maine Central Railroad Company, North Billerica, MA	8582
8838-P	Olin Corporation, Stamford, CT	8838

Application No.	Applicant	Parties to exemption
9041-P	Ireco Incorporated, Salt Lake City, UT.	9041
9057-P	PPG Industries, Inc., Pittsburgh, PA	9057
9329-P	Geo Vann, Inc., Kenai, AL	9329
9331-P	Clin Chemicals, Stamford, CT	9331

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 10, 1985.

J.R. Groth,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 85-22136 Filed 9-13-85; 8:45 am]

BILLING CODE 4910-60-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13358, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Italian Renaissance Sculpture in the Time of Donatello" (included in the list¹ filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Founders Society Detroit Institute of Arts and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Detroit Institute of Arts, Detroit, Michigan, beginning on or about October 21, 1985, to on or about January 5, 1986; and the Kimbell Museum, Fort Worth, Texas, beginning on or about February 24, 1986, to on or about April 27, 1986, is in the national interest.

¹ An itemized list of objects included in the exhibit is filed as part of the original document.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: September 5, 1985.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 85-22080 Filed 9-13-85; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards; Meetings

The Veterans Administration gives notice pursuant to Public Law 92-403 of the meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Immunology	Oct. 1, 1985	8 a.m. to 5 p.m.	Holiday Inn. ¹
Do	Oct. 2, 1985	do	Do.
Infectious Diseases	Oct. 2, 1985	7 p.m. to 11 p.m.	Amlac Hotel. ²
Do	Oct. 3, 1985	8 a.m. to 5 p.m.	Do.
Do	Oct. 4, 1985	do	Do.
Hematology	Oct. 4, 1985	do	Room 119, VA Central Office. ³
Respiration	Oct. 7, 1985	do	Room 119, Va. Central Office. ³
Do	Oct. 8, 1985	do	Central Office. ³
Cardiovascular Studies	Oct. 10, 1985	do	Room 119, VA Central Office. ³
Do	Oct. 11, 1985	do	Central Office. ³
Surgery	Oct. 13, 1985	do	Chicago Hilton & Towers. ⁴
Nephrology	Oct. 17, 1985	do	Room 119, VA Central Office. ³
Do	Oct. 18, 1985	do	Central Office. ³
Gastroenterology	Oct. 16, 1985	do	Holiday Inn. ¹
Do	Oct. 19, 1985	do	Do.
Oncology	Oct. 29, 1985	do	Room 119, Va Central Office. ³
Neurobiology	Oct. 31, 1985	do	Room 119, VA Central Office. ³
Do	Nov. 1, 1985	do	Central Office. ³
Do	Nov. 2, 1985	do	Do.
Alcoholism and Drug Dependence	Nov. 1, 1985	do	Room 119, VA Central Office. ³
Basic Sciences	Nov. 4, 1985	do	Holiday Inn. ¹
Do	Nov. 5, 1985	do	Do.
Mental Health and Behavioral Sciences	Nov. 8, 1985	do	Holiday Inn. ¹
Do	Nov. 7, 1985	do	Do.
Do	Nov. 8, 1985	do	Do.
Endocrinology	Nov. 14, 1985	do	Sheraton Plaza. ⁵
Do	Nov. 15, 1985	do	Do.

¹ Holiday Inn, 1501 Rhode Island Ave., NW, Washington, DC 20005.

² Amlac Hotel, 30 South Street, Minneapolis, MN 55402.

³ Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

⁴ Chicago Hilton & Towers, 720 South Michigan Ave., Chicago, IL 60605.

⁵ Sheraton Plaza, 400 East Tahouitz-McCallum Way, Palm Springs, CA 92262.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration Medical Centers and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meeting involves: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted

invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, closing portions of these meetings are in accordance with 5 U.S.C., 552b(c)(6) and (9)(B). Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Chief, Program Review Division, Medical Research Service, Veterans Administration, Washington, DC, (202) 389-5065 at least five days prior to each meeting. Minutes of the meetings and rosters of the members of the Boards may be obtained from this source.

Dated: September 10, 1985.

By direction of the Administrator:

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85-22081 Filed 9-13-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 50, No. 179

Monday, September 16, 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

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 was withdrawn from the closed portion of the meeting and will not be resubmitted.

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.

This Notice Issued September 11, 1985.
Cynthia C. Matthews,

Executive Officer, Executive Secretariat.
[FR Doc. 85-22180 Filed 9-12-85; 1:01 pm]
BILLING CODE 6750-06-M

2

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 were postponed and rescheduled for 9:30 a.m. (eastern time), September 17, 1985:

- Proposed Amendment to the Department of Education's Title IX Regulations
- Proposed Ninety-Day Notice: TWA v. Thurston

CONTACT PERSON FOR MORE

INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice Issued September 11, 1985.
Cynthia C. Matthews,
Executive Officer, Executive Secretariat.
[FR Doc. 85-22181 Filed 9-12-85; 1:01 pm]
BILLING CODE 6750-06-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 p.m. (eastern time), Tuesday, September 17, 1985.

CHANGE IN THE MEETING: The following matter has been postponed and rescheduled for 9:30 a.m. (eastern time), September 24, 1985:

Recommended FY 1986 State and Local Expenditures

CONTACT PERSON FOR MORE

INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice Issued September 11, 1985.
Cynthia C. Matthews,

Executive Officer, Executive Secretariat.
[FR Doc. 85-22182 Filed 9-12-85; 1:01 pm]
BILLING CODE 6750-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, September 24, 1985.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

- Announcement of Notation Vote(s)
- A Report on Commission Operations (Optional)
- Recommended FY 1986 State and Local Expenditures

Closed

Litigation Authorization; General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.

Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE

INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634-6748.

Dated: September 11, 1985.

Cynthia C. Matthews,
Executive Officer.

[FR Doc. 85-22183 Filed 9-12-85; 1:01 pm]
BILLING CODE 6750-06-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 11, 1985.

TIME AND DATE: 10:00 a.m., Tuesday, September 17, 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. Pittsburgh & Midway Coal Mining Co., Docket No. CENT 83-85. (Issues include whether the administrative law judge erred in concluding that the operator violated 30 CFR 77.202, a mandatory safety standard prohibiting the dangerous accumulation of coal dust.)

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 INFO: Jean Ellen (202) 653-5632.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 85-22221 Filed 9-12-85; 3:28 pm]
BILLING CODE 6735-01-M

6

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, October 2, 1985.

PLACE: Board Hearing Room 8th Floor,
1425 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of September, 1985.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE

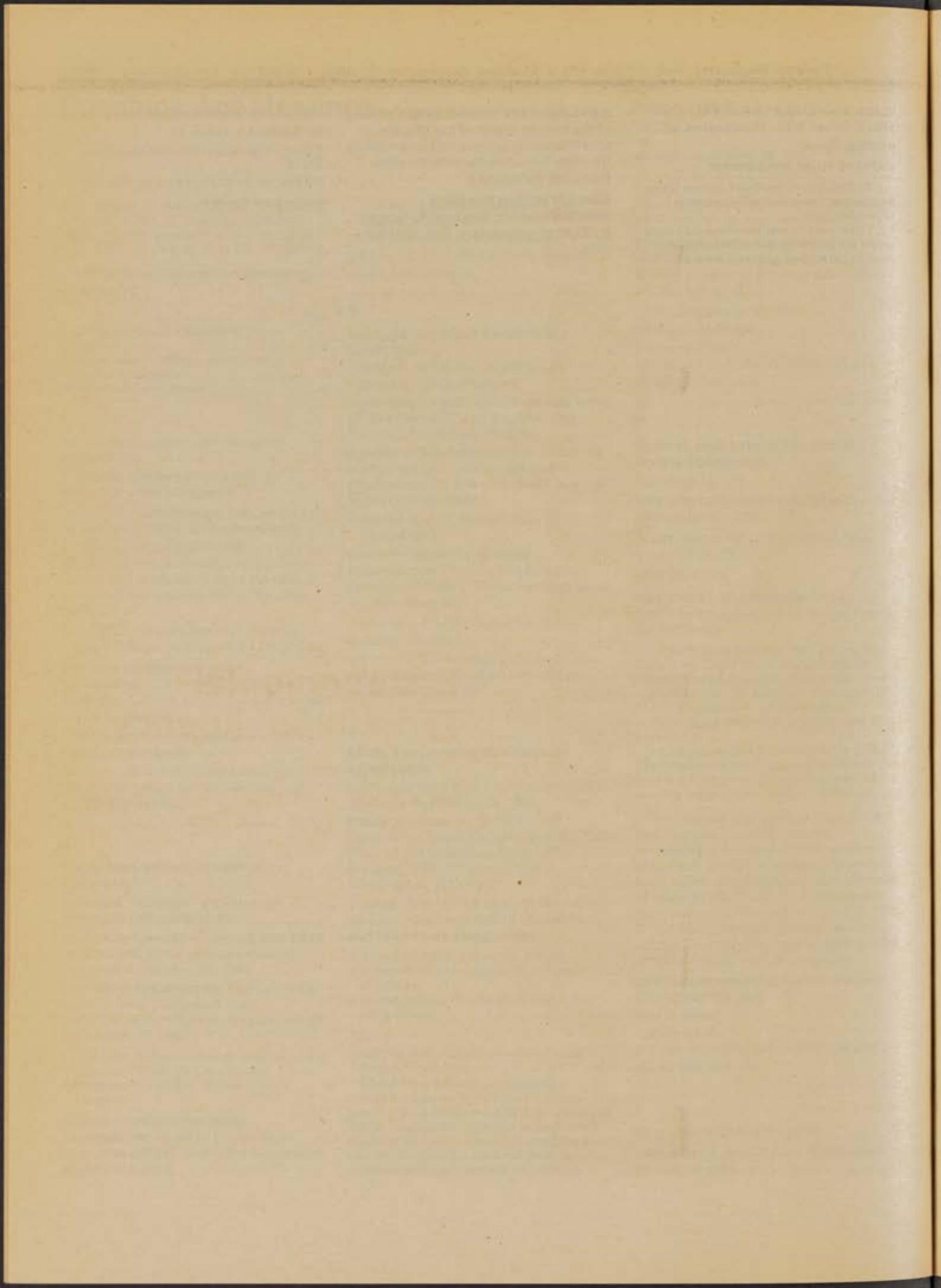
INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

Date of Notice: September 9, 1985.

Mr. Rowland K. Quinn, Jr.,
Executive Secretary, National Mediation Board.

[FR Doc. 85-22150 Filed 9-12-85; 9:38 am]

BILLING CODE 7550-01-M



Register **Part** **Register** **Register**

Monday
September 16, 1985

Part II

Environmental Protection Agency

40 CFR Part 300
National Oil and Hazardous Substances
Contingency Plan; Final Rule

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 300
[SWH-FRL 2853-1a]
**National Oil and Hazardous
Substances Contingency Plan**
AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and Executive Order 12316, the Environmental Protection Agency (EPA) is amending § 300.66(b) of the National Contingency Plan (NCP). As amended, § 300.66(b)(4) adds a mechanism by which EPA can place sites on the National Priorities List (NPL) promulgated pursuant to section 105 of CERCLA. This section allows the EPA to list sites on the NPL under certain limited circumstances where a site would not have previously qualified but where a public health threat exists and where a Fund-financed remedial action may be warranted and more cost-effective than a removal action.

DATES: The effective date for § 300.66(b)(4) of the NCP shall be October 16, 1985.¹

ADDRESSES: The public docket for § 300.66(b)(4) of the revised NCP is located in the sub-basement of the U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Linda Garczynski, Office of Emergency and Remedial Response (WH-548 D), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, or telephone the RCRA/Superfund Hotline at (800) 424-9346 or in the Washington, DC area (202) 382-3000.

SUPPLEMENTARY INFORMATION:
I. Introduction

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9605 ("CERCLA" or "the Act") and Executive Order

12316, the Environmental Protection Agency ("EPA" or "the Agency"), on February 12, 1985, proposed revisions to the National Contingency Plan (NCP) (50 FR 5862). Section 300.66(b)(4) of these proposed revisions would expand the circumstances under which EPA can list a release on the National Priorities List (NPL) and thus make it eligible for Fund-financed remedial action. EPA provided a 30-day comment period on § 300.66(b)(4) rather than the 60-day comment period provided for the remainder of the proposed revisions of the NCP. The Agency received 18 comments during the comment period on proposed § 300.66(b)(4).

Today, the Agency is promulgating § 300.66(b)(4) of the NCP, essentially as it was proposed. The Agency has carefully considered all of the public comments submitted on § 300.66(b)(4) of the proposed revisions to the NCP. In response to the public comments, the Agency has made a clarifying change in the language of § 300.66(b)(4) and explains below how the Agency expects to use this provision of the NCP.

All significant comments on § 300.66(b)(4) and the Agency's responses to them are discussed in sections III-VIII of this notice. All other actions on the February 12, 1985, proposed revisions to the NCP will be taken in a separate rulemaking at a later date.

The Agency is also adding the Lansdowne Radiation Site in Lansdowne, PA, to the final NPL in a separate final rulemaking. The Lansdowne Site was proposed to be added to the NPL in the NPL Update #3 on the basis of proposed § 300.66(b)(4) of the NCP (50 FR 14115, April 10, 1985). At that time, the Agency stated in the preamble that EPA would not add the Lansdowne Site to the final NPL until § 300.66(b)(4) of the NCP became final.

II. Purpose of § 300.66(b)(4)

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis [CERCLA section 101(23)]. Remedial action tends to be long-term in nature and involves response actions which are consistent with the permanent remedy for a release [CERCLA section 101(24)].

To be eligible for Fund-financed remedial action, a site must be listed on the NPL (40 CFR 300.68(a)). The primary purpose of the NPL is to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment.

The initial identification of a site of the NPL is intended primarily to guide EPA in determining which sites warrant further investigation in order to assess the nature and extent of the public health and environmental risks associated with the site and to determine what response action, if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake response actions. Moreover, listing does not require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. In addition, the NPL serves as guidance to EPA in setting priorities among sites for possible response actions. Criteria for determining priorities for listing on the NPL are included in the Hazard Ranking System (HRS), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982). A release will also be listed on the NPL if the release is designated by a State as its highest priority release (40 CFR 300.66(d)(3)).

The Agency has found that the HRS generally provides a good estimate of the relative hazards at sites for the purpose of establishing a list of national priorities for possible remedial action. The HRS total score used for the NPL is designed to take into account a standard set of factors related to the potential for harm from migration of substances through ground water, surface water, and the air. The HRS also provides an approximation of harm from direct contact with substances and from the possibility of fire and explosion. The pathway scores for direct contact and fire and explosion, however, are not considered in computing the HRS total score of a site for purposes of listing. Rather, scores from the direct contact and fire and explosion pathways are used as guidance in determining the need for removal action at a site. A site need not be on the NPL to qualify for Fund-financed removal action.

Since the direct contact scores are not included in calculating the HRS total score for purposes of listing sites on the NPL, some of the sites involving direct contact to residents, where remedial action, rather than removal action, appears necessary to address the problem, may not receive a sufficiently high HRS total score to be listed on the

¹ CERCLA section 305 provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha*, 462 U.S.C. 919, 103 S.Ct. 2764 (1983), cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If any action by Congress calls the effective date of this regulation into question, the Agency will publish a notice of clarification in the *Federal Register*.

NPL to make them eligible for remedial action. There are also other circumstances where a site would not qualify for the NPL under the HRS but where a public health threat exists and where a Fund-financed remedial action may be warranted and more cost-effective than a removal action. One example is a site where a small number of people are or will be exposed to a hazardous substance. The HRS was designed so that larger exposed populations receive higher scores than smaller exposed populations.

The Lansdowne Radiation site in Lansdowne, Pennsylvania, is an example of a site that presents a significant risk to the public that may warrant remedial action, although its HRS total score is too low for the site to be included on the NPL. This site consists of a residential duplex where for approximately 20 years, beginning in the 1920's, the basement of the duplex was used by a radiochemist to manufacture radium sources for radiotherapy. In 1964, the property was decontaminated by the Pennsylvania Department of Health and the U.S. Public Health Service, and the property was certified safe for residential use. In 1984, measurements of radon and radon daughters in the indoor atmosphere of the property indicated elevated levels of radiation. The study, conducted by the Argonne National Laboratory concluded that many measurements of radon daughters exceeded EPA recommended action levels and many measurements or external gamma radiation exceeded the EPA remedial action guideline of 20 microrentgens per hour. On March 5, 1985, HHS issued a public health advisory citing that the entire duplex structure should be considered to pose a significant health risk to long-term occupants. EPA's current assessment is that remedial action (e.g., permanent relocation) as opposed to a removal action—may be the most cost-effective response that adequately protects human health and the environment. Lansdowne was proposed to be added to the NPL in the NPL Update #3 (50 FR 14115, April 10, 1985) on the basis of § 300.66(b)(4) of the proposed NCP.

EPA is promulgating § 300.66(b)(4) to address situations like those existing at the Lansdowne site. Several commenters suggested that adoption of § 300.66(b)(4) will add large numbers of sites to the NPL, resulting in a decrease in the effectiveness of CERCLA. EPA, however, intends to apply § 300.66(b)(4) to a limited number and type of sites. To qualify for inclusion on the NPL through the application of § 300.66(b)(4) as promulgated in today's rulemaking,

several criteria must be met: (1) The Agency for Toxic Substances and Disease Registry (ATSDR) must have issued a public health advisory recommending dissociation of individuals from the source of harmful exposure; (2) EPA must have determined that the potential for harm presented is significant from the standpoint of the CERCLA program; and (3) EPA anticipates that it will be more cost-effective to use remedial authority than to use removal authority to respond to the release.

The Agency intends to continue using the HRS as the decisionmaking tool for listing sites for the vast majority of the sites considered. The HRS has proven to be an effective tool for approximating the potential for harm posed by sites and, with rare exception, will remain the principal criterion for listing sites on the NPL.

In addition, EPA wants to clarify that the sites being added to the NPL pursuant to § 300.66(b)(4) would be proposed for inclusion on the NPL through the usual rulemaking process. The public will be given the opportunity to comment on the significance of the threat and each specific health advisory when a site is proposed to be added to the NPL. This will help ensure that § 300.66(b)(4) is applied in a manner consistent with CERCLA and the NCP.

III. Comments on EPA's Authority To Establish the New Listing Mechanism

Comment: Several commenters argued that EPA does not have statutory authority to list sites on the NPL on any basis other than an appropriate score under the HRS or designation as a State's top priority site.

Response: CERCLA does not require that the HRS be the exclusive method for listing sites (other than states' top priority sites) on the NPL. Section 105(8)(B) requires that a national priorities list be developed and revised, at least annually, based upon the criteria set forth in section 105(8)(A). Section 105(8)(A) lists some of the considerations that should be taken into account by EPA in compiling the list and leaves others to the Agency's discretion. Section 105(8)(A) provides:

Criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard

potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors.

The Agency believes that § 300.66(b)(4) of the NCP is entirely consistent with section 105(8)(B) of CERCLA. Among other things, the additional listing mechanism allows the Agency to list a site on the basis of a public health advisory issued from ATSDR which considers, among other factors, whether there is a potential threat arising from direct contact. This is one of the factors listed in section 105(8)(A). The Agency also will consider other factors specified in section 105(8)(A) when applying § 300.66(b)(4). The inclusion of "other appropriate factors" in section 105(8)(A) indicates, moreover, that EPA was to have broad discretion in implementing that provision of the statute.

Comment: Several commenters stated that there are established criteria under the HRS for placing sites on the NPL. They believe that if the HRS is not working satisfactorily, then it should be modified.

Response: EPA believes that the HRS has proven to be an effective tool for approximating the potential for harm posed by the vast majority of sites that should qualify for Fund-financed remedial action. EPA intends § 300.66(b)(4) to cover rare situations. It is not possible for the Agency now to predict all of the circumstances in which sites that would not score high enough on the HRS would present a significant threat and warrant Fund-financed remedial action. Thus it is not feasible to modify the HRS to accommodate these situations. See Section V of this notice.

IV. Comments on the Necessity of the New Listing Mechanism

Comment: Several commenters stated that they believed this proposed additional listing mechanism to be unnecessary because EPA's existing removal authority under section 104 of CERCLA could be used to respond to these types of situations.

Response: There are certain situations where EPA's removal authority does not extend, e.g. permanent relocation cannot be performed as part of a removal response. EPA intends to use § 300.66(b)(4) to place a site on the NPL in these situations only if EPA anticipates that exercising its remedial authority will be more cost-effective

than EPA uses its removal authority to respond to the release. EPA will not use § 300.66(b)(4) to place a site on the NPL if EPA anticipates that a removal action is the most cost-effective response that adequately protects human health and the environment.

Comment: Some commenters stated that the additional listing mechanism is not necessary because the authority granted in section 106 of CERCLA may be used to respond to a release if there is an immediate and substantial endangerment. There is no requirement under CERCLA section 106 that the release be included on the NPL.

Response: The Agency agrees with the commenters that existing enforcement authorities can be used to respond to releases similar to those that would be considered candidates for listing pursuant to § 300.66(b)(4) in many situations. However, that enforcement authority may, in appropriate cases, be available does not mean that a release may not also warrant a fund-financed response. As is discussed earlier, the Agency has concluded that releases that meet the criteria of § 300.66(b)(4) should be placed on the NPL so that a fund-financed response would be available. The Agency then, in appropriate cases, would be able to choose whether a fund-financed response or an enforcement action would provide the more effective or expeditious response. Moreover, it should be noted that there are situations where existing enforcement authority is not adequate. For example, sometimes no responsible party can be found, or it may appear that a responsible party is not likely to take necessary action if a section 106 order is issued.

Comment: One commenter stated that the Resource Conservation and Recovery Act (RCRA) provides adequate authority for ensuring that releases are remedied at RCRA facilities, and that it is EPA's policy not to list RCRA facilities on the NPL. The commenter believes that the 1984 Solid Waste Disposal Act strengthens this position.

Response: EPA does not agree with the commenter's position. EPA's current policy is that where a site consists only of "regulated units" of a RCRA facility operating pursuant to a permit or interim status, it will not be included on the NPL but, to the extent possible, will be addressed under the authorities of RCRA (49 FR 40334, October 15, 1984). EPA does, however, consider eligible for listing on the NPL those RCRA facilities at which a significant portion of the release appears to come from nonregulated land disposal units of the facility, that is, portions of the facility that ceased operation prior to January

26, 1983. Regulated land disposal units of RCRA facilities generally have not been included on the NPL except where the facility is abandoned or lacks sufficient resources and RCRA corrective action could not be enforced. The new RCRA amendments [42 U.S.C. 6901-i] give the Agency considerably greater authority to respond to releases under RCRA. Therefore, the Agency has announced that it is reconsidering the current policy of listing RCRA-related sites on the NPL. [See 50 FR 14115, April 10, 1985]. Specifically, the Agency is considering deferring listing RCRA-related sites on the NPL until the Agency determines that RCRA corrective measures are not likely to succeed due to factors such as: (1) The inability or unwillingness of the owner/operator to pay for such actions; (2) the inadequacies of the financial responsibility guarantees to pay for such costs; or (3) the Agency or State priorities for addressing the sites under RCRA. The Agency has not yet decided whether to modify its existing policy with respect to listing RCRA-related sites.

Since current EPA policy does not preclude the listing of RCRA related sites that are regulated units, EPA will apply the current policy in deciding whether to use § 300.66(b)(4) to add such sites to the NPL. If EPA alters this policy after it considers comments received on the April 10, 1985, Federal Register discussion of options for a deferred listing policy for RCRA related sites, any such new policy could be applied to sites listed pursuant to § 300.66(b)(4).

V. Comments on the Lack of Explicit Standards and Procedures for Health Advisories

Comment: Many of the commenters oppose the use of health advisories as a basis for adding sites to the NPL. The commenters requested clarification of (1) the criteria for determining whether a health advisory should be issued; (2) the health advisory issuance process including opportunities for public review and comment; and (3) which office within HHS would be involved in issuing public health advisories. The commenters were concerned that the lack of criteria for issuing health advisories would give EPA unbounded discretion to avoid using the HRS.

Response: EPA has consulted with ATSDR of HHS on this comment and believes, based on its advice from ATSDR, that the wide variety of considerations which, of necessity, must be taken into account in deciding whether to issue a public health advisory precludes the development of specific criteria. Instead, ATSDR bases

its issuance of public health advisories on a case-by-case application of best medical judgment. In response to these comments, however, the Agency has limited the applicability of § 300.66(b)(4) to situations in which the public health advisory recommends disassociation of individuals from the release.

To date, there have been over 200 health assessments conducted by ATSDR at Superfund sites. Out of these health assessments only 39 have resulted in the issuances of public health advisories. Of the 39 public health advisories issued, very few recommend disassociation of an individual from the release. This illustrates that the potential number of sites qualifying under the first criterion of § 300.66(b)(4) is small.

In response to the comment concerning the opportunities for public review and comment on the public health advisory, EPA wants to clarify that the public will be given the opportunity to comment on each specific public health advisory when the site is proposed to be added to the NPL. The sampling data gathered by EPA or other lead agencies upon which the issuance of a public health advisory may be based, will be available to the public.

In response to the comment that EPA clarify which office within HHS would be involved in issuing a public health advisory, EPA has added language to § 300.66(b)(4) saying that ATSDR will be the agency within HHS responsible for issuing the public health advisories.

VI. Comments on the Lack of Guidelines for Determining What Releases Pose a Significant Threat

Comment: The Agency received several comments requesting EPA to clarify the meaning of the phrase "significant threat" to public health. Specifically, they requested clarification of the language to specify (1) the factors to be considered in evaluating whether a threat is significant; (2) the role quantitative assessment plays in determining whether a threat is significant and (3) the procedures for determining whether a significant threat exists. One commenter suggested that the threshold be changed from significant threat to "imminent and substantial" threat.

Response: Section 300.66(b)(4) gives EPA the discretion to determine whether a release for which ATSDR has issued a public health advisory is of sufficient priority to be included on the NPL. The issuance of a public health advisory does not, by itself, qualify a release for inclusion on the NPL. A threat may be significant for purposes of ATSDR to

issue a public health advisory, but not for purposes of the response programs under CERCLA. Until the Agency has had more experience with situations which may be candidates for listing pursuant to § 300.66(b)(4), it is not possible to indicate all the situations in which EPA will decide that a threat is significant for purposes of § 300.66(b)(4). In general, however, EPA intends to apply § 300.66(b)(4)(2) only in situations where the release meets the threshold required for taking a removal action.

In response to the comment regarding the role of quantitative assessment, EPA does not intend to use quantitative risk assessments to evaluate sites for possible application of § 300.66(b)(4). The Agency believes the quantitative risk assessment is not necessary to list sites on the NPL nor would adequate data be available for a quantitative assessment at the time of listing. Additional data may be collected during the investigatory stage of work conducted at the site, and in some cases, the Agency may perform a quantitative risk assessment prior to selection of the remedy.

EPA does not agree that § 300.66(b)(4) should apply only where EPA makes a finding that there is an imminent and substantial threat. Where the three criteria are met, EPA has the authority to list a site on the NPL and to take remedial actions. As is discussed earlier, EPA does not believe that many sites will meet the three criteria of § 300.64(b)(4).

VII. Extension of the Listing Mechanism Beyond Public Health Concerns

Comment: Several commenters expressed approval of the additional listing criteria but suggested that EPA extend the listing mechanism beyond strictly public health concerns to embrace environmental threats as well. They did not want to limit EPA's authority to list on the NPL pursuant to § 300.66(b)(4) situations where HHS issues a public health advisory. One commenter proposed that § 300.66(b)(4) be expanded to enable the Agency to include on the NPL any release that poses "a significant threat to a sensitive ecosystem or the human food chain." On the other hand, EPA received several comments suggesting that this new listing method be limited to releases at which health, not welfare or the environment is threatened, since the additional listing criteria focuses on public health advisories.

Response: EPA intends that the HRS remain the primary mechanism for listing sites on the NPL. The HRS considers environmental factors such as sensitive ecosystems. The Agency sees

no need to expand § 300.66(b)(4) to include sensitive ecosystems and food chain exposure, and these issues are unrelated to this rulemaking. The Agency is examining whether the HRS should include additional provisions for food chain exposure, but has not decided what changes, if any, are appropriate.

VIII. Other Comments

Comment: EPA received several comments requesting that they clarify whether EPA may act only when a public health advisory has been issued or whether EPA may make an independent finding of threat to public health.

Response: § 300.66(b)(4) has been changed to clarify that in order for the additional listing criteria to be applied, ATSDR must have issued a public health advisory which recommends dissociation of individuals from the release. In addition, EPA must make a determination that the release is a significant threat to public health and that taking a remedial action is more cost-effective than a removal action.

Comment: Several commenters argued that this additional listing mechanism should be applied only to hazardous waste sites. They asserted that Fund resources should not be used to respond to sites not involved in hazardous waste releases such as asbestos and pesticide sites because it would be diverting resources away from the primary purpose of CERCLA—the cleanup of abandoned or inactive waste sites.

Response: CERCLA does not limit response to hazardous waste sites, and the Agency does not believe that it would be appropriate to so limit § 300.66(b)(4). ATSDR may issue public health advisories with respect to other releases, and the threats posed may be significant and warrant national response. If a commenter believes that a particular release that is proposed for listing on the NPL would not merit a fund-financed response because of other, more urgent CERCLA priorities, these concerns should be raised as comments on the proposed listing. As noted earlier, EPA in general, intends to limit the use of § 300.66(b)(4) to categories of sites that are most appropriately addressed under CERCLA.

Comment: Several commenters stated that inclusion of sites on the NPL brings into play the more expensive and time consuming remedial investigation/feasibility study (RI/FS) process. This could create delays and needless expense at the sites that are listed pursuant to § 300.66(b)(4).

Response: Whenever the Agency lists a release on the NPL under § 300.66(b)(4), it may, as it may for any other release listed on the NPL, undertake whatever response actions are appropriate for the release, removal as well as remedial. The Agency is free to undertake removal actions in response to the release while it considers the appropriate remedial measure. To the extent the removal action would eliminate the need for further response actions, the site would not meet the criteria established by § 300.66(b)(4). In planning remedial actions, the Agency may use "operable units." An operable unit is a discrete response measure that is consistent with a permanent remedy, but is not the permanent remedy in and of itself. This concept entails the practice of phasing remedial action at sites that present complex cleanup problems. For example, it is often appropriate first to conduct a surface cleanup of a site, and then, after additional analysis of more complex hydrogeological factors, to select and implement remedial measures addressing ground-water contamination.

Comment: Several commenters stated that States have their own hazardous waste laws and are capable of responding to a small but dangerous release that does not warrant national prioritization.

Response: While some States may have adequate resources and authority to respond to sites listed under § 300.66(b)(4), not all States have adequate laws or resources to cover these situations. In addition, State laws vary. Thus, EPA does not wish to rely solely on the States to take remedial action at sites that meet the criteria of § 300.66(b)(4) and thus listing of these sites is appropriate for all States.

Comment: One commenter claimed that few benefits, if any, would be derived from the adoption of this proposed rule, and on the other hand, it will have adverse impacts on persons associated with listed sites. NPL listing may, for example, effectively "down-zone" property, decrease property value, prohibit development, require disclosure in auditors' statements, etc.

Response: The purpose of the NPL which has been discussed at length in earlier Federal Register notices (e.g., 50 FR 14116, April, 10, 1985), is to identify sites that warrant further investigation and possible remedial action. Listing does not require any action for any private party, nor does it impose any liability on any party for the cost of cleanup at the sites. It is possible that EPA may conclude that it is not desirable to conduct response action at

some sites on the NPL because of more pressing needs at other sites.

Comment: Several commenters urged that EPA and ATSDR be responsive to input and recommendations from the State. In particular, a commenter wanted to know if health advisories issued by State Departments of Health will have the same impact as ATSDR's public health advisories.

Response: States will have an opportunity to comment on each release when it is proposed to be added to the NPL. EPA will consider all comments received from States during the comment period.

The Agency believes that in order to assure national consistency in implementing § 300.66(b)(4), public health advisories issued by State Departments of Health cannot be used, in lieu of public health advisories issued by ATSDR, to invoke the § 300.66(b)(4) listing mechanism. States can, however, recommend to ATSDR they issue a public health advisory.

IX. Summary of Supporting Analyses

A. Classification Under E.O. 12291

Regulations must be classified as major or nonmajor to satisfy the rulemaking protocol established by Executive Order 12291. E.O. 12291 establishes the following criteria for a regulation to qualify as a major rule:

1. An annual effect on the economy of \$100 million or more;

2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the enterprises to compete with foreign-based enterprises in domestic or export markets.

Section 300.66(b)(4) of the NCP is a nonmajor rule because it would have no significant incremental economic effects. Placing sites on the NPL does not impose any costs directly. The proposed listing of sites on the NPL does not in itself require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site. As a consequence, it is hard to predict impacts on any group. A site's

inclusion on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected businesses at this time nor estimate a number of small businesses that might be affected. This regulation was submitted to OMB for review under Executive Order 12291.

B. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, Agencies must evaluate the effects of a regulation on "small entities." That Act recognizes three types of such entities:

1. Small businesses (specified by Small Business Administration regulations);

2. Small organizations (independently owned, nondominant in their field, nonprofit); and

3. Small governmental jurisdictions (serving communities with fewer than 5,000 people).

If the rule is likely to have a "significant impact on a substantial number of small entities," the Act requires that a Regulatory Flexibility Analysis be performed. The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the listing of sites under this section to have a significant economic impact on a substantial number of small businesses.

C. Paperwork Reduction Act

Today's final rule on § 300.66(b)(4) does not impose any regulatory burden on parties outside of EPA, including any reporting or information collection requirements.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Hazardous substances, Intergovernmental relations, National resources, Occupational safety and health, Oil pollution, Reporting and record-keeping requirements, Superfund, waste treatment and disposal, Water pollution control, Water supply.

Dated: August 14, 1985.

Lee M. Thomas,
Administrator.

For the reason set forth in the preamble, Part 300, Subpart J, Chapter I of Title 40, Code of Federal Regulations is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

1. The authority citation for Part 300 continues to read as follows:

Authority: Sec. 105 Pub. L. 96-510, 94 Stat. 2704, 42 U.S.C. 9605; Sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

Subpart F—Hazardous Substance Response

2. In 40 CFR Part 300, § 300.66 is amended by revising paragraph (b) to read as follows:

§ 300.66 Site evaluation phase and national priorities list determination.

(b) Methods for Establishing Priorities. As soon as practicable, an inspection will be undertaken to assess the nature and extent of the release and to assist in determining its priority for Fund-financed response.

(1)–(3) [Reserved]

(4) In addition to those release whose HRS scores qualify them for the NPL, EPA may include on the NPL any other release if (i) the Agency for Toxic Substances and Disease Registry of Health and Human Services has issued a public health advisory which recommends dissociation of individuals from the release; (ii) the EPA determines that the release poses a significant threat to public health; and (iii) EPA anticipates that it will be more cost-effective to use its remedial authority than to use removal authority to respond to the release.

[FR Doc. 85-21138 Filed 9-13-85; 8:45 am]

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September 16, 1985

Part III

Environmental Protection Agency

40 CFR Part 300

Amendment to National Oil and
Hazardous Substances Contingency Plan:
National Priorities List; Final Rule

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 300

[SWH-FRL 2853-16]

Amendment to National Oil and
Hazardous Substances Contingency
Plan: National Priorities ListAGENCY: Environmental Protection
Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. This amendment revises the National Priorities List ("NPL"), which initially was promulgated as Appendix B of the NCP on September 8, 1983, by adding the Lansdowne Radiation site located in Lansdowne, Pennsylvania to the final NPL. CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, and contaminants throughout the United States, and that the list be revised at least annually. The NPL constitutes this list and meets those requirements. The Lansdowne site is being added to the NPL because the site meets the eligibility requirements of the NPL. EPA has included on the NPL releases and threatened releases of designated hazardous substances as well as "pollutants or contaminants" which may present an imminent and substantial danger to the public health or welfare. Inclusion of the Lansdowne site on the NPL makes this site eligible for Fund-financed remedial actions as specified in § 300.68(a) of the NCP.

DATE: The effective date for this amendment to the NCP shall be October 16, 1985.¹

FOR FURTHER INFORMATION CONTACT: Trudi Fancher, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548E), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Phone (800) 424-9346 (or 382-3000 in the Washington, D.C., metropolitan area).

SUPPLEMENTARY INFORMATION:

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- I. Background of the NPL
 - II. Background of the Lansdowne Radiation Site, Lansdowne, Pennsylvania
 - III. Addition of the Lansdowne Radiation Site, Lansdowne, Pennsylvania to the NPL
 - IV. Regulatory Impact Analysis
 - V. Regulatory Flexibility Act Analysis

I. Background of the NPL

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. sections 9601-9657 ("CERCLA or the Act"), and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180). Those amendments to the NCP implemented responsibilities and authorities created by CERCLA to respond to releases and threatened releases of hazardous substances, pollutants, and contaminants.

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to releases or threats of releases on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with a permanent remedy for a release (CERCLA section 101(24)).

Section 105(8)(B) of CERCLA requires that these criteria be used to prepare a list of national priorities among the known releases of threatened releases throughout the United States, and that to the extent practicable, at least 400 sites be designated individually on the National Priorities List (NPL). Section 105(8)(B) also requires that the list of priorities be revised at least annually. EPA has included on the NPL releases and threatened releases of designated hazardous substances as well as "pollutants or contaminants" which may present an imminent and substantial danger to the public health or welfare. CERCLA requires that the NPL be included as part of the NCP. An initial NPL of 406 sites was promulgated on September 8, 1983, (48 FR 40658). The

NPL has been amended several times since then. On May 8, 1984, EPA amended the NCP by adding four sites in San Gabriel, California, to the NPL. On September 21, 1984, EPA further amended the NCP by adding 128 sites to the NPL (49 FR 37070), and deferred final rulemaking on four sites. The second proposed update was published in the Federal Register on October 15, 1984 (49 FR 40320). The second update proposed the addition of 244 sites, two of which were promulgated in the Federal Register on February 14, 1985 (50 FR 6320). In addition, the third update proposed 26 sites on April 10, 1985 (50 FR 14115). Today's final rulemaking action adds to the NPL the Lansdowne Radiation site, Lansdowne, Pennsylvania, which was proposed on April 10, 1985 (50 FR 14115). This action is taken pursuant to § 300.66(b)(4) of the NCP which is promulgated in a separate notice in today's Federal Register.

Additional discussion on the purpose and development of the NPL and on generic issues relating to the HRS are included in the preambles to the NPL promulgated on September 8, 1983 (48 FR 40658), and amended on September 21, 1984 (49 FR 37070). Section 300.68(a) of the NCP reserves Fund-financed remedial action for sites on the NPL. Inclusion of a site on the NPL is not necessary for other types of response actions such as removal actions or enforcement actions. Moreover, a site need not be on the NPL to be the subject of a private party cost recovery action pursuant to section 107(a)(4)(B) of CERCLA.

The principal criteria used by the Agency for determining site eligibility for inclusion on the NPL are included in the Hazard Ranking System (HRS) which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982). The HRS total score used for the NPL is designed to take into account a standard set of factors related to risks from migration of substances through groundwater, surface water, and air. At present, sites whose scores are 28.50 or above are eligible for the NPL.

Section 300.66(b)(4) of the NCP has been amended to allow some sites that do not score 28.50 or greater to be added to the NPL. These sites may qualify for the NPL if: (1) The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services (ATSDR) has issued a health advisory which recommends dissociation of individuals from the release; (2) the Agency determines that the release poses a significant threat to public health; and (3) EPA anticipates that it will be more cost-effective to use

¹ CERCLA section 305 provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha*, 462 U.S. 919, 103 S. Ct. 2764 (1983), cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If any action by Congress calls the effective date of this regulation into question, the Agency will publish a notice of clarification in the Federal Register.

remedial authority than if EPA uses its removal authority to respond to the release. The Agency has determined that the Lansdowne site meets these three criteria as described in Section II below.

II. Background of the Lansdowne Radiation Site, Lansdowne, Pennsylvania

The Lansdowne Radiation site located in Lansdowne, Pennsylvania, was included in the proposed rulemaking for Update #3 of the NPL (50 FR 14115, April 10, 1985). The Lansdowne site consists of a residential duplex structure situated on a 0.5 acre lot in a residential area. The basement of the residence at 105 E. Stratford Avenue was used from 1924-1944 by a chemistry/physics professor to manufacture radium sources for medical radiation therapy. In mid-1983, EPA and the Pennsylvania Department of Environmental Resources, Office of Radiation Programs identified the Lansdowne site as suitable for inspection. Since that time, several radiological studies of the site have been completed.

The first of these studies was conducted in June of 1984 by EPA and State of Pennsylvania Department of Environmental Resources (PADER). Results revealed levels of gamma radiation ten times above the level to which the general population is exposed, and levels of radon daughters one hundred times higher than background levels.

In September, 1984, EPA and the Federal Emergency Management Agency, as part of a CERCLA-funded immediate removal, temporarily relocated the two residents living in the structure. EPA Region III recognized that a permanent solution would far exceed the six month, \$1 million limit on immediate removal, and requested a time extension for relocation pursuant to Part 300.65(d)(3) of the NCP.

In the Fall of 1984, the Argonne National Laboratory conducted a survey of the structure to determine levels of radon gas and gamma radiation. Data revealed that all interior measurements of radon daughters exceeded the EPA recommended action level of 0.02 Working Levels (WL). In addition, most interior measurements of gamma radiation exceeded the EPA remedial action guideline of 20 microroentgens/hour above background.

ATSDR reviewed the results of the two above mentioned studies, and on March 5, 1985 issued a health advisory warning that environmental measurements of radon daughters and gamma radiation inside the duplex dwelling indicated exposure levels in

excess of those ATSDR considered safe for human habitation. The advisory recommended dissociation of exposed individuals from the structure.

Inhalation of radon gas and its decay products exposes the lungs to alpha radiation, thereby increasing the chances of developing lung cancer. Both radon and its decay products readily adhere to particulate matter, and can be entrained in dust when disturbed, increasing the potential for ingestion, particularly by children. Moreover, the site poses a potential threat of release to the surrounding community which would be particularly severe if a fire occurred. EPA has installed a sprinkler system in the house to temporarily reduce the threat of fire, but believes this is an acceptable solution only for the short term.

In December of 1984, the Argonne Laboratory collected soil samples from the property at 105-107 E. Stratford Avenue. Results of this sampling revealed that radioactive material has migrated beyond the property boundary. Samples were also collected from the off-site sewer. Preliminary data indicated the presence of radioactive materials in the sanitary sewer beneath E. Stratford Avenue.

EPA considers the risks posed by this site to be significant. EPA has also determined pursuant to § 300.66 (b)(4) that a remedial approach to this situation will provide the lowest cost alternative which effectively mitigates and minimizes damage to, and provides adequate protection of, public health. EPA views the complete removal of the house from the surrounding residential community as the only appropriate way to permanently ameliorate this significant health hazard.

III. Addition of the Lansdowne Radiation Site, Lansdowne, Pennsylvania to the NPL

The action being taken today will add the Lansdowne Radiation site in Lansdowne, Pennsylvania to the NPL. EPA received comments from five parties regarding Lansdowne during the 30-day comment period which ended May 10, 1985. EPA has reviewed the comments addressed below and has determined that no new information has come to the Agency's attention during the comment period that would change EPA's decision to include this site on the NPL.

Several commenters objected to EPA's listing a site on the NPL using a procedure which they perceived as having not yet been promulgated.

The Agency has promulgated an amendment to § 300.66(b)(4) of the NCP which provides EPA with a new

mechanism for including releases on the NPL irrespective of their HRS scores, when specific criteria are met (see Section II of the § 300.66(b)(4) preamble published elsewhere in today's *Federal Register*). Sites may be added to the NPL based on this amendment if, as is true at Lansdowne, a small number of people are or will be exposed to hazardous substances through one of several routes of exposure.

One commenter concluded that no immediate threat to public health exists at the site.

EPA disagrees with the commenter's assessment of the public health hazards associated with the site. A detailed explanation of the public health concerns associated with the site is provided in Section II of this preamble.

One commenter agrees with EPA's decision to relocate the occupants of the home, and believes that the security measures (sprinkler system, alarm, fence) are adequate to mitigate any immediate threat until EPA has considered public comment on the February 12, 1985 proposed amendments to the NCP.

EPA has considered comments received regarding the February 12, 1985 proposed NCP amendments and has promulgated § 300.66(b)(4) of the NCP in a separate notice of today's *Federal Register*. EPA sees no reason to delay permanently remedying this public health threat.

One commenter stated that the cost estimate for remedial action at Lansdowne is unjustifiably high.

EPA's preliminary cost estimate for remedial action at the site is approximately \$3.5 million. This cost estimate includes dismantling and packing the structure, transport to an acceptable disposal facility, disposal costs, monitoring, and financial reimbursement to the owners of the house. EPA views the complete removal of the house from this residential area as the only appropriate way to permanently ameliorate this significant health hazard, and believes the costs are not excessive.

One commenter suggested that the cleanup of contaminated residences is an inappropriate use of CERCLA. The commenter stated that CERCLA is primarily an inactive waste site cleanup program. The commenter felt that by diverting its focus away from hazardous waste site cleanup, EPA would not only divert scarce CERCLA management and legal resources, but it could also put an intolerable drain on Fund resources.

EPA believes that neither CERCLA nor the Hazardous Ranking System limits response to hazardous waste

sites, and it would be inappropriate to so limit § 300.66(b)(4). ATSDR may issue advisories with respect to other releases, and the threats posed may be significant and warrant national response. EPA does not expect that the amendment to § 300.66(b)(4) of the NCP will result in a substantial re-direction of CERCLA resources. In particular, the Agency does not foresee using substantial portions of the CERCLA Trust Fund to clean up private residences. Few sites are expected to be added to the NPL pursuant to § 300.66(b)(4), and not all sites listed pursuant to § 300.66(b)(4) will be residences. But where, as is the case of the Lansdowne Radiation site, releases at residences threaten both inhabitants and the surrounding community, the Agency believes it appropriate to consider them candidates for fund-financed remedial action. As the commenter notes, CERCLA's authority is very broad and can extend to residences.

One commenter compared the situation at Lansdowne to that of the approximately 733,000 asbestos-contaminated buildings in the United States, and stated that responding to this analogous situation could dwarf the program for hazardous waste sites. The commenter asserted that listing the Lansdowne site would be inconsistent with the following statement in EPA's CERCLA 301(a)(1)(c) study: "EPA's current policy is that the Agency will not respond to air releases within buildings. However, if EPA were to make a policy change to address such indoor releases, this would significantly affect the number of sites to which Superfund responds."

As previously stated, EPA does not expect that the amendment to § 300.66(b)(4) will result in a substantial re-direction of CERCLA Trust Fund monies from hazardous wastes sites to private residences. In addition, the quotation from the study was taken out of context. The sentences were contained in a paragraph which discussed asbestos inside schools and other buildings. It did not address situations in which indoor releases present threats or potential threats to the ambient atmosphere, as in the case of Lansdowne.

One commenter stated that Congress intended the Superfund petrochemical feedstock tax structure to reflect some relationship between "front-end" chemicals taxed and their fate of ending up at waste sites. The commenter further added "that Congress had no

radiation-contaminated residence nexus in mind when designing the tax."

As discussed previously, the Agency believes it has the authority to respond to sites at which releases of radiation present a threat to public health and the environment, unless those releases are expressly excluded by the statutory language. The Lansdowne site does not fit within any of the statutory exclusions.

Several commenters resubmitted comments regarding amendments to § 300.66(b)(4) of the NCP as they would apply to the Lansdowne site. The comments are summarized below, and responses are provided in the preamble to the promulgation of § 300.66(b)(4) of the NCP.

- The commenters opposed the procedure used to list the Lansdowne site. The commenters believed that the use of a health advisory as the basis for listing a site is premature and inappropriate because the term health advisory has not been defined, nor do any criteria for the issuance of health advisories exist. The commenters felt that this would lead to § 300.66(b)(4) being used to address any of a number of sites beyond those where a significant health risk to a small number of individuals exists.

- Although the commenter supports EPA's efforts to address a small number of seriously threatened individuals, the commenter felt that EPA already possesses statutory authority to respond to imminent hazards under section 106 of CERCLA.

- The commenter stated that the term "HHS health advisory" requires clarification. The commenter further stated that neither the proposed regulations nor the preamble defines the term, nor do they provide any guidance as to what constitutes a "significant" threat to public health.

- The commenter suggested that the NCP regulations should specify which office of HHS is charged with issuing health advisories for the purpose of adding sites to the NPL.

IV. Regulatory Impact

The addition of this site to the final rulemaking of the NPL does not meet the Executive Order 12991 definition of the term "major rule."

The purpose of the NPL is primarily to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment. The initial identification of a site on the NPL is intended primarily to guide EPA in determining which sites warrant further investigation designed to assess the

nature and extent of the public health and environmental risks associated with the site and to determine what response action, if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake response actions. Moreover, listing does not require any action of any person, nor does it determine the liability of any person for the cost of cleanup at the site.

The information collected to support selecting a site for the NPL is not sufficient in itself to determine the appropriate remedy for a particular site. EPA generally relies on further, more detailed studies conducted at the site to determine what response, if any, is appropriate. Decisions on the type and extent of action to be taken at this site will be made on the basis of such studies and in accordance with the criteria contained in Subpart F of the NCP.

A full assessment of the cost of remedial action at the Lansdowne site has not been completed, but preliminary cost estimates are approximately \$3.5 million. Thus, the possible remedial action will not cause an annual effect on the economy of \$100 million or more. It is not expected that remedial action will cause a major increase in costs or prices, nor will it have significant adverse effects on competition, employment, investment or any other criteria of Executive Order 12291. Rather, beneficial effects are anticipated from any actions taken to reduce exposures, from radon daughters and gamma radiation.

V. Regulatory Flexibility Act Analysis

After reviewing the criteria for significant economic impact on substantial numbers of small entities as defined by the Regulatory Flexibility Act, EPA has determined that listing does not require any action of any private party for the cost of cleanup at the site. Currently, EPA and the State of Pennsylvania expect to fund remedial activities at the site. It is unlikely that any EPA remedial activities at this site would significantly affect a substantial number of small business entities.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and Recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: August 14, 1985.
 Lee M. Thomas,
 Administrator.

Appendix B—[Amended]

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: Sec. 105 Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605; Sec. 311(c)(2), Pub. L. 92-500 as amended, 88 stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

2. The National Priorities List, which is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, is hereby amended to add the following site as the last item in Group 9 of the non-Federal portion of the NPL.

Appendix B—National Priorities List

* * * * *

Group 9	EPA Reg.	State	Site Name ¹	City/county	Response status ²			
					V	R	E	D
03	PA	Lansdowne Radiation Site	Lansdowne		R			

¹ States' designated top priority sites.

² Response status:

V—Voluntary or negotiated response

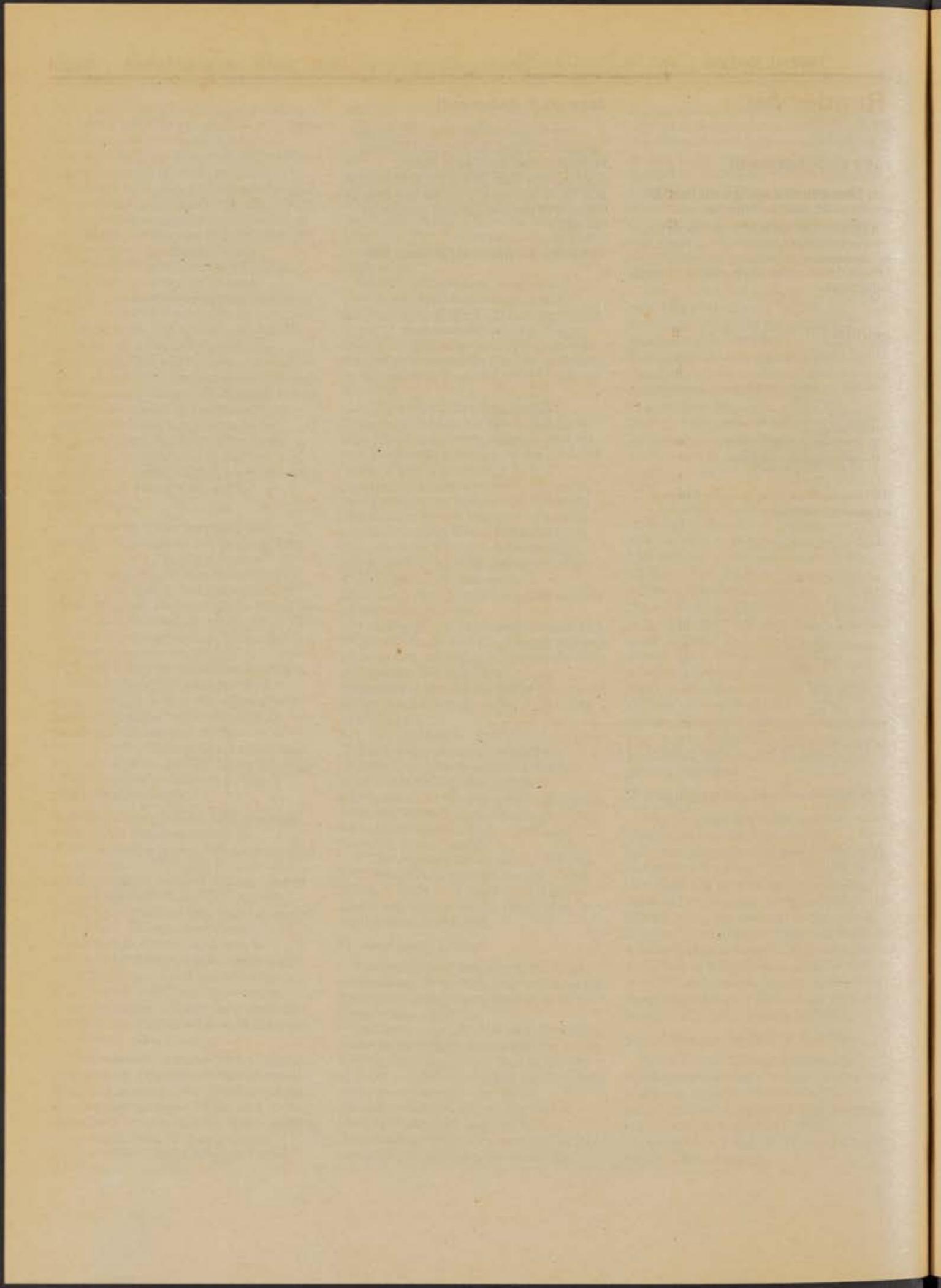
R—Federal and State Response

E—Federal and State enforcement

D—Actions to be determined

[FR Doc. 85-21139 Filed 9-13-85; 8:45 am]

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5 Parts:		
1-1199	13.00	Jan. 1, 1984
1-1199 (Special Supplement)	None	Jan. 1, 1984
1200-End, 6 (6 Reserved)	7.50	Jan. 1, 1985
7 Parts:		
0-45	14.00	Jan. 1, 1985
46-51	13.00	Jan. 1, 1985
52	14.00	Jan. 1, 1985
53-209	14.00	Jan. 1, 1985
210-299	13.00	Jan. 1, 1985
300-399	8.00	Jan. 1, 1985
400-699	12.00	Jan. 1, 1985
700-899	14.00	Jan. 1, 1985
900-999	14.00	Jan. 1, 1985
1000-1059	12.00	Jan. 1, 1985
1060-1119	9.50	Jan. 1, 1985
1120-1199	8.00	Jan. 1, 1985
1200-1499	13.00	Jan. 1, 1985
1500-1899	7.50	Jan. 1, 1985
1900-1944	12.00	Jan. 1, 1985
1945-End	13.00	Jan. 1, 1985
8	7.50	Jan. 1, 1985
9 Parts:		
1-199	13.00	Jan. 1, 1985
200-End	9.50	Jan. 1, 1985
10 Parts:		
0-199	17.00	Jan. 1, 1985
200-399	9.50	Jan. 1, 1985
400-499	12.00	Jan. 1, 1985
500-End	14.00	Jan. 1, 1985
11	7.50	Jan. 1, 1985
12 Parts:		
1-199	8.00	Jan. 1, 1985
200-299	14.00	Jan. 1, 1985
300-499	9.50	Jan. 1, 1985
500-End	14.00	Jan. 1, 1985
13	13.00	Jan. 1, 1985
14 Parts:		
1-59	16.00	Jan. 1, 1985
60-139	13.00	Jan. 1, 1985
140-199	7.50	Jan. 1, 1985
200-1199	15.00	Jan. 1, 1985
1200-End	8.00	Jan. 1, 1985
15 Parts:		
0-299	6.50	Jan. 1, 1985
300-399	13.00	Jan. 1, 1985

Title	Price	Revision Date
400-End	12.00	Jan. 1, 1985
16 Parts:		
0-149	9.00	Jan. 1, 1985
150-999	10.00	Jan. 1, 1985
1000-End	13.00	Jan. 1, 1985
17 Parts:		
1-239	20.00	Apr. 1, 1985
240-End	14.00	Apr. 1, 1985
18 Parts:		
1-149	12.00	Apr. 1, 1985
150-399	19.00	Apr. 1, 1985
400-End	7.00	Apr. 1, 1985
19	21.00	Apr. 1, 1985
20 Parts:		
1-399	8.00	Apr. 1, 1985
400-499	16.00	Apr. 1, 1985
500-End	18.00	Apr. 1, 1985
21 Parts:		
1-99	9.00	Apr. 1, 1985
100-169	11.00	Apr. 1, 1985
170-199	13.00	Apr. 1, 1985
200-299	4.25	Apr. 1, 1985
300-499	20.00	Apr. 1, 1985
500-599	16.00	Apr. 1, 1985
600-799	6.50	Apr. 1, 1985
800-1299	10.00	Apr. 1, 1985
1300-End	5.50	Apr. 1, 1985
22	21.00	Apr. 1, 1985
23	14.00	Apr. 1, 1985
24 Parts:		
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200-499	19.00	Apr. 1, 1985
500-699	6.50	Apr. 1, 1985
700-1699	13.00	Apr. 1, 1985
1700-End	9.00	Apr. 1, 1985
25	18.00	Apr. 1, 1985
26 Parts:		
§§ 1.0-1.169	21.00	Apr. 1, 1985
§§ 1.170-1.300	12.00	Apr. 1, 1985
§§ 1.301-1.400	7.50	Apr. 1, 1985
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40-299	18.00	Apr. 1, 1985
300-499	11.00	Apr. 1, 1985
500-599	8.00	Apr. 1, 1980
600-End	4.75	Apr. 1, 1985
27 Parts:		
1-199	18.00	Apr. 1, 1985
200-End	13.00	Apr. 1, 1985
28	16.00	July 1, 1985
29 Parts:		
0-99	11.00	July 1, 1985
100-499	5.00	July 1, 1985
500-899	19.00	July 1, 1985
900-1899	7.00	July 1, 1985
1900-1910	21.00	July 1, 1985
1911-1919	5.50	July 1, 1984
1920-End	14.00	July 1, 1984
30 Parts:		
0-199	13.00	July 1, 1984
200-699	6.00	July 1, 1985
700-End	13.00	July 1, 1984
31 Parts:		
0-199	8.50	July 1, 1985
200-End	9.50	July 1, 1984

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190-399.....	13.00	July 1, 1984	45 Parts:		
400-629.....	13.00	July 1, 1984	1-199.....	9.50	Oct. 1, 1984
630-699.....	12.00	¹ July 1, 1984	200-499.....	6.50	Oct. 1, 1984
700-799.....	13.00	July 1, 1984	500-1199.....	13.00	Oct. 1, 1984
800-999.....	7.50	July 1, 1985	1200-End.....	9.50	Oct. 1, 1984
1000-End.....	5.50	July 1, 1985	46 Parts:		
33 Parts:			1-40.....	9.50	Oct. 1, 1984
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34 Parts:			90-139.....	9.00	Oct. 1, 1984
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