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Friday
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Food and Drug Administration

Aviation Safety
Federal Aviation Administration

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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 911

Limes Grown in Florida; Postponement of Certain Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule postpones the effective date of the regulation published at 50 FR 15097, April 17, 1985 specifying lime size designations used in marking containers of seedless limes from April 17 to May 20, 1985. This action reflects the fact that lime handlers are unable to pack limes meeting the specified lime size designations primarily due to the lack of adequate size tolerances. Postponement of these requirements is necessary to provide the Florida lime industry with an opportuntiy to consider alternative lime size designations and size tolerances.

EFFECTIVE DATE: Effective date postponed to May 20, 1985.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, 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 final rule is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action was unanimously recommended by the Florida Lime Administrative Committee, established under the marketing order, at a public meeting on April 17, 1985.

The committee reports that the regulation, which was to be effective April 17, 1985, would result in some handlers being unable to pack limes under current packing methods primarily due to the lack of adequate size tolerances. This problem became apparent when inspection was initiated to certify lime packs under the new regulation. It was determined that the specified lime size designations were practically unworkable without modification. The committee is considering alternative lime size designations and size tolerances. In the meantime, it has recommended postponement of the effective date of these requirements.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, 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: (1) This action relieves restrictions on the handling of limes; (2) handlers are aware of this action as proposed by the Florida Lime Administrative Committee and require no additional time to comply with the regulation; and (3) no purpose would be served by delaying the effective date.

List of Subjects in 7 CFR Part 911

Marketing Agreements and Orders, Limes, Florida.

PART 911—[AMENDED]

1. The Authority citation for Part 911 continues to read as follows:

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

2. Accordingly, paragraph (a)(5) added to § 911.311 Lime Pack Regulation 9 at 50 FR 15097, April 17, 1985 is amended by adding the following phrase at the beginning of the first sentence to read as follows:

§ 911.311 Lime Pack Regulation 9.

(a) * * *

(5) On and after May 20, 1985, * * *

* * * * *

Dated: April 29, 1985.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-10694 Filed 5-2-85, 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 925 and 944

Grapes Grown in a Designated Area of Southeastern California, and Table Grapes Imported Into the United States; Grade, Size, Quality, and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes minimum requirements for shipments of table grapes grown in southeastern California, and for table grapes imported into the United States, except for the Emperor, Calmeria, Almeria, and Ribier varieties which are not grown in the production area in southeastern California, effective during the period May 3 through August 15, 1985, and the period of May 1 through August 15 of each year thereafter. Such grapes are required to meet the minimum grade and size requirements for U.S. No. 1 Table grade, as defined in the United States Standards for Grades of Table Grapes (European or Vinifera Type), and minimum maturity standards as defined in the California Administrative Code. For table grapes grown in southeastern California additional requirements are effective, including container and pack, container marking, packing holidays, and a requirement to provide adequate facilities for inspection. These actions are designed to assure the shipment of ample supplies of table grapes of acceptable quality and to promote orderly marketing in the interests of producers and consumers.

EFFECTIVE DATES: California Desert Grape Regulation 5 is effective from May 3 through August 15 of the current year and from May 1 through August 15 in each year thereafter. Table Grape Import Regulation 3 is effective from May 6 through August 15 of the current year and from May 1 through August 15 in each year thereafter.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, 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 California Desert Grape Administrative Committee met December 12, 1984, and unanimously recommended grade, size, maturity, container, pack, and other requirements for 1985 season table grapes grown in southeastern California, to be effective for the period May 1 through August 15, 1985. The committee met again on April 11, 1985, and discussed prospective crop and marketing conditions for 1985 season California desert grapes, and reviewed and reaffirmed its earlier recommendations with respect to regulations for the 1985 crop. The California desert grape regulation should become effective May 3, 1985, so that all 1985 season fresh grape shipments are subject to the regulation.

The California desert grape regulation requires shipment of table grapes grown in the production area in southeastern California to meet the minimum grade and size requirements of U.S. No. 1 Table Grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera Type), except that grapes of the Flame Seedless variety would be required to meet the "other varieties" standard for berry size (ten-sixteenths of an inch). In addition, fresh shipments of grapes are required to meet the minimum maturity requirements for table grapes as specified in the California Administrative Code. Grapes of the Emperor, Calmeria, Almeria, and Ribier varieties are exempted from regulation as they are not grown in the production area. The regulation also establishes certain container and pack requirements as well as container marking requirements in order to standardize packing practices. Experimental containers approved by the committee may also be used. A minimum of 22 pounds of grapes must be packed in each of the authorized containers, except for certain packs and experimental containers. Containers must bear the minimum net weight of the grapes in the container, the name of the grape variety, the name of the shipper, and the lot stamp inspection number of the outside of the container. Such requirements are designed to facilitate identification of shipments and promote orderly marketing of these grapes. Packing holidays on Saturdays and Sundays and certain holidays during the regulation period are also established and are designed to prevent an accumulation of excessive supplies of table grapes at distribution points during periods of reduced demand or market inactivity. The regulation exempts "organically-grown" table grapes from the minimum individual berry size requirement. Table grapes for processing are exempt from regulation if certain conditions and safeguards are met.

Also, the California desert grape regulation establishes requirements for person desiring inspection of grapes in the production area. All persons requesting such inspection would required to provide adequate facilities, access to the grapes, and standard equipment and incidental supplies necessary for such inspections to be performed.

The California desert grape regulation is issued under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of table grapes grown in a designated area of southeastern California. This marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The table grape import regulation requires imports of table grapes to meet the same minimum grade, size, and maturity requirements as specified in the California desert grape regulation during the specified period. Grapes of the Emperor, Calmeria, Almeria, and Ribier varieties are exempt from import requirements as they are not regulated under the California desert grape regulation. The table grape import regulation is issued under section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Section 8e requires that when specified commodities, including table grapes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The Department has determined that the California and import table grape regulations should remain in effect indefinitely, being effective from May 1 through August 15 of each year except as specified for the current season. Grape producers vary their cultural practices early in the grape growing season in order to meet necessary requirements for grade and size at harvest time. This action would afford domestic producers and importers of table grapes ample notice of such seasonal regulations. Similar seasonal requirements have been in effect for the past four marketing seasons for California desert grapes, and for the past two seasons for imported grapes.

Notice of the proposed requirements for California desert and imported table grapes was contained in a proposed rule published in the **Federal Register** (50 FR 13609) on April 5, 1985. The proposed rule provided that interested persons could file comments on the proposals through April 22, 1985.

An exception was filed by the Chilean Ambassador requesting that the import regulation be made effective May 15, 1985, rather than May 1, 1985 as proposed. The exception indicated that an earthquake and adverse weather conditions have retarded the maturity, harvest, and post-harvest handling of Chilean export grapes this season, and that the effective date should be postponed until May 15 to permit shipments of Chilean grapes destined for the United States to arrive before the effective date of the regulation.

The California Desert Grape Administrative Committee filed a comment in support of the proposed rule, and effective period. Shipments of grapes regulated under the Federal marketing order are expected to begin on or about the specified effective date. Moreover, even if substantial shipments do not develop by May 3, there would exist a good possibility for some shippers to harvest immature grapes and ship them prior to May 15 in order to take advantage of the early season high prices. This could negate the effectiveness of the entire seasonal regulation since the desert grape season is relatively short. The intent of the domestic regulation is to prevent the shipment of immature or substandard grapes that could destroy product quality image. Accordingly, it is found that the grade, size, and maturity requirements for imports of grapes should be, and are, the same as those being made effective for grapes covered under this marketing order and the effective period of the domestic and import regulation is May 1, through August 15, of each year, except as otherwise provided for the current season. The exception filed by the Chilean Ambassador is denied.

The specified requirements for both California and imported table grapes will continue in effect from marketing season to marketing season indefinitely

unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, seasonal regulations issued under the marketing order and § 8e were made effective for a single marketing season. The issuance of seasonal regulations which continue in effect from marketing season to marketing season reflects the fact that such regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, this action could result in a reduction in operational costs to the committee and the government. Although the seasonal regulations will be effective for an indefinite period, the committee will continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the California desert grape crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of California and imported table grapes would tend to effectuate the declared policy of the act.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when information became available upon which this rule is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the California table grape regulation at open meetings at which the committee, without opposition, recommended regulations applicable to California desert grapes to become effective May 1, 1985. California table grape handlers have been apprised of these requirements and the proposed effective date. The import requirements for table grapes are mandatory under section 8e of the act and adequate notice is provided. The provision in the final rule are the same as those in a proposed rule which was published in the **Federal Register**, and which provided a 15-day comment period. It is found that this final rule will tend to effectuate the declared policy of the act.

List of Subjects

7 CFR Part 925

Marketing agreement and orders, Grapes, California, Incorporation by reference.

7 CFR Part 944

Fruits, Import regulations, Grapes, Incorporation by reference.

1. The authority citation for 7 CFR Parts 925 and 944 continues to read as follows:

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

2. New §§ 925.304 and 944.503 are added to read as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

§ 925.304 California Desert Grape Regulation 5.

During the period May 3 through August 15, 1985, and May 1 through August 15 of each year thereafter, no person shall handle any variety of grapes, except Emperor, Calmeria, Almeria, and Ribier varieties unless such grapes meet the following requirements: *Provided*, That no person shall pack any such grapes on any Saturday or Sunday, or on the Memorial Day or Independence Day holidays of each year, unless approved in accordance with paragraph (e).

(a) *Grade, size, and maturity.* Such grapes shall meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.880 through 51.912), except that grapes of the Flame Seedless variety shall meet the minimum berry requirement of ten-sixteenths of an inch, and minimum maturity standards in accordance with applicable sampling and testing procedures specified in §§ 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of the California Administrative Code (Title 3).

(b) *Container and Pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of § 1380.19(14) of Article 4, and §§ 1436.37 and 1436.38 of Article 25 of the California Administrative Code (Title 3):

(i) Sawdust pack with inside dimensions of 7¾ x 14 15/16 x 18¾ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of 6¾ x 12½ x 15⅜ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of 4½ to 8½ (inside) x 13½ to 14½ (outside) x 16⅝ to 17½ (outside); specified as container 38K;

(iv) Polystyrene lug with inside dimensions of 6¼ or 8¼ x 11½ x 18⅛ inches, specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 inches (inside) x 15¾ (outside) x 19 1/16 (outside), specified as container 38R;

(vi) Such other types and sizes of containers as may be approved by the committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing materials, and experimental containers, shall be 22 pounds based on the average net weight of grapes in a representative sample of containers.

(3) Such containers of grapes shall be plainly marked with the minimum net weight of grapes contained therein (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the shipper.

(4) Such containers of grapes shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector, except that such requirement shall not apply to containers in the center tier of a lot palletized in a 3 box by a 3 box pallet configuration.

(c) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but no using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and variety of grapes, and such other information as may be needed by the committee to carry out these provisions; (2) each container of organically grown grapes bears the

words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), and (c) if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(e) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing grapes on any Saturday or Sunday, or on the Memorial Day or Independence Day holidays of each year, may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

(f) Certain maturity, container, and pack requirements cited in this regulation are specified in the California Administrative Code (Title 3), and are incorporated by reference. Copies of such requirements are available from William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. They are also available for inspection at the office of the Federal Register Information Center, Room 8301, 1100 L Street, N.W. Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. 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.**

(g) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes grown in the production area. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51): *Provided:* That all persons who request such inspection and certification must provide adequate facilities in which the inspections may be conducted, and the necessary equipment and incidental supplies that are considered as standard requirements for providing fresh inspection under Federal or Federal-State inspection procedures.

PART 944—FRUITS; IMPORT REGULATIONS

§ 944.503 Table Grape Import Regulation 3.

(a) Pursuant to section 8e of the Act and Part 944—Fruits; Import Regulations, during the period May 6 through August 15, 1985, and during the period May 1 through August 15 of each year thereafter, the importation into the United States of any variety of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, is prohibited unless such grapes meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table grade, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.880 through 51.912), except that grapes of the Flame Seedless variety shall meet the minimum berry requirement of ten-sixteenths of an inch, and minimum maturity standards in accordance with applicable sampling and testing procedures specified in sections 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of the California Administrative Code (Title 3). Such minimum maturity standards are incorporated by reference, copies of which are available from William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. They are also available for inspection at the office of the Federal Register Information Center, Room 8301, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register.**

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of table grapes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the regulation designating inspection services and procedure for obtaining inspection and certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of such lot borne by the importer.

Dated: April 30, 1985.

Thomas R. Clark,

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

[FR Doc. 85–10847 Filed 5–2–85; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

Elimination of Review of Financial Qualifications of Electric Utilities in Operating License Review and Hearings for Nuclear Power Plants; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: Correction.

SUMMARY: This document corrects a final rule eliminating financial qualification review and findings for electric utilities that are applying for operating licenses for utilization facilities if the utility is a regulated public utility or is authorized to set its own rates. The final rule also reinstates a requirement for financial qualification review and findings for electric utilities which are applying for construction permits. This action is necessary in order to correct an inadvertent omission which could prevent the effectuation of one of the stated purposes of the rule: to reinstate a requirement for financial qualification review and findings for electric utility applicants for construction permits.

EFFECTIVE DATE: October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Carole F. Kagan, Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (202) 634–1493.

SUPPLEMENTARY INFORMATION: Accordingly, the following corrections are made in the document published on September 12, 1984 (49 FR 35747).

PART 2—[AMENDED]

1. On page 35752, § 2.104, (b)(1)(iii) is corrected to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(b) * * *

(1) * * *

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

* * * * *

2. On page 35752, 10 CFR Part 2, Appendix A, VI.(c)(1)(iii) is corrected to read as follows:

* * * * *

VI. Posthearing Proceedings, Including the Initial Decision

* * * * *

(c) * * *

(1) * * *

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

* * * * *

PART 50—[AMENDED]

3. On page 35753, 10 CFR Part 50, Appendix C I.A.2. is corrected to read as follows:

* * * * *

I. * * *

A. * * *

2. *Source of construction funds.* The application should include a brief statement of the applicant's general financial plan for financing the cost of the facility, indentifying the source or sources upon which the applicant relies for the necessary construction funds, e.g., internal sources such as undistributed earnings and depreciation accruals, or external sources such as borrowings.

* * * * *

4. On page 35754, 10 CFR Part 50, Appendix C is corrected by adding items III. and IV. to read as follows:

III. Annual Financial Statement

Each holder of a construction permit for a production or utilization facility of a type described in § 50.21(b) or § 50.22, or a testing facility is required by § 50.71(b) to file its annual financial report with the Commission at the time of issuance thereof. This requirement does not apply to licensees or holders of construction permits for medical and research reactors.

IV. Additional Information

The Commission may, from time to time, request the applicant, whether an established organization or newly formed entity, to submit additional or more detailed information respecting its financial arrangements and status of funds if such information is deemed necessary to enable the Commission to determine an applicant's financial qualifications for the license.

5. On page 35754, 10 CFR Part 50, Appendix M 4.(b) is corrected to read as follows:

* * * * *

4. * * *

(b) The financial information submitted pursuant to § 50.33(f) and Appendix C shall be directed at a demonstration of the financial qualifications of the applicant for the manufacturing license to carry out the manufacturing activity for which the license is sought.

* * * * *

Dated at Washington, DC, this 29th day of April 1985.

For the Nuclear Regulatory Commission.

Martin G. Malsch,

Deputy General Counsel.

[FR Doc. 85-10691 Filed 5-2-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-40-AD; Amdt. 39-5056]

Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes Equipped With Rolls Royce RB211-22B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an interim revision to the FAA approved Airplane Flight Manual (AFM) on Lockheed L-1011 series airplanes equipped with RB211-22B engines. This action is prompted by a recent incident of an undetected fire which originated within the gearbox. The accessory gearbox is located at the front bottom outer surface of the engine fan case inside the engine fan case fire zone. Until appropriate corrective actions/modifications are provided by the manufacturer, the AFM revision is required to minimize and contain the potential fire hazard caused by heat damage to the flex fuel feed line from an undetected gearbox fire.

DATE: Effective May 20, 1985.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Ken Izumikawa, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: Recently, during cruise, an operator of a Lockheed L-1011 airplane experienced a rapid decrease of engine oil quantity indication from the No. 2 engine. The engine was shutdown by turning off the fuel and ignition switch. The rapid oil loss was caused by an internal accessory gearbox fire which originated from a failed bearing. Fire damage to the gearbox and oil breather line allowed the fire to spread outside the gearbox and impinge on an adjacent fuel line. There was no fire warning due to the localized concentration of the fire. Fuel, under pressure from the fire-damaged flex fuel supply line, continued to feed the undetected fire after the engine had been shut down. After landing, ground observers reported flames coming from the No. 2 engine upper left cowling, and the fire was extinguished by the fire department.

Since this incident occurred, the FAA has learned of eight other gearbox fires caused by failed bearings. Seven of the total fires were contained within the gearbox.

The requirements of this AD are intended only as interim procedures until follow-on regulatory action can be accomplished with respect to the following manufacturer-proposed terminating corrective actions:

A. Extension of the fire detector loop to an area above the gearbox heat zone;

B. Installation of a protective heatshield cover around the No 2 engine position flex fuel supply line;

C. Modification of the gearbox breather tube assembly, replacing the aluminum sections with steel and the flex section with fire-resistant material; and

D. Rewiring of the circuitry of the fire shutoff valve on the No. 2 engine position to close in conjunction with the

off position of the fuel and ignition switch.

The FAA will also consider additional mandatory actions as deemed necessary in the interests of safety.

Since this situation is likely to exist or develop on other airplanes of the same type design, this airworthiness directive is required as an interim action to prevent re-occurrence by revising the AFM emergency inflight shutdown procedure whenever there is a rapid decrease of engine oil quantity indication.

Further, since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

Lockheed-California Company: Applies to Lockheed Model L-1011 series airplanes equipped with RB211-22B engines, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To minimize the potential fire hazard in the event of fire damage to the engine fuel supply line from uncontained gearbox fires, accomplish the following:

A. Revise the FAA approved Airplane Flight Manual (AFM), LR-25925, within 15 calendar days after receipt of this airworthiness directive by incorporation of the emergency engine inflight shutdown procedure whenever there is a rapid decrease of engine oil quantity indication, as follows:

Section 2—Emergencies

Rapidly Decreasing Engine Oil Quantity Indication.

If engine oil quantity indication decreases at an abnormally high rate requiring engine shutdown, assume a failure exists in the accessory gearbox and shutdown the engine as follows:

Throttle	close
Fuel and ignition switch	close
Fuel tank valve	close

Note.—If APU is required, and the No. 2 engine has been shutdown, pull circuit breakers 1L16 and 1L17 to protect hydraulic pump, then pull No. 2 engine fire handle, then open No. 2 tank valve. (If hydraulic quantity decreases, reset CB 1L16 and 1L17 to isolate hydraulic pump and stop fluid loss).

B. A copy of this AD inserted in the AFM may be considered as an acceptable means of compliance.

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

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

This Amendment becomes effective May 20, 1985.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 29, 1985.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10845 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-42-AD; Amdt. 39-5057]

Airworthiness Directives; Boeing Model 767-200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Boeing Model 767-200 airplanes. The AD requires replacement of the horizontal stabilizer inner pivot pins with improved inner pivot pins, and inspection of the horizontal stabilizer outer pivot pins for cracks. This action is prompted by the discovery that a number of these parts were improperly manufactured. The failure of one pin on the major fatigue test article for the Model 767 was attributed to improper manufacture. The failure of an inner and outer pin at the same joint would compromise the structural integrity of the horizontal stabilizer support structure and could ultimately result in loss of airplane control.

EFFECTIVE DATE: May 20, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Yarges, Airframe Branch, ANM-120S; telephone (206) 431-2925. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Boeing Model 767 horizontal stabilizer pivot pins form part of two hinged joints (right hand and left hand sides of the airplane with a common axis) that connect the horizontal stabilizer and the airplane aft body structure. Each joint is fail-safe in design concept, having an inner and outer pivot pin; however, manufacturing defects have been found on both pins. Complete failure of either of these joints would seriously jeopardize the pilot's ability to control the airplane.

During the teardown inspection of the Model 767 fatigue test airframe, which had completed 100,000 simulated flight-cycles of testing, a horizontal stabilizer right hand outer pivot pin was found to be completely fractured.

Metallurgical inspection of the broken pin indicated that the break was initiated by fatigue from surface damage caused by improper grinding during manufacture. The crack was propagated by cyclic loading. Evidence of grinding damage has been found on eight out of thirteen outer and inner pins (as manufactured) which have been inspected, and it is highly likely that other damaged pins exist on airplanes in service.

Due to corrosion damage of the fracture surface, neither the time of crack initiation nor the time of final fracture could be established. An analysis has been made of the time for crack propagation and this has been used in establishing compliance times for this AD.

Undetected pin cracking and inner pin corrosion would eventually compromise the fail-safe design of the joint.

The Boeing Company has designed improved pins for replacement which will minimize the possibility of manufacturing defects reoccurring.

The Boeing Company has published Service Bulletin 767-55-0005, dated March 29, 1985, which specifies inspections and/or modifications necessary to ensure the structural integrity of the pivot pin installation. Some airplanes have nearly reached the inspection threshold (6000 landings) specified in the service bulletin.

Since this condition is likely to exist or develop on other airplanes of this same type design, the FAA has determined that an AD is necessary which requires inspections and modifications that will maintain the structural integrity of the pivot pins.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

Boeing: Applies to all Model 767-200 airplanes, certificated in all categories, listed in Boeing Service Bulletin 767-55-0005, dated March 29, 1985. This AD is required to detect or avert cracked horizontal stabilizer pivot pins, which could fail during flight, resulting in a reduction in the controllability of the airplane.

Unless already accomplished, accomplish the following prior to the accumulation of 6,000 total landings, or within 200 landings after the effective date of this AD, whichever occurs later, in accordance with Boeing Service Bulletin 767-55-0005, dated March 29, 1985, or later FAA approved revision:

A. Remove the horizontal stabilizer inner pivot pins and ultrasonically inspect the outer pins for cracks.

B. If an outer pivot pin is found cracked, replace it with an improved outer pivot pin before further flight.

C. Replace the inner pivot pins with improved inner pivot pins, whether or not cracks are found in the outer pin.

D. If no cracks are found in the outer pivot pin, the joint must be reassembled with a new inner pivot pin and the existing outer pivot pin must thereafter be reinspected at intervals not to exceed 12,000 landings.

Terminating action for the repeat inspections of the outer pivot pin consists of replacing the existing outer pivot pin with an improved outer pivot pin, in accordance with Boeing Service Bulletin 767-55-0005 dated March 29, 1985, or later FAA approved revision.

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

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

This amendment becomes effective May 20, 1985.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 29, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10845 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-103-AD; Amdt. 39-5051]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires inspection and replacement, as required, of the engine pylon and spar attach bolts (fuse pins) on certain Boeing Model 747 airplanes. This amendment eliminates the reporting requirements specified in the existing AD because they are no longer necessary and, in addition, corrects an error in the Service Bulletin reference.

EFFECTIVE DATE: June 4, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to further amend an existing airworthiness directive to delete a reporting requirement which is no longer necessary, and to correct an editorial error, was published in the **Federal Register** on February 14, 1985 (50 FR 6188). The comment period for the proposal closed on February 26, 1985.

Interested persons have been afforded an opportunity to participate in the making of this AD. One comment was received and the commenter supported the proposed amendment in its entirety.

Inasmuch as this amendment merely corrects an editorial error and deletes a reporting requirement which is no longer necessary, it will not impose any additional regulatory or economic burden on any person.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,

1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-3529 (44 FR 47924; August 16, 1979), AD 79-17-04, as amended by Amendment 39-4335 (47 FR 9812; March 8, 1982), as follows:

1. Delete paragraph F.; and

2. Revise the reference to the service bulletin in the introductory paragraph to read "747-54-2063."

Effective date: June 4, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10740 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-114-AD; Amdt. 39-5052]

Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Airbus Industrie Model A300 B2 and B4 series airplanes which requires inspection of the shims at the flap track/beam No. 2 attachment for damage and replacement of the bolts. Loose bolts have been found in this structure which could result in bolt failure. This condition can lead to flap asymmetry and create a hazardous flight condition.

EFFECTIVE DATE: June 4, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Airbus Industrie, Airbus Support Division, Centreda, Avenue Didier Daurat, 31700 Blagnac, France, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The French Civil Aviation Authority (DGAC) has issued a Consigne de Navigabilité which mandates compliance with the requirements of Airbus Industrie Service Bulletin A300-57-107.

Bolts have been found loose at the flap track/beam No. 2 rear attachment to the wing. Loose bolts may be the result of sealant extrusion under flight loads, causing reduction in bolt tension. Loose bolts will result in fretting between the flap track/beam rear attachment packing block and wing bottom skin, causing a rapid reduction in fatigue life of the bolts due to ground loads. Bolt failure can cause loss of flap track/beam support leading to flap asymmetry and creating a potentially hazardous flight condition. The service bulletin prescribes inspection of the shims at the flap track/beam No. 2 rear attachment for damage and replacement of four titanium bolts and nuts with new steel bolts and nuts.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires the action mentioned above was published in the **Federal Register** on January 15, 1985, (50 FR 2059). The comment period closed March 5, 1985, and interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were received. The manufacturer indicated that Paragraph A. of the proposed amendment should be revised to emphasize the minimum allowable bolt torque as specified in the service bulletin, and the requirement to replace bolts not meeting the minimum torque. The FAA has determined that this requirement exists in the referenced service bulletin, and therefore, the final rule can be revised accordingly without increasing the scope of the AD. The other commenter concurred with the proposal.

It is estimated that 24 U.S. registered airplanes will be affected by this AD, that it will take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Repair parts are estimated at $1,500 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $49,440.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Airbus Industrie Model A300 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Airbus Industrie: Applies to Model A300 B2 and B4 series airplanes listed in Airbus Industrie Service Bulletin A300-57-107, Revision 2, dated July 15, 1982, certificated in all categories. To prevent flap asymmetry, within 120 days after the effective date of this airworthiness directive (AD) accomplish the following, unless previously accomplished:

A. Inspect the shims at the flap track/beam No. 2 rear attachment for damage and replace the four titanium bolts with steel bolts in accordance with the accomplishment instructions of the service bulletin. If the shims are found to be damaged or displaced, repeat the inspection of the new bolts at intervals not to exceed 2,500 landings. Any bolt for which the torque is found to be less than 350 inch-pounds must be replaced before further flight.

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

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective June 4, 1985.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10741 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-115-AD; Amdt. 39-5053]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to British Aerospace Model BAC 1-11 200 and 400 series airplanes which requires inspection of a certain area of the lower fuselage skin for cracks or corrosion. This action deletes the requirement for removal of the long range fuel tanks or water injection tanks during this inspection.

EFFECTIVE DATE: June 4, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 12414, Dulles International Airport, Washington, D.C. 20041. This information may also be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircarft Certification Branch, ANM-150S; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The FAA issued AD 83-24-10, Amendment 39-4780 (48 FR 55108, December 9, 1983), which requires inspection of the lower fuselage skin in the area covered by the forward and rear underwing fairings for cracks or corrosion, and repair, as necessary. The manufacturer had submitted substantive comments to the NPRM preceding AD 83-24-10; however, those comments were inadvertently misdirected and did not reach the docket for consideration during the writing of the final rule. In those comments, the manufacturer did not agree with paragraph B. of the NPRM, which required removal of long range fuel tanks on certain airplanes before performing the inspections.

A proposal to amend Part 39 of the Federal Aviation Regulations by amending AD 83-24-10 to delete the requirement to remove the long range fuel tanks before performing the fuselage inspections was published in the **Federal Register** on January 22, 1985 (50 FR 2824). The comment period closed on March 11, 1985, and interested persons have been afforded an opportunity to participate in the making of this amendment. The only comment received concurred with the proposal.

This amendment deletes an inspection requirement that has been determined to be unnecessary and imposes no additional economic burden on any person.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, British Aerospace Model BAC 1-11 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising Paragraph B. of Amendment 39-4780 (48 FR 55108, December 9, 1983), AD 83-24-10, to read as follows:

B. On airplanes having long range fuel tanks or water injection tanks installed, accomplish the instructions of paragraph 2.1.3 of the service bulletin.

This amendment becomes effective June 4, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10742 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket 85-ASO-5]

Designation of Transition Area, Tarboro, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate the Tarboro, North Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at Tarboro-Edgecombe Airport. This action lowers the base of controlled airspace, in the vicinity of the airport, from 1,200 to 700 feet above the surface. An instrument approach procedure, predicated on the Tar River VORTAC, is being developed to serve the airport and the additional controlled airspace is required for protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 GMT, August 1, 1985.

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:

History

On Tuesday, February 26, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating the Tarboro, North Carolina, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Tarboro-Edgecombe Airport (49 FR 7796). The operating status of the Tarboro-Edgecombe Airport is changed to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in

FAA Order 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Tarboro, North Carolina, transition area and lowers the base of controlled airspace, the vicinity of Tarboro-Edgecombe Airport, from 1,200 to 700 feet above the surface.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Tarboro, North Carolina, transition area is designated under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) as follows:

Tarboro, NC—[New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tarboro-Edgecombe Airport (Lat. 35°57'00" N., Long. 77°33'00" W.).

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

Issued in East Point, Georgia, on April 19, 1985.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 85-10746 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ANM-6]

Removal of the Rifle, CO Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The Rifle, Colorado, transition area was established to ensure segregation of aircraft operating in instrument weather conditions, and other aircraft operating in visual weather conditions. It was established in anticipation of instrument approach procedures to the Garfield County Airport using the Rifle NDB. However, the Rifle NDB has failed certification tests despite efforts to correct the deficiencies and approach procedures cannot be authorized. Therefore, the transition area is no longer necessary.

EFFECTIVE DATE: 0901, GMT: August 1, 1985.

FOR FURTHER INFORMATION CONTACT: Art Corwin, Airspace and Procedures Specialist, ANM-532, FAA, Northwest Mountain Region—Docket No. 85-ANM-6, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, the telephone number is (206) 431-2532.

SUPPLEMENTARY INFORMATION:

History

On March 5, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to remove the Rifle, Colorado, transition area and thereby release that airspace below 1,200 feet above the ground level for other than instrument weather operations (50 FR 8739).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will remove the Rifle, Colorado, transition area and thereby release that airspace below 1,200 feet above ground level for other than instrument weather operations.

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

List of Subjects in 14 CFR Part 71

Transition areas/aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Subpart G, § 71.81, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

Rifle, Colorado, Transition Area—[Removed]

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

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10747 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 379 and 399

[Docket No. 50465-5065]

Amendments To Export Controls on Software and Electronic Computers

Correction

In FR Doc. 85-10288 beginning on page 16468 in the issue of Friday, April 26, 1985, make the following correction: On page 16468, in the third column, in the first line of the "**SUMMARY**", "delegates" should read "deletes".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 4 and 140

Commodity Pool Operators; Exclusion for Certain Otherwise Regulated Persons From the Definition of the Term "Commodity Pool Operator"; Other Regulatory Requirements

Correction

In FR Doc. 85-9730 beginning on page 15868 in the issue of Tuesday, April 23, 1985, make the following corrections.

1. On page 15876, third column, in the next to last line of footnote 55, "offset of the contract may be prudent." should have read "offset of the contract may not be prudent."

§ 4.5 [Corrected]

2. On page 15883, first column, the second line of § 4.5(c)(1)(iv) should have read "paragraph (b) of this section pursuant to".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. 80F-0368]

Irradiation in the Production, Processing, and Handling of Food; Response to Submissions

Correction

In FR Doc. 85-9454 appearing on page 15417 in the issue of Thursday, April 18, 1985, make the following correction: In the second column, in the ninth line, "kiloGary" should read "kiloGray".

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Cadco, Inc., providing for manufacturing 5-gram-per-pound tylosin premixes. The premixes are used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Monies, IA 50322, is sponsor of a supplement to NADA 91-783 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of 5-gram-per-pound tylosin premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the regulations are amended to reflect the approval.

The firm presently holds an approval for the manufacture of a 40-gram-per-pound tylosin premix for such use. The basis for approval of the 5-gram-per-pound premix is the same as for the approval of the 40-gram-per-pound premix. The supplement to NADA 91-783 providing for the 40-gram-per-pound premix was approved by a final rule published in the **Federal Register** of July 26, 1983 (48 FR 33865). The freedom of information summary made available under the provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), which consisted of a summary of safety and effectiveness data and information submitted to support approval of the previous approval for the 40-gram-per-pound premix, applies also to this application and may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b), unless otherwise noted.

2. In § 558.625 by revising paragraph (b)(4) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(4) To No. 011490: 4 and 8 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 5, 10, 20, and 40 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date. May 3, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 26, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-10749 Filed 5-2-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for International Nutrition, Inc., providing for the manufacture of a 5-gram-per-pound tylosin premix and for additional claims for a 10-gram-per-pound tylosin premix. The premixes are used to make complete feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: International Nutrition, Inc., 6664 L St., Omaha, NE 68117, is the sponsor of a supplement to NADA 95-551 submitted on its behalf by Elanco Products Co. The supplement provides for the manufacture of 5- and 10-gram-per-pound premixes subsequently used to make complete feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for Part 558 is revised to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b), unless otherwise noted.

2. In § 558.625 by revising paragraph (b)(3) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(3) To 043733: 4 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 5, 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. May 3, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated April 26, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-10750 Filed 5-2-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Dale Alley Co., providing for manufacturing 5- and 20-gram-per-pound tylosin premixes. The premixes are used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1414.

SUPPLEMENTARY INFORMATION: Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, MO 64502, is sponsor of a supplement to NADA 96–512 submitted on its behalf by Elanco Products Co. The supplement provides for making 5- and 20-gram-per-pound tylosin premixes for subsequent addition to beef cattle, chickens, and swine feeds for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b), unless otherwise noted.

2. In § 558.625 by revising paragraph (b)(50) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(50) To No. 018083: 4 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 5, 8, 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date: May 3, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: April 26, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-10748 Filed 5-2-85; 8:45 am]

BILLING CODE 4160-01-M

AFRICAN DEVELOPMENT FOUNDATION

22 CFR Part 1501

Central Organization of the Foundation

AGENCY: African Development Foundation.

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Freedom of Information Act, this rule describes the central organization of the African Development Foundation, and the office and location at which the public may obtain information, make submittals or requests, or obtain decisions regarding the operations of the Foundation.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Magid, General Counsel, (202) 634–9853.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The African Development Foundation has determined that this rule is related to internal agency organization and is therefore not subject to OMB E.O. 12291 review.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the public.

Regulatory Flexibility Act of 1980

The President of the Foundation certifies that this rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 22 CFR Part 1501

Organizations and functions (Government agencies).

Accordingly, Part 1501 is added to 22 CFR Chapter XV to read as follows:

PART 1501—ORGANIZATION

Substantive Rule of General Applicability

Sec.
1501.1 Introduction.
1501.2 Background.
1501.3 Description of central organization and location of offices.
1501.4 Availability of information pertaining to Foundation operations.
1501.5 Substantive rules of general applicability.

Authority: 22 U.S.C. 290h, 5 U.S.C. 552.

Substantive Rule of General Applicability

§ 1501.1 Introduction.

The regulations of this part are issued pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. 552.

§ 1501.2 Background.

(a) The African Development Foundation ("ADF") is a wholly-owned corporation of the United States Government, created by the African Development Foundation Act (Title V, Pub. L. 96–533, 94 Stat. 3151 (22 U.S.C. 290h)). It is a non-profit, non-stock issuing, tax-exempt corporation, and is subject to Title I of the Government Corporation Control Act (31 U.S.C. 9101 et seq.).

(b) The primary function of ADF is to extend financial assistance in the form of grants, loans and loan guarantees to African private and public entities to support self-help activities at the local level in African countries, and to fund development research by Africans. Priority shall be given to projects which community groups undertake to foster their own development and which involve maximum feasible participation of the poor. The maximum assistance which may be extended for a single project is $250,000.

§ 1501.3 Description of central organization and location of offices.

(a) The management of ADF is vested in a Board of Directors (hereinafter referred to as the "Board") consisting of a Chairperson, a Vice Chairperson and five other members appointed by the President, by and with the advice and consent of the Senate. Five of the members are appointed from private life and two from among the officers and employees of agencies of the United States concerned with African affairs. The Board establishes policy for the Foundation and is responsible for its management.

(b) The Board is required to appoint a President of the Foundation upon such terms as it may determine. The President has responsibility for directing the day to day activities of the Foundation. He is assisted by a Vice President, a Congressional liaison officer, a Public Affairs officer, a General Counsel, and the following staff units:

(1) *Office of Administration and Finance.* This office is responsible for the management of the administrative, budgeting, financial and personnel activities of the Foundation.

(2) *Office of Research and Evaluation.* This office is responsible for evaluating, or assisting grantees to evaluate, ADF funded projects; for monitoring evaluations and analyses of grassroots projects conducted by other funding or research organizations; and for identifying and providing assistance to indigenous researchers in Africa working in development projects at the local level.

(3) *Office of Program and Field Operations.* This office is responsible for identifying, reviewing and monitoring projects funded by the Foundation.

(c) The Board is also required to establish an Advisory Council made up of individuals knowledgeable about development activities in Africa, and to consult with the Council at least once each year. The Council shall have not more than 25 members appointed for a period of two years with an option to be reappointed for an additional year.

(d) The Board of Directors and the aforementioned officers, together with the other employees of the Foundation, constitute the central organization of ADF, and are located and function at ADF headquarters, 1724 Massachusetts Avenue NW., Suite 200, Washington, D.C. 20036. It is anticipated that in the future a field organization will be established with offices in selected cities in Africa, but this has not yet occurred.

§ 1501.4 Availability of information pertaining to Foundation Operations.

Rules of procedure and forms used for the funding of ADF projects may be obtained upon application to the Office of Program and Field Operations at ADF headquarters, 1724 Massachusetts Avenue NW., Suite 200, Washington, D.C. 20036.

§ 1501.5 Substantive rules of general applicability.

ADF's regulations published under the provisions of the Administrative Procedure Act are found in Chapter XV of Title 22 of the Code of Federal Regulations and the **Federal Register.** These regulations are supplemented from time to time by amendments appearing initially in the **Federal Register.**

Dated: April 25, 1985.

Leonard H. Robinson, Jr.,

President, African Development Foundation.

[FR Doc. 85–10697 Filed 5–2–85; 8:45 am]

BILLING CODE 6117–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8014]

Income Tax—Energy Investment Credit for Leased Qualified Intercity Buses

Correction

In FR Doc. 85–7022, beginning on page 11852, in the issue of Tuesday, March 26, 1985, make the following correction:

On page 11853, second column, in the first line of the amendatory language, "Section 1.48–9(g)(8)" should have read "Section 1.48–9(q)(8)".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[OPTS–82020; FRL–2828–8]

Chemical Information Rules; Health and Safety Data Reporting Urea-Formaldehyde Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding the chemical substances known generically as urea-formaldehyde resins (UF resins) to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information rule (PAIR). EPA is also adding UF resins to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of TSCA. The specific chemicals subject to these rules are: urea, polymer with formaldehyde (CAS Number 9011–05–6), and urea, reaction product with formaldehyde (CAS Number 68611–64–3). Thirty days after publication of this rule, UF resins will become subject to 40 CFR Parts 712 and 716.

EFFECTIVE DATE: This regulation becomes effective on June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of

Toxic Substances, Environmental Protection Agency, Room E-543, 401 M Street SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Numbers 2000-0420 and 2070-0004.

I. Background

A. Statutory Framework

EPA believes that the Interagency Testing Committee (ITC) designation of methylolurea in its Twelfth Report was actually a recommendation to test UF resins. The substance investigated by the ITC was a material referred to as "methylolurea", but was in fact a brand of UF resin. EPA is therefore considering UF resins to be the substance designated by the ITC.

Under section 8(a) of TSCA, EPA issued PAIR, which was published in the **Federal Register** of June 22, 1982 (47 FR 26992), for reporting by chemical manufacturers. Those companies which manufactured, produced, or imported one of the approximately 250 chemical substances listed were to report general production, use, and exposure data to the Agency by November 19, 1982. This rule is codified at 40 CFR Part 712. An amendment to the rule, published in the **Federal Register** of May 11, 1983 (48 FR 21294), added 40 CFR 712.30(c) which provides that chemicals designated by the ITC may be made subject to the rule by publication of a regulation to that effect in the **Federal Register.**

EPA issued regulations under section 8(d) of TSCA, which were published in the **Federal Register** of September 2, 1982 (47 FR 38780), to require submission of lists and copies of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. Other persons in possession of such studies may be asked to submit them on a voluntary basis. The rule established standardized reporting requirements and provides for amending the list of chemicals subject to the rule. This rule is codified at 40 CFR Part 716. Section 716.18(b) of the rule provides that chemicals designated by the ITC for testing consideration may be made subject to the rule by the publication of a regulation to that effect in the **Federal Register.**

B. Reason for Identifying UF Resins

The ITC, in its Twelfth Report to the Administrator of EPA, published in the **Federal Register** of June 1, 1983 (48 FR 24443), recommended that methylolurea be considered for health effects testing. EPA issued rules adding the chemical methylolurea (CAS Number 1000-82-4) to 40 CFR Part 712 on June 22, 1983 (48 FR 28443) and to 40 CFR Part 716 on June 1, 1983 (48 FR 24366). It was apparent to EPA from submissions received under these rules that the methylolurea product reported on was actually a brand of UF resin.

The ITC's recommendation was based on the misconception that methylolurea is a monomer used in the production of UF resins and controlled release fertilizers. Actually the product "methylolurea", which the ITC identified on the TSCA Inventory, and based its recommendations on, is not the isolated monomer methylolurea but a UF resin product.

Urea-formaldehyde resins are the products which result when urea and formaldehyde are combined in aqueous solution. The components of UF resins are the monomeric and oligomeric reaction products of urea and formaldehyde. Methylolurea is one of many reaction products formed, all of which coexist in a dynamic equilibrium.

Although the ITC Report gives specific data for the chemical species methylolurea, the CAS Number (1000-82-4) given actually refers to material which is a reaction product of urea and formaldehyde, and not the chemical species methylolurea. This "methylolurea" product is indistinguishable from other UF resins. A representative of one of the companies which reported manufacturing methylolurea to the TSCA Inventory stated that the particular product it reported as "methylolurea" does not contain analytically detectable levels of the chemical species methylolurea, and that "methylolurea" was a sales term for certain UF resins.

In addition, the ITC's testing recommendation was based on the positive results observed in two genotoxicity studies which were conducted on a material called UF precondensate (another term for a UF resin). The ITC referred to this material as "methylolurea". Because the ITC actually evaluated a UF resin product and based its recommendation on tests conducted on UF resins, EPA believes the ITC recommendation was actually a recommendation to test UF resins.

EPA issued an Advance Notice of Proposed Rulemaking (ANPR) which was published in the **Federal Register** of May 21, 1984 (49 FR 21371), stating EPA's tentative conclusion that health effects testing for UF resins is warranted under section 4(a) of TSCA. The ANPR met EPA's statutory requirement under section 4(e) of TSCA to initiate a rulemaking under section 4(a) of TSCA for ITC designated substances within 1 year of designation. In that ANPR, EPA stated the belief that the ITC recommendation to test methylolurea was in fact a recommendation to test UF resins. Seven persons submitted comments on that ANPR. None of the comments disagreed that the ITC's designation of methylolurea was a designation of UF resins. One comment agreed with EPA's conclusion, stating "* * * the ITC's designation of methylolurea was imprecise, in that methylolurea exists as an unisolated intermediate in the production of urea-formaldehyde (UF) resins."

C. Reasons for Proposing This Rule

In the May 21, 1984 ANPR, EPA solicited data on exposure, production, and environmental release levels of UF resins. One of the commenters submitted a study it sponsored on occupational exposure to uncured UF resins in seven industries. At the present time, EPA believes that the results summarized in this occupational exposure study provide sufficient information on most routes of worker exposure to UF resins at UF resin manufacturer and processor sites. However, the report does not contain sufficient information on production and environmental release levels of UF resins at manufacturing and importing facilities to allow the Agency to fully evaluate all possible routes of exposure to UF resins. In the ANPR, EPA indicated that it was considering developing a regulation under section 8(a) of TSCA if adequate exposure data were not received in response to the ANPR. Because sufficient data on production and environmental release at UF resin importing and manufacturing facilities were not received, EPA is requiring reporting under TSCA section 8(a) from manufacturers and importers of UF resins.

EPA also solicited data on the health effects, chemical fate, and environmental fate of UF resins in the May 21, 1984 ANPR. The Agency indicated that it was considering developing a regulation under section 8(d) of TSCA if sufficient health and safety data were not received. In response to that request for data, the Agency received only a few reports, and the majority of these reports were reprints or abstracts of articles in the published literature. These data are insufficient for the Agency to evaluate the health and environmental characteristics of UF resins. Therefore, EPA is now requiring reporting of all unpublished health and safety data on

UF resins from chemical manufacturers and processors under section 8(d) of TSCA.

II. Chemicals To Be Added

The chemicals for which reporting is required under this rule are as follows:

CAS No.	Name
9011-05-6	Urea, polymer with formaldehyde.
68611-64-3	Urea, reaction product with formaldehyde.

Synonyms listed in the TSCA Inventory for the chemical substance identified by CAS Number 9011-05-6 include: Methylolurea resin, urea-formaldehyde adduct, urea-formaldehyde condensate, urea-formaldehyde copolymer, urea-formaldehyde polymer, urea-formaldehyde precondensate, urea-formaldehyde prepolymer, urea-formaldehyde resin, urea-formaldehye resin UST, and urea-paraformaldehyde polymer. There are no known names for UF resin identified by CAS Number 68611-64-3 other than urea, reaction product with formaldehyde. The manufacture or import of a urea-formaldehyde resin not listed on the Inventory requires the submission of a premanufacture notice under section 5(a)(1) of TSCA.

III. Reporting Requirements

All persons who manufactured or imported a urea-formaldehyde resin during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturers Report (EPA Form No. 7710-35) for each importing or manufacturing site which produces a subject chemical substance. A separate form must be completed for each UF resin, if more than one type of resin is produced, and submitted to the Agency no later than August 1, 1985. Copies of the form are available from the TSCA Assistance Office at the address given above.

Manufacturers who qualify as small with respect to the previously prescribed standards are exempt from this rule under 40 CFR 712.25(c).

Under § 712.30(a)(3) of the Preliminary Assessment Information rule, a company which has voluntarily submitted a Manufacturer's Report to the ITC will be allowed to submit a copy of the original report to EPA. Also under § 712.30(a)(3), persons who previously and voluntarily provided EPA with a Manufacturer's Report on a urea-formaldehyde resin listed in § 712.30(a) must notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission and must follow all other procedures outlined in that section.

This regulation adding UF resins to 40 CFR 716.17 constitutes the notice required by 40 CFR 716.18(b). That paragraph states that substances and designated mixtures designated by the ITC for testing consideration become subject to the section 8(d) rule 30 days after publication in the **Federal Register**. On June 30, 1985, UF resins will become subject to 40 CFR Part 716, Subpart A.

At that time, persons who have manufactured or processed, or have proposed to manufacture or process UF resins during the ten year period ending June 3, 1985 will be required to submit to EPA copies of unpublished health and safety studies in their possession. Persons manufacturing or processing or proposing to manufacture or process UF resins as of June 3, 1985 must submit to EPA lists of all health and safety studies that are ongoing at that date. Persons who initiate studies after August 1, 1985 must notify EPA within 30 days of initiating the study, and submit a copy of the study to the Agency when the study is completed. Copies of studies and lists must be submitted to EPA no later than August 1, 1985.

Any person who believes that reporting on a chemical is unnecessary should promptly submit to the Agency the reasons in detail for that belief. The chemical may then be removed from the rule at the Agency's discretion for good cause. When withdrawing a chemical from the rule, the Agency will issue a rule amendment for publication in the **Federal Register**.

IV. Release of Aggregate Data

The Agency will follow the procedures for release of aggregate data and requesting exemptions from release of aggregate statistics as prescribed in the rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Requests for exemptions from release of aggregate data for any substance must be received by EPA no later than August 1, 1985.

V. Economic Impact

A. Preliminary Assessment Information Rule

Employing the analysis prepared for the Preliminary Assessment Information rule published in the **Federal Register** of June 22, 1982, as well as other relevant data, the Agency has estimated the impact of the addition of these chemicals on the firms that must report and upon the Agency in terms of data processing costs.

The Agency used the TSCA Inventory and other published material to generate a list of manufacturers and importers of the subject chemicals. After excluding small manufacturers, 104 companies operating 166 sites were identified as manufacturers or importers of UF resins.

The costs for reporting are broken down as follows:

Reporting Cost (dollars)	
(a) 166 reports expected at $707 per report	$117,400
(b) 166 familiarization cases at $590 per case	97,900
Total	215,300
Average cost per site equals	1,300
Average cost per firm equals	2,100
Reporting Burden (hours)	
(a) Familiarization (18 hours per site times 166 sites)	2,900
(b) Reporting (16 hours per report times 166 reports)	2,660
Total	5,650
EPA Cost (dollars)	
Processing cost ($80 per report times 166 reports)	13,200

B. Health and Safety Rule

EPA estimates that submitting the required data on UF resins will cost industry approximately $57,000. This estimate is based on an expected maximum of 324 firms (manufacturers, importers, and processors) who may be subject to the rule and who will need to perform an initial review to determine if they are subject to the rule. Based upon previous section 8(d) submissions, EPA expects that only 5 of these firms will in fact be subject to the section 8(d) rule, and that these 5 firms will submit a total of 5 lists of studies and 44 copies of studies. EPA's estimate for ongoing reporting is one study for one firm for each year.

The costs for reporting are broken down as follows:

Initial review (324 firms)	$49,248
Corporate review (5 firms)	1,140
File search (5 firms)	2,205
Title listing (5 firms)	95
Photocopying (5 firms)	453
Managerial review (5 firms)	3,344
Ongoing reporting (1 firm)	456
Total	$56,941

VI. Rulemaking Record

EPA has established a public record (docket number OPTS-82020) for this rulemaking document. All documents, including the index to this public record, are available for inspection in the OTS Reading Room, Rm. E-107, 401 M Street SW., Washington, D.C. from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. This record includes basic information considered in developing this rule.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget [OMB] for review, because the automatic listing of designated substances is provided for in 40 CFR 712.30(c) and 40 CFR 716.18(b). Those final rules have been previously reviewed by OMB under the terms of the Executive Order.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), EPA certifies that this rule will not have a significant impact on a substantial number of small businesses.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control numbers 2000-0420 and 2070-0004.

(Secs. 8(a) and 8(d), 90 Stat. 2027, 2029; 15 U.S.C. 2607 (a) and (d))

List of Subjects in 40 CFR Parts 712 and 716

Chemicals, Environmental protection, Health and safety data, Hazardous substances, Recordkeeping and reporting requirements.

Dated: April 23, 1985.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 712—[AMENDED]

Therefore, 40 CFR Chapter I is amended as follows:

1. The authority citation for Part 712 is revised to read as set forth below and the authority citation following § 712.30 is removed.

Authority: 15 U.S.C. 2601 *et seq.*

2. In Part 712, by adding § 712.30(n) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(n) A Preliminary Assessment Information Manufacturer's Report must be submitted by August 1, 1985, for each chemical substance listed in this paragraph.

CAS No.	Name
9011-05-6	Urea, polymer with formaldehyde.
68611-64-3	Urea, reaction product with formaldehyde.

* * * * *

3. The authority citation for Part 716 is revised to read as set forth below and the authority citation following § 716.17 is removed.

Authority: 15 U.S.C. 2607(d).

4. In Part 716, by adding § 716.17(a)(11) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(11) As of June 3, 1985, the following chemical substances are subject to this Subpart A.

CAS No.	Name
9011-05-6	Urea, polymer with formaldehyde.
68611-64-3	Urea, reaction product with formaldehyde.

* * * * *

[FR Doc. 85-10656 Filed 5-2-85; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 50, No. 86
Friday, May 3, 1985

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned Clingstone Peaches

Correction

In FR Doc. 85-9186, beginning on page 15160, in the issue of Wednesday, April 17, 1985, make the following correction:

1. On page 15162, the fourth line of the third column in § 52.2572(c)(1) should have read: " 'fairly good color': Provided, That in all containers".

2. On page 15166, in the first column, the next to the last line of § 52.2575(c)(1) should have read: "count: Provided, That the appearance or eating quality, or both, is not affected materially by the character of ".

3. On page 15166, second column, in the sixth line of § 52.2575(f) "standards" should have read "substandard".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 84-087]

Importation of Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The regulations governing the importation of animals and animal products provide, with certain exceptions, that birds imported from any part of the world shall be quarantined in the United States as a condition of entry into the United States. The quarantine requirements were established to help ensure that birds imported into the United States are free of communicable diseases and poultry. This document proposes to amend the regulations by establishing provisions to allow birds originating in the United States and the offspring from such birds to be imported into the United States from an approved breeding facility, without quarantine in the United States, under specified conditions. It appears that the provisions set forth in the proposal could be used in lieu of the quarantine provisions without increasing the risk of the introduction of communicable diseases of poultry into the United States.

DATE: Written comments must be received on or before June 3, 1985.

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

FOR FURTHER INFORMATION CONTACT: Dr. Samuel S. Richeson, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (referred to below as the regulations) contain provisions concerning the importation of birds into the United States. Section 92.11(e) of the regulations provides, with certain exceptions, that each lot of pet birds, commercial birds, zoological birds, or research birds imported from any part of the world shall be entered at certain ports and quarantained at a United States Department of Agriculture quarantine facility or at a privately-operated quarantine facility approved by the Deputy Administator for Veterinary Services. The quarantine requirements were established to help ensure that birds imported into the United States are free from exotic Newcastle disease, forms of avian influenza lethal to poultry, and other communicable diseases of poultry.

Persons associated with the commercial bird industry have requested that the Department establish regulations to allow birds to be imported into the United States without quarantine in the United States if from a closed breeding facility containing only birds that originated in the United States and the offspring from such birds.

This document proposes to amend the regulations by establishing provisions to allow birds originating in the United States and the offspring from such birds to be imported into the United States from an approved closed breeding facility, without quarantine in the United States, under specified conditions set forth in the rule portion of this document.

The proposal includes provisions designated to ensure that birds shipped from the United States to the closed breeding facility have originated in the United States, that the birds are free of communicable diseases of poultry at the time of shipment, that identification of the birds is maintained during shipment, and that the birds do not become infected with communicable diseases of poultry during shipment.

The proposal also includes provisions designed to ensure that an approved closed breeding facility contains only birds that originated in the United States or are offspring hatched in the facility, that the facility would be operated under conditions adequate to prevent the introduction into the facility of communicable diseases of poultry, that any communicable diseases of poultry that might be introduced into the facility would be quickly detected, that birds at the facility or during shipment from the facility to the United States do not become exposed to communicable diseases of poultry, and that the identification of the birds is maintained at the facility and during shipment to the United States. The requirements for an approved closed breeding facility are the same or similar to requirements for an approved privately operated bird quarantine facility in the United States. Differences reflect that requirements for an approved closed breeding facility are designed primarily to prevent the introduction of diseases into the facility while requirements for an approved privately operated bird quarantine facility in the United States are designed primarily to prevent the spread of disease from the facility.

The proposal also includes provisions stating that the operator of the facility shall bear the costs associated with the construction, maintenance and operation of the facility, and the costs of services relating to the facility provided

by Veterinary Services. In addition, the proposal includes provisions for obtaining approval of closed breeding facilities, and for denying or withdrawing approval of such facilities.

It appears that the provisions set forth in the rule portion of this document could be used in lieu of the quarantine provisions without increasing the risk of introduction of communicable diseases of poultry into the United States.

Also, it should be noted that the proposed regulations contain provisions for treating psittacine birds and other birds housed or shipped with psittacine birds with feed containing chlortetracycline (CTC). This is necessary as a preventive measure against chlamydiosis (psittacosis, ornithosis), a communicable disease of birds and poultry and also a disease which can be transmitted to humans. Although chlamydiosis can be spread to birds other than psittacine birds, psittacines are the primary carriers of the disease, and it appears that these proposed treatments would be adequate to protect against chlamydiosis.

Executive Order 12291 and Regulatory Flexibility Act

This proposed action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

If the proposed rule is adopted, the raising and selling of birds imported into the United States from closed breeding facilities would compete on the market with birds raised in the United States. It is anticipated that the number of birds imported into the United States from closed breeding facilities would be insignificant compared with the total number of similar types of birds raised and sold in the United States.

Accordingly, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, D.C. 20503. A duplicate copy of such comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Therefore, it is proposed to amend 9 CFR Part 92 as follows:

1. The authority citation for § 92.11 would be revised to read as follows:

Authority: 21 U.S.C. 111, 134a, 134b, 134c, 134d, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (e) of § 92.11 would be redesignated as paragraph (e)(1) and a new paragraph (e)(2) would be added to read as follows:

§ 92.11 Quarantine requirements.

* * * * *

(e) * * *

(2) Birds imported from an approved closed breeding facility shall be exempt from the provisions of paragraph (e)(1) of this section if all of the following conditions have been met:

(i) If the birds are banded with a legband pursuant to paragraph (h)(4) of this section;

(ii) If the birds had been maintained together in a separate enclosure from other birds in the closed breeding facility for at least 30 days prior to shipment to the United States port of entry;

(iii) If the birds had been shipped by air directly from the country in which the closed breeding facility is located to the United States port of entry;

(iv) If the birds had been moved from the closed breeding facility to the airplane for shipment to the United States port of entry under the direct supervision of a salaried veterinarian of the national veterinary services of the country in which the closed breeding facility is located;

(v) If the birds had been moved only on an airplane containing no other birds or poultry;

(vi) If the birds had no contact with poultry or other birds from the time they left the closed breeding facility until entry into the United States;

(vii) If within 21 days prior to shipment to the United States, cloacal samples from all the birds in the shipment, or 150 birds in the shipment, whichever is fewer, had been submitted to the National Veterinary Services Laboratories, Ames, Iowa, by a salaried veterinarian of the national veterinary services of the country in which the facility is located and had tested negative for exotic Newcastle disease and forms of avian influenza lethal to poultry using standard virus isolation procedures (the samples shall have been collected within 28 days prior to shipment);

(viii) If within 21 days prior to shipment to the United States, necropsy samples from lung, trachea, terminal gut, and spleen from all birds maintained in the separate enclosure that died, or 30 birds maintained in the separate enclosure that died, whichever is fewer, had been submitted to the National Veterinary Services Laboratories, Ames, Iowa, by a salaried veterinarian of the national veterinary services of the country in which the closed breeding facility is located and had tested negative for exotic Newcastle disease and forms of avian influenza lethal to poultry using standard virus isolation procedures (the samples shall be from birds maintained in the separate enclosure that died between 30 and 21 days prior to shipment to the United States);

(ix) If for not less than 30 days immediately prior to shipment to the United States all psittacine birds in the shipment and all non psittacine birds in the shipment that had been housed in the same building with psittacine birds at the closed breeding facility had a balanced, medicated feed ration treatment consisting of bird seed coated with not less than .5 mg chlortetracycline (CTC) per gram of seed (for birds 9 inches in length or less measured from the forehead to the end of the tail) or a balanced, medicated feed ration treatment containing not less than 1 percent chlortetracyline (CTC)

with not more than 0.7 percent calcium (for birds more than 9 inches in length measured from the forehead to the end of the tail); and

(x) If all birds in the shipment that die enroute from the closed breeding facility to the United States port of entry are made available to an inspector at the United States port of entry; and

(xi) If, based on port of entry inspection and all other information available there is no evidence to indicate that any bird in the shipment has any communicable disease of poultry.

* * * * *

2. A new paragraph (h) would be added to § 92.11 to read as follows:

§ 92.11 Quarantine requirements.

* * * * *

(h) *Standards for an approved closed breeding facility for birds.* To qualify for designation as an approved closed breeding facility for birds and to retain such approval, the facility and its maintenance and operation must meet the requirements of this section: *Provided, however,* That approval of any closed breeding facility shall be contingent upon a determination made by the Deputy Administrator, Veterinary Services, that adequate Veterinary Services personnel are available to provide services required by the facility. The cost of the facility and all costs associated with the maintenance and operation of the facility shall be borne by the operator.

(1) *Supervision of the facility.* The closed breeding facility shall be maintained under the supervision of Veterinary Services personnel and a salaried veterinarian of the national veterinary services of the country in which the facility is located. The salaried veterinarian of the national veterinary services of the country in which the facility is located shall inspect the facility at least once each calendar week to determine whether the facility is operating in compliance with the applicable regulations in this part.

(2) *Physical plant requirements.* The closed breeding facility shall comply with the following requirements:

(i) *Location.* The facility shall be located at least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or pet shops containing poultry or birds. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration.

(ii) *Construction and related provisions.* (A) The building or buildings housing birds in the facility shall:

(*1*) Be constructed only with materials that can withstand continued cleaning and disinfection and prevent escape or accidental entry of birds (All walls, floors, and ceilings shall be impervious to moisture; all openings to the outside shall be screened with double layers of insect-proof metal or plastic mesh; and a bird escape-proof barrier screen of not greater than ½ inch hardware cloth shall be placed between the birds and the insect-proof screening);

(*2*) Have bird holding areas of sufficient size to contain intended shipments of birds without overcrowding of the birds (All access into a holding area shall be from within the building and each entryway into such area shall be equipped with self-closing, double doors: *Provided,* That if emergency exits to the outside are required by local fire ordinances, such exits may exist in a bird holding area if constructed so as to allow their opening from the inside of the building only);

(*3*) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the health of the birds;

(*4*) Have a vermin-proof feed storage area.

(*5*) Have a T.V. monitoring system or a window or windows sufficient to provide a full view of the facility, excluding the clothes changing areas, shower and restrooms.

(B) The closed breeding facility shall:

(*1*) Have office space for recordkeeping;

(*2*) Have a necropsy room containing a necropsy table, a hood with a viewing window over the table, refrigerated storage space for carcasses retained for laboratory examination, and other equipment adequate for specimen preparation and carcass disposal;

(*3*) Have a supply of water adequate to meet all watering and cleaning needs;

(*4*) Have a separate area for washing facility equipment;

(*5*) Have a shower at the entrance into the facility and have a clothes storage and change area at each end of the shower area;

(*6*) Have a receptacle for soiled and contaminated clothing in the clothes change area nearest to the bird holding areas;

(*7*) Have permanent restrooms at each end of the shower area;

(*8*) Have a storage area for equipment necessary for the facility operations; and

(*9*) Be enclosed by a chain link security fence of a minimum of 11½ gauge wire which is at least 6 feet high.

(3) *Operational procedures.*

(i) The facility shall be maintained in a clean, sanitary condition, and shall have equipment, including insect and pest control equipment and cleaning and disinfecting equipment, adequate for such purpose; and after removal of all birds from a holding area, the holding area shall be thoroughly cleaned and disinfected with a disinfectant as provided in § 71.10(a)(5) of this chapter, under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located.

(ii) Waste material from the facility shall be bagged in leakproof bags. Such material shall be handled in a manner that spoilage is kept to a minimum and control of pests is maintained. Such material shall be disposed of by incineration, or burial, or by public sewer or other method authorized by the Deputy Administrator, Veterinary Services. The disposition of such material shall be under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located.

(iii) Surface drainage onto or from the facility shall be controlled to prevent any disease agent from entering.

(iv) The facility shall have protective clothing and footwear adequate to ensure that workers at the facility have clean clothing and footwear at the start of each workday and at any time such articles become soiled or contaminated.

(v) A guard shall be posted at the facility at all times other authorized persons are not present at the facility to prevent contact of birds in the facility with persons not authorized entry to the facility and with other birds and animals. A daily log shall be maintained to record the entry and exit of all persons entering the facility.

(vi) The operator shall allow the unannounced entry into the facility of Veterinary Services personnel, salaried veterinarians of the national veterinary services of the country in which the facility is located, or other persons authorized by the Deputy Administrator, Veterinary Services, for the purpose of inspecting birds in the facility and the operations at the facility and to ascertain compliance with the regulations in this part. Otherwise, access to the facility shall be granted only to persons working at the facility, or to persons specifically granted such access by a salaried veterinarian of the national veterinary services of the country in which the facility is located.

(vii) All persons granted access to a bird holding area shall:

(A) Wear clean protective clothing and footwear upon entering a bird holding area;

(B) Change protective clothing and footwear when they become soiled or contaminated;

(C) Shower when entering and when leaving the facility; and

(D) Have no contact with poultry or other birds outside the facility (except cooked products) for at least 3 days prior to entering the facility.

(viii) The operator of the facility shall handle soiled clothing worn within the facility in a manner approved by the Deputy Administrator, Veterinary Services, as adequate to preclude transmission of poultry disease agents into the facility.

(ix) The operator shall furnish a telephone number or numbers to Veterinary Services at which the operator can be reached on a daily basis or furnish the same for an agent or representative who can act and make decisions on the operator's behalf.

(x) The operator of the facility shall provide Veterinary Services a current list of the legal names and residential addresses of designated personnel employed at the facility who will be used to handle and care for birds in the facility. Additions to the designated personnel list shall be given in advance of such persons working in the facility.

(xi) The operator of the facility shall furnish to Veterinary Services a signed statement from each of the designated personnel employed at the facility which provides that such personnel agree that for a period of 3 days prior to any contact with birds in the facility, such personnel will refrain from having contact with poultry and other birds (other than cooked products).

(4) *Procedures concerning birds.*

(i) The facility shall contain only birds that originate in the United States and the offspring of such birds that were hatched in the facility, and shall not contain any birds that have been removed from the facility.

(ii) Birds shipped to the facility from the United States shall be shipped directly by air (without changing planes) from the United States port of embarkation to the port of entry in the country in which the facility is located. Upon arrival in the country in which the facility is located such birds shall be moved to the facility under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located. Prior to shipment from the United States such birds shall be banded with a serially numbered legband which has been coded to the facility. The legband shall be supplied by the operator of the facility and must be approved by the Deputy Administrator, Veterinary Services, upon written request. Each shipment of birds from the United States to the facility shall be accompanied by a certificate issued by an accredited veterinarian and endorsed by an authorized Veterinary Services veterinarian in the State of origin. The certificate shall state species, breed, and number of birds; legband numbers; that all birds covered by the certificate have been inspected by the accredited veterinarian and that no evidence of Newcastle disease, chlamydiosis (psittacosis, ornithosis), or other communicable disease of poultry was found among the birds; and that insofar as has been possible to determine, the birds were not exposed to any such diseases during the 90 days immediately preceding their exportation from the United States; that such birds were placed into new containers at the premises from which the birds are to be exported from the United States; that such birds have not been vaccinated; that Newcastle disease did not occur anywhere on the premises from which such birds are to be exported from the United States or on adjoining premises during the 90 days immediately preceding the exportation from the United States of such birds and that these premises are not located in any area under quarantine for poultry diseases at any time during such preceding 90 days.

(iii) The facility operator, under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located, shall individually band each bird hatched in the facility within 30 days after hatching, with a serially numbered legband which has been coded to the facility. The legbands shall be supplied by the operator of the facility. The legbands must be approved by the Deputy Administrator, Veterinary Services, upon written request from the operator of the facility.

(iv) Within 7 to 15 days of arrival of any shipment of birds at the facility, a salaried veterinarian of the national veterinary services of the country in which the facility is located shall collect cloacal swabs of all birds in the shipment or 150 birds in the shipment, whichever is fewer, and submit the samples to the National Veterinary Services Laboratories, Ames, Iowa. The samples shall be tested for Newcastle disease and forms of avian influenza lethal to poultry, using standard isolation procedures.

(v) All psittacine birds shipped to the facility and all non psittacine birds shipped to the facility accompanied by psittacine birds shall for not less than 30 days upon entering the facility receive a balanced, medicated feed ration treatment consisting of bird seed coated with not less than .5 mg chlortetracycline (CTC) per gram of seed (for birds 9 inches in length or less measured from the forehead to the end of the tail) or a balanced, medicated feed ration treatment containing not less than 1 percent chlortetracycline (CTC) with not more than 0.7 percent calcium (for birds more than 9 inches in length measured from the forehead to the end of the tail).

(vi) All birds entering the facility shall be kept in a separate enclosure from other birds in the facility for at least 30 days.

(vii) The facility operator shall immediately collect all birds which are dead upon entry into the facility or die while housed in the facility and hold them under refrigeration within the facility, shall account for all birds in the facility, and shall not dispose of any carcass or parts thereof unless authorized to do so by a salaried veterinarian of the national veterinary services of the country in which the facility is located. Birds that die enroute to the facility or while in the facility shall be inspected by a salaried veterinarian of the national veterinary services of the country in which the facility is located who may submit specimens from such birds to the National Veterinary Services Laboratories, Ames, Iowa, for laboratory examination.

(viii) Any birds in the facility shall be subjected to such tests and procedures as are required in specific cases by Veterinary Services personnel or by a salaried veterinarian of the national veterinary services of the country in which the facility is located to determine if the birds are free from communicable diseases of poultry.

(5) *Records.* The operator of the closed breeding facility shall maintain a current daily log concerning all birds in the facility, recording such information as the general condition of the birds, number of birds that die, number of birds that enter the facility (including a separate count of those arriving dead), and number of birds that leave the facility. The operator of the facility shall also maintain copies of certificates accompanying birds pursuant to this section and pursuant to § 92.5 of this part. The daily log and copies of certificates shall be maintained by the operator of the facility for a minimum of 12 months. Any daily logs and copies of certificates kept by the facility shall be made available to Veterinary Services personnel upon request.

(6) *Payment for services required by operator of approved closed breeding*

facility. When a closed breeding facility is approved by the Deputy Administrator, Veterinary Services, as provided in this section, a Trust Fund Agreement in accordance with the provisions of this paragraph shall be executed by the operator of the facility and Veterinary Services and, in conjunction therewith, the operator shall deposit with the Deputy Administrator, Veterinary Services, an amount equal to the approximate cost to the Department for two shipments of birds into the United States and one inspection of the facility by a veterinarian of Veterinary Services, and as funds from that amount are obligated, monthly bills for costs incurred based on official accounting records will be issued to restore the deposit to its original level. Amounts to restore the deposit to its original level shall be paid within 14 days of the date of receipt of the bill. This will cover all expenses for veterinarians of Veterinary Services inspecting the operations of the facility, including travel, salary, subsistence, other incidental expenses (including excess baggage provisions up to 150 pounds), administrative expenses to carry out the activities under such agreement, and all testing costs associated with maintaining the facility free of communicable diseases of poultry. The Deputy Administrator, Veterinary Services, is authorized to provide services required by the operator of the approved closed breeding facility relating to importation of birds from the facility when the Deputy Administrator, Veterinary Services, determines that the operator has executed a Trust Fund Agreement and has deposited funds (including funds to restore the deposit to its original level) in connection therewith as provided in this paragraph.

(7) Requests for approval and plans for a proposed approved closed breeding facility shall be submitted to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782. Before a decision is made with respect to the eligibility of any facility for approval, a personal inspection of the facility shall be made by a veterinarian of Veterinary Services, to determine whether it complies with the standards outlined in this section. As a condition of conducting an inspection of the facility, a Trust Fund Agreement in accordance with the provisions of this paragraph shall be executed by the operator of the facility and Veterinary Services and, in conjunction therewith, the operator shall deposit with the Deputy Administrator, Veterinary Services, an amount equal to the approximate cost to the Department of all expenses for veterinarians of Veterinary Services inspecting the facility, including travel, salary, subsistence, other incidental expenses, including excess baggage provisions up to 150 pounds, and administrative expenses. If these costs exceed the amount of money deposited, a bill for the extra costs incurred, based on official Veterinary Services accounting records, will be issued to the operator and shall be paid within 14 days of the date of receipt of the bill. If the entire deposit amount is not expended, Veterinary Services will refund to the operator of the facility any unexpended amount.

(8) (i) Approval of any closed breeding facility may be denied and approval of any approved closed breeding facility may be withdrawn at any time by the Deputy Administrator, Veterinary Services, for any of the reasons provided in paragraph (h)(8)(ii) of this section. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action in accordance with rules of practice which shall be adopted for the proceeding. However, such withdrawal shall become effective pending final determination in the proceeding when the Deputy Administrator, Veterinary Services, determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the facility. In the event of oral notification, written confirmation shall be given to the operator of the facility as promptly as circumstances allow. This withdrawal shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Deputy Administrator, Veterinary Services.

(ii) Except as provided in paragraph (h)(8)(iv) of this section, the approval of a closed breeding facility may be denied or withdrawn if in the judgment of the Deputy Administrator, Veterinary Services:

(A) Any requirement of this section is not complied with, or

(B) The operator or a person responsibly connected with the business of the closed breeding facility is, or has been, convicted of any crime under any law regarding the importation into any jurisdiction of any animal or bird, or

(C) The operator or a person responsibly connected with the business of the closed breeding facility is, or has been, convicted of any crime involving fraud, bribery, or extortion or any other crime involving a lack of integrity needed for the conduct of operations affecting the importation of birds into the United States, or

(D) Birds have not been shipped from the facility to the United States for a period of one year.

(iii) For the purposes of this section, a person shall be deemed to be responsibly connected with the business of the closed breeding facility if such person has an ownership, mortgage, or lease interest in the facility's physical plant, or if such person is a partner, officer, director, holder or owner of 10 per centum or more of its voting stock, or an employee of the operator.

(iv) The denial or withdrawal referenced in paragraph (h)(8) of this section shall not be solely based upon the conviction of a person responsibly connected with an approved closed breeding facility if, after issuance of a complaint and upon receipt of notification of such action from the Deputy Administrator, Veterinary Services, the operator of the approved closed breeding facility enters into a consent agreement with the Deputy Administrator, Veterinary Services, in which it is agreed that the responsibly connected person identified in the notification shall not ever be associated with the approved closed breeding facility and the operator complies with the provisions of the agreement. Violation of the consent agreement shall constitute independent grounds for withdrawal of approval of an approved closed breeding facility.

Done at Washington, D.C., this 30th day of April 1985.

Gerald J. Fichtner,

Acting Deputy Administrator, Veterinary Service.

[FR Doc. 85-10842 Filed 5-2-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-85-4]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before July 8, 1985.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 3/4, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 26, 1985.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
24545	Experimental Aircraft Association	Description of petition: To permit the use of previously effective airworthiness standards and procedures for type certificate of airplanes not more than two-place having a single engine of not more than 100 horsepower Regulations affected: 14 CFR Portions of Part 11, § 11.15(a) and portions of Part 21, § 21.17(a)(1).
24496	Air Line Pilot Assoc.	Description of petition: To amend §71.12 (TCA description) by establishing minimum upper altitude limit for TCA's at 10,000 feet MSL and concurrently amending § 91.24(b)(4) so as to lower the altitude above which Mode C is required in controlled airspace. Regulation's affected: 14 CFR 71.12 & 91.24(b)(4) so as to lower the altitude above which Mode C is required in controlled airspace. Regulation's affected: 14 CFR 71.12 & 91.24(b)(4).
23758	Academics of Flight	Description of Petition: To amend Appendix C of Part 63 to the Federal Aviation Regulations to allow flight engineer students not holding at least a commercial pilot certificate with an instrument rating, the option to substitute 10 hours of training in a simulator which meets the Phase I simulator requirements of Appendix H to Part 121 for the 5 hours of instruction in an airplane required by Appendix C (a)(3)(iv)(a). Regulation's affected: 14 CFR Appendix C of Part 63 and Appendix H to Part 121.
24525	M. Edward Gaydos	Description of petition: To amend § 25.832 of the FAR, which sets ozone concentration limits, to limit applicability to only those airplanes for which prescribed levels of cabin ozone concentration must not be exceeded for compliance with applicable operating rules, (§ 121.578) or for which compliance is elected by the applicant. Regulation's affected: 14 CFR 25.832.
24597	Air Wisconsin, Inc.	Description of petition: To eliminate the distinction between commuter and air carrier slots at Chicago O'Hare International Airport. Regulation's affected: 14 CFR Part 93, § 93.123. Petitioner's reason for rule: Elimination of the distinction between commuter and air carriers slots at O'Hare International Airport, under the High Density Rule, would permit commuter carriers to use aircraft having a maximum certificated seating capacity of 56 seats or more, thereby allowing commuter carriers to upgrade their fleets and increase efficiency.
24527	Air Line Pilots Assoc.	Description of Petition: Extension of the 20-day comment period to 60 days for published petitions for exemption. Regulations affected: 14 CFR 11.27(c). Petitioner's reason for rule: If granted, this petition would make the time period for comment on petitions for exemption consistent with that of petitions for rulemaking. The 60 day period would allow ALPA's members sufficient time to receive, study and return their comments to ALPA which, in turn, will allow ALPA to have sufficient time to assimilate these comments and mail them to the FAA for due consideration.

[FR Doc. 85-10843 Filed 5-2-85; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-NM-29-AD]

Airworthiness Directives; Short Brothers Ltd. Model SD3-30 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require the sealing of eight co-axial connectors on the fuel contents gauging system on certain Short Brothers Ltd. Model SD3-30 airplanes. This action is necessary to prevent moisture ingress, which may result in an erratic indication of the true fuel tank contents.

DATES: Comments must be received on or before June 24, 1985.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-29-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virgina 22202, or may also be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invitied to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications

should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-29-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion:

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition that may exist on certain Short Brothers Ltd. SD3-30 airplanes. Moisture ingress in eight co-axial connectors in the fuel tank contents gauging system located adjacent to the fuel tanks may result in the fuel gauges giving inaccurate or erratic readings. To prevent this from occurring, Short Brothers Service Bulletin SD3-28-22 requires that these co-axial connectors be weatherproofed by sealing them with a silicone compound.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this type design registered in the United States, an AD is proposed that would require the sealing of the affected co-axial connectors in accordance with the service bulletin.

It is estimated that 56 airplanes would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Repair parts are estimated to be nominal. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $11,200.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Short Brothers Ltd. Model SD3-30 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

Short Brothers Ltd: Applies to Model SD3-30 airplanes as listed in Short Brothers Ltd. Service Bulletin SD3-28-22, dated September 1984, certificated in all categories. Compliance is required within 90 days after the effective date of this AD, unless previously accomplished. To prevent erroneous or erratic fuel quantity indications caused by moisture ingress into the fuel tank gauging system co-axial connectors, accomplish the following:

A. Seal the affected co-axial connectors in accordance with Short Brothers Ltd. Service Bulletin SD3-28-22 dated September 1984.

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

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10738 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-NM-35-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, -50, and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to add a new airworthiness directive (AD) that would supersede an existing airworthiness directive (AD) which requires visual/borescope inspection (NDI) and replacement, as necessary, of the aft pressure bulkhead tee cap on McDonnell Douglas Model DC-9-10, -20, -30, -40, -50 and C-9 (Military) series airplanes with 60,000 or more landings. This amendment would require the inspection and/or repair of the tee cap of airplanes with a minimum of 35,000 landings, and in addition, requires the repetitive inspections of all affected airplanes. This proposal is prompted by reports of cracks in the aft pressure bulkhead tee caps. This action is necessary to detect fatigue cracks which could result in rapid depressurization and cause severe structural damage to the aircraft.

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

ADDRESSES: Send comments on the proposal in duplicate to FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-35-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-35-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On February 25, 1985, the FAA issued Airworthiness Directive 85-06-03, Amendment 39-5014 (50 FR 10936), which require inspection, and repair as necessary, of the aft pressure bulkhead tee cap on airplanes with 60,000 or more landings. The AD was prompted by reports of cracks which could lead to rapid depressurization and results in severe structural damage to the airplane.

Since the cracking conditions could exist or develop on other airplanes of this same type design, an amendement is proposed which would extend the requirements of AD 85-06-03 to those airplanes having a minmum of 35,000 total landings; this action is considered necessary to ensure detection of cracks before they reach critical length. Accomplishment of the inspections and crack repair/replacement as outlined in McDonnell Douglas DC-9 Service Sketch 3660, dated February 15, 1985, and Service Rework Drawing SR 09530001, (originally identified as MDC-J060305), dated February 15, 1985, will assure the structural integrity of the bulkhead and minimize the potential of extensive structural damage.

Approximately 514 airplanes of U.S. registry would be affected by the proposed AD, and it would require approximately 10 manhours per airplane to accomplish the required inspection. Average labor charge is $40 per hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $205,600.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-9 airplanes are operated by small entities. A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) by superseding Amendment 39-5014 (50 FR 10936), AD 85-06-03, with the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-10, -20, -30, -40, -50, and C-9, (Military) series aircraft, certificated in all categories, with 35,000 or more landings. Compliance required as indicated, unless previously accomplished within the past 3,500 landings.

To prevent crack propagation which could result in structural failure of the fuselage aft pressure bulkhead, accomplish the following:

A. Inspect from aft side (above floor) and aft or forward side (below floor) of bulkhead tee cap around the periphery of fuselage in accordance with McDonnell Douglas Service Sketch 3660, dated February 15, 1985. The inspections must be performed in accordance with the compliance schedule shown in the following tabulation:

Note.—The specific areas of concern include the forward and/or aft face of the upstanding leg of the tee, starting at the outboard edge of the bulkhead web. The area extends outboard to approximately the inboard point of tangency for the .188-inch tee fillet radius on the upstanding leg.

Accumulated landings (on effective date of this AD)	Initial inspection from effective date of AD (landings)
35,000 to 49,999	1,500
50,000 to 59,999	1,000
60,000 or more	300

For airplanes with less than 35,000 landings on the effective date of this AD, inspect before the accumulation of 36,500 landings.

B. If no cracks are found, accomplish repetitive inspections in accordance with paragraph A. above, at an interval not to exceed 3,500 landings after initial inspection.

C. If cracking is found, before further flight, accomplish one of the following:

1. Repair by replacing cracked tee cap with a new part, in accordance with McDonnell Douglas Service Rework Drawing SR09530001 (originally identified as MDC-J060305), dated February 15, 1985. Prior to accumulating 36,500 landings on new part, perform repetitive inspection(s) at internvals not to exceed 3,500 landings. Perform repetitive inspections on remaining tee cap sections, not to exceed 3,500 landings.

2. Repair by splicing in a section of tee cap, in accordance with McDonnell Douglas Service Rework Drawing SR09530001, dated February 15, 1985. Prior to accumulating 36,500 landings on the repaired part, perform repetitive inspection(s) at intervals not to exceed 3,500 landings. Perform repetitive inspections on remaining tee cap sections, not to exceed 3,500 landings.

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

Note. Compliance with paragraph 5.C. of McDonnell Douglas Service Sketch 3660, dated February 15, 1985, constitutes an acceptable alternate means of complying with this AD.

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

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

G. For the purposes of complying with this AD, existing records of landings will be used subject to acceptance of the assigned FAA Maintenance Inspector. In the absence of such records, the number of landings may be determined by dividing each airplane's time in service by the operator's fleet average time per flight for the DC-9 airplanes with the approval of the assigned FAA Maintenance Inspector.

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

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10739 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-30-AD]

Airworthiness Directives; Fokker B.V. Model F27 Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection of various structural items on certain Fokker F27 series airplanes and modification or repair, as necessary, to correct certain unsafe conditions which may exist. This action is necessary to ensure the structural integrity of the landing gear, the trim tab control bracket, and the wing/fuselage fittings.

DATES: Comments must be received on or before June 24, 1985.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-30-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Manager, Maintenance and Engineering, Fokker B.V., Product Support, P.O. Box 7600, 1117ZJ Schiphol Oost, The Netherland, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark E. Baldwin, Foreign Aircraft Certification Branch, ANM-1505; telephone (206) 431-2978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-30-AD, 179000 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Ministerie van Verkeer, Rijksluchtvaartdienst (RLD), the Civil Aviation Authority of the Netherlands, has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of unsafe conditions that may exist on certain Fokker F27 airplanes. These may be corrected by incorporating three (3) separate service bulletins. The unsafe conditions and corrective action are described as follows:

A. Cracks in the drag stay tube of the main landing gear may cause collapse of the gear. Inspection (and replacement if cracks are found) is required to maintain the structural integrity of the main landing gear. (Ref. Fokker Service Bulletin F27/32-147).

B. Tailplane vibrations could cause fatigue damage to the elevator trim tab, the elevator control bracket and the supporting rib structure. Modification of the structure is required to reduce the susceptibility of fatigue damage due to tailplane vibration. (Ref. Fokker Service Bulletin F27/55-31).

C. Fatigue failures of the lug/link attachment in the wing to fuselage joint could compromise the structural integrity of the wing. Inspection and modification of the joint is required to maintain structural integrity. (Ref. Fokker Service Bulletin F27/57-54).

This airplane model is manufactured in the Netherlands and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this type design registered in the United States, an AD is proposed that would require inspections, modification, and repairs, as necessary, of affected Model F27 airplanes that are operated under U.S. registry.

There are 31 airplanes on the U.S. Register which are currently active. Not all airplanes are affected by these service bulletins. The estimated costs associated with the above listed actions would be:

A. 24 airplanes at 3 manhours per airplane;

B. 9 airplanes at 40 manhours per airplane; and

C. 28 airplanes at 295 manhours and $4,000 for parts per airplane.

The average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators would be $460,000.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Fokker Model F27 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contracting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT"**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation

Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Fokker B.V: Applies to Model F27 airplanes as indicated in the applicability statement of each service bulletin listed below. Compliance is required within the time interval specified in each of the following paragraphs, unless already accomplished.

A. To prevent collapse of the main landing gear, within 120 days after the effective date of this AD, inspect the drag stay tube for cracks, in accordance with Fokker Service Bulletin F27/32-147 dated September 1, 1981, and replace if cracks are found.

B. To prevent fatigue damage to the elevator trim tab, the elevator control bracket support and the elevator control bracket supporting rib structure, modify the structure in accordance with Fokker Service Bulletin F27/55-31 dated May 31, 1965, within 120 days after the effective date of this AD.

C. To prevent failure of the wing/fuselage joint, inspect and modify the joint in accordance with Fokker Service Bulletin F27/57-54R, dated April 2, 1984, within 180 days after the effective date of this AD.

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

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

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10735 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-36-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection of the fuselage skin lap splice between body stations 340 and 400 at stringers S6-L and S6-R on certain Boeing Model 747 series airplanes. The proposed AD is prompted by the recent finding of cracks of up to 18½ inches long on three airplanes. This action is necessary to ensure that an undetected crack will not result in sudden loss of cabin pressurization and the inability to withstand fail-safe loads.

DATE: Comments must be received on or before June 24, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-36-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-36-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The manufacturer has notified the FAA of the finding of cracks in the fuselage skin lap splice between body stations 340 and 400, at stringer S6-L and S6-R, on three airplanes. The cracks were initiated in the fastener countersink and propagated as long as 18½ inches along the fastener line due to fatigue. Cabin pressurization was the primary loading source for the fatigue cracking.

If a skin crack is not detected prior to reaching critical crack length it may result in inflight depressurization of the airplane and the inability to withstand fail-safe loads.

Boeing has issued Service Bulletin 747-53-2253 dated December 14, 1984, which defines the specific inspection procedures to be used to check for cracks in the fuselage skin lap splice between body stations 340 and 400, at stringer S6-L and S6-R, on certain Boeing Model 747 airplanes. A modification is described by the service bulletin which consists of replacing the top row of fasteners with protruding head fasteners or installing an external doubler. The inspection requirements would continue after modification.

Since these conditions are likely to exist or develop on other airplanes of this type design, an AD is proposed which would require inspection and/or modification of certain Boeing Model 747 series airplanes.

It is estimated that 151 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $48,320.

For these reasons the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

Boeing: Applies to Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747–53–2253, dated December 14, 1984. To prevent failure of the fuselage skin lap splice between body stations 340 and 400, at stringer S6–L and S6–R, accomplish the following, unless already accomplished:

A. For airplanes that have not been modified in accordance with Boeing Service Bulletin 747–53–2253, dated December 14, 1984, or later FAA approved revisions; within the next 1,000 landings after the effective date of this AD or prior to the accumulation of 10,000 landings, whichever is later, use high frequency eddy-current procedures to inspect the fuselage skin lap splice between body stations 340 and 400, at stringers S6–L and S6–R for cracking in accordance with Boeing Service Bulletin 747–53–2253, dated December 14, 1984, or later FAA approved revisions.

(1) If no cracking is indicated repeat the high frequency eddy current inspection at intervals not to exceed 5,000 landings.

(2) If a crack is indicated but is not visible externally, repeat a visual detailed inspection using 10X magnification at intervals not to exceed 500 landings.

(3) If a crack is visible and is less than .15 inch long, repeat a visual detailed inspection using 10X magnification at intervals not to exceed 100 landings.

(4) If a crack is more than .15 inch long, modify in accordance with Boeing Service Bulletin 747–53–2253, dated December 14, 1984, or later FAA approved revisions, prior to the next pressurized flight. Inspections in accordance with paragraph B. are to continue after modification.

B. For airplanes that have been modified in accordance with Boeing Service Bulletin 747–53–2253, dated December 14, 1984, or later FAA approved revisions: within the next 2,500 landings after the effective date of this AD or prior to the accumulation of 10,000 landings after the modification, whichever is later, and thereafter at intervals not to exceed 5,000 landings, use high frequency eddy-current procedures to inspect the fuselage skin lap splice between Body Stations 340 and 400, at stringers S6–L and S6–R, for cracking in accordance with Boeing Service Bulletin 747–53–2253, dated December 14, 1984, or later FAA approved revisions. If a crack is found, repair in accordance with referenced Boeing Service Bulletin prior to the next pressurize flight. Inspections are to continue after repair.

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

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspections and/or modification requirements of this AD.

E. Upon the request of an operator, an FAA Principal Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the inspection times specified in this AD, if the request contains substantiating data to justify the change for that operator.

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 9010 East Marginal Way South, Seattle, Washington.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85–10736 Filed 5–2–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–NM–37–AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require structural inspections and repair, as necessary, of the side of body rib upper chord at Body Buttock Line (BBL) 70.85 and Body Station (BS)—663.75 on certain Boeing Model 737 airplanes. This action has been prompted by numerous reports of cracking in this area. Failure to detect cracks in the BBL 70.85 rib upper chord prior to their reaching critical length may result in severe reduction of load carrying capability and possible rapid loss of cabin pressure.

DATE: Comments must be received on or before June 24, 1985.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–37–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may also be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM–120S; telephone (206) 431–2926. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–37–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The Boeing Company has conducted a structural reassessment of the Model 737 airplane as part of their program to develop a supplemental structural inspection document (SSID) for the airplane. In conducting this reassessment, Boeing used advanced analysis techniques which were not available during the original design and certification of the Model 737, and used as guidelines the requirements of Federal Aviation Regulation (FAR) 25.571, Amendment 45. The reassessment included structural details that have a history of cracking. The

analysis has revealed that certain of these details must receive increased emphasis in the maintenaned program of operators to maintain the structural integrity of the airplane. The BBL 70.85 upper rib chord at wing upper surface side-of-body joint is in this category of details. Continued operation with cracks in this vicinity could result in rapid loss of cabin pressure and inability to carry fail-safe loads required under FAR 25.571(b).

The FAA issued Advisory Circular AC 91-56 on May 6, 1981, which provides guidelines for the development and implementation of supplemental structural inspection programs for large transport category airplanes. As a result of the structural reassessment of the airplane conducted in accordance with FAA Advisory Circular AC 91-56, the BBL 70.85 rib upper chord has been determined to be critical to the structural integrity of the airplane. On October 23, 1984, the FAA issued an Airworthiness Directive AD 84-21-06, Amendment 39-4933, (49 FR 42556), requiring inspections in accordance with the Boeing 737 Supplemental Structural Inspection Document (SSID) D6-37089. Since the effectivity of AD 84-21-06 is limited to a sample of "candidate airplanes" specified by document D6-37089, fatigue problems discovered through implementation of the SSID program must be addressed by separate AD action. This separate action will include the appropriate service bulletins and will address all affected airplanes. The BBL 70.85 rib upper chord is referenced in D6-37089 as a critical detail, with a known service history, which requires continuing inspection in accordance with a flight safety addendum to the manufacturer's service bulletin.

On January 11, 1985, the FAA issued AD 85-01-07, which requires an inspection program in accordance with Boeing Service Bulletin 737-57-1087, Revision 4, for early production airplanes up to approximately line number 433. Subsequently, the manufacturer issued Service Bulletin 737-57-1137, Revision 2, which provides similar inspection and repair instruction for later Model 737 airplanes.

Since the cracking conditions described above are likely to exist or develop in later Model 737 airplanes of the same type design registered in the United States, an AD is proposed which would require inspections of these later Model 737 airplanes in accordance with Boeing Service Bulletin 737-57-1137, Revision 2.

It is estimated that 96 airplanes of U.S. Registry would be affected by this AD and that approximately 38 manhours per airplane would be required to perform the necessary inspections. Modification, if necessary, requires an additional 668 manhours per airplane. Based on an average labor cost of $40 per manhour, the total cost to the U.S. fleet for accomplishment of the proposed inspections and modification would be $146,000 and $2,570,000, respectively.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contracting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

Boeing: Applies to Model 737 series airplanes certificated in all categories listed in Boeing Service Bulletin 737-57-1137, Revision 2, dated November 9, 1984. Unless previously accomplished, prior to the accumulation of 10,000 landings or within 180 days or 2500 landings after the effective date of this AD, whichever occurs later, accomplish the following to detect cracking which may lead to failure of the body buttock line (BBL) 70.85 rib upper chord:

A. Visually inspect the BBL 70.85 rib upper chord for cracks in accordance with Table I of the Flight Safety Addendum of Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA approved revisions. Repeat the inspection at intervals not to exceed 5000 landings.

B. If cracks are detected, prior to further flight repair cracked parts in accordance with Table or the Preventative Modification Part III or Special Preventative Modification Part IV of the "Accomplishment Instructions" in Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA approved revisions.

C. Parts repaired in accordance with the "stop drilling" interim action in Table I of the "Accomplishment Instructions" of Boeing Service Bulletin 737-57-1137, Revision 2, must be visually reinspected at intervals not to exceed 1500 landings and must be repaired in accordance with the Preventative Modification Part III or Special Preventative Modification Part IV of Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA approved revisions, within two years after the effective date of this AD or within two years after the accomplishment after the interim repair, whichever occurs later.

D. The repetitive inspection requirements of this AD may be terminated if the Preventative Modification Part III or the Special Preventative Modification Part IV of the Accomplishment Instructions in Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA approved revisions, is incorporated.

E. Airplanes may be ferried to a maintenance base for repairs or replacement of parts in accordance with FAR 21.197 and 21.199.

F. For the purpose of this AD, and when approved by an FAA Maintenance Inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

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

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may also be examined at FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

(Secs 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85).

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10737 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-ANM-10]

Proposed Establishment of Transition Area, Quincy, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to provide controlled airspace from 700 feet above the surface for aircraft executing a new instrument approach procedure to Quincy Municipal Airport. The area will be shown on aeronautical charts enabling pilots to circumnavigate the area or otherwise comply with instrument flight rules.

DATE: Comments must be received on or before June 24, 1985.

ADDRESSES: Send comments to: Manager, Airspace and Procedures Branch, ANM-530, FAA/Northwest Mountain Region—Docket No. 85-ANM-10, 17900 Pacific Highway South, C-68966, Seattle, WA 98168.

The official docket may be examined in the office of Regional Counsel at the above address.

An informal docket may also be examined during normal business hours at the Airspace & Procedures office at the same address.

FOR FURTHER INFORMATION CONTACT: Ted Melland, Airspace and Procedures Specialist, ANM-533, 17900 Pacific Highway South, C-68966, Seattle, WA 98168. The telephone number is (206) 431-2533.

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 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-ANM-10." 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 Airspace & Procedures Branch, at the address listed above, 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

A person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Airspace and Procedures Branch, at the address listed above. 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 controlled airspace for aircraft conducting instrument flight rules (IFR) operations. Sections of 71.181 of Part 71 of the Federal Aviation Regulations were republished in handbook 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

Transition area/aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Quincy, Washington—[New]

"That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Quincy Airport (Lat. 47°12'42" N. Long. 119°50'25" W.), excluding the Moses Lake, Washington, transition area."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(a)]; [49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)]; and 14 CFR 11.65)

Issued in Seattle, Washington, on April 22, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-10744 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-ANM-13]

Proposed Revision of Idaho Falls, ID; Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Idaho Falls, Idaho, Control Zone to exclude the Rigby-Jefferson County Airport. This action will allow operations to continue at Rigby-Jefferson County Airport based on the weather conditions at that airport without regard to the reported weather conditions at Idaho Falls' Fanning Field.

DATE: Comments must be received on or before July 7, 1985.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & Procedures Branch, ANM-530, Federal Aviation Administration Docket No. 85-ANM-13, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's Office at the same address.

An informal docket may also be examined during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Airspace Technical Specialist, ANM-535. The telephone number is (206) 431-2535.

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, enviornmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted 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-ANM-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 Airspace & Procedures Branch, 17900 Pacific Highway South, Seattle, Washington, 98168, 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, Airspace and Procedures Branch, 17900 Pacific Highway South, Seattle, Washington, 98168. 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 § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Idaho Falls, Idaho, control zone to exclude the Rigby-Jefferson County Airport. Frequently, Rigby-Jefferson County Airport has VFR weather conditions while, based on the Idaho Falls' Fanning Field weather, the Idaho Falls Control Zone weather is officially below VFR minima; thereby requiring ATC Clearance for operation at Rigby-Jefferson County Airport. Two-way communication capabilities between FAA facilities and aircraft on the ground at Rigby-Jefferson County Airport do not exist. The proposed control zone revision will still provide the controlled airspace necessary for instrument approach procedures into Fanning Field, without unduly restricting VFR operations at Rigby-Jefferson County Airport.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 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

Control zones/aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Idaho Falls, Idaho, Control Zone—[Revised]

"Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho, (Lat. 43°30' 56" N. Long. 112° 04' 13" W); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Seattle, Washington, on April 25, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-10745 Filed 5-2-85; 8:45 am]

BILLING CODE 4910-13-M

AFRICAN DEVELOPMENT FOUNDATION

22 CFR Part 1504

Employee Responsibilities and Conduct

AGENCY: African Development Foundation.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on the African Development Foundation's proposal to issue regulations, subject to codification, to implement and interpret E.O. 11222 (3 CFR 1964-1965 Comp.; 5 CFR 735.104); Title 18, U.S.C. 203, 205, 207, 208, 209; and Title II of the Ethics in Government Act of 1978, as amended (5 U.S.C.). The African Development Foundation finds and determines that publication of these regulations in the Code of Federal Regulations is necessary for the effective discharge of its functions and activities.

DATE: Comments must be received on or before July 2, 1985.

ADDRESS: Comments may be mailed to the General Counsel, Suite 200, African Development Foundation, 1724 Massachusetts Avenue, N.W., Washington, D.C. 20036 or delivered to the same address between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Paul Magid, General Counsel, (202) 634-9853.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act of 1980

(Generally, these proposed regulations do not contain substantive new material. It is, therefore, certified that they will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.)

Executive Order 12291

The African Development Fundation has determined that this rule is not a major rule for purposes of E.O. 12291 because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the general public.

List of Subjects in 22 CFR Part 1504

Conflicts of interest.

Accordingly, it is proposed to add Part 1504 to 22 CFR Chapter XV to read as follows:

PART 1504—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.
1504.101 Purpose.
1504.102 Definitions.

Subpart B—Stnadards of Conduct

1504.201 General.
1504.202 Statutes, rules, and regulations governing conduct of employees.
1504.203 Outside employment and other activities.
1504.204 Speeches and participation in conferences.
1504.205 Gifts, entertainment, and favors.
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1504.209 Indebtedness.
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1504.211 Association with potential contractor prior to employment.
1504.212 Association with Foundation contractor or potential contractor while an employee.
1504.213 Economic and financial activities of employees abroad.
1504.214 Discrimination.
1504.215 General conduct prejudicial to the Government.

Subpart C—Procedures

1504.301 Responsibility of employees.
1504.302 Sources of information and advice.
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1504.307 Time and place of submission.
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1504.310 Review of statements and determinations as to conflicts of interest.
1504.311 Penalties for violation.
1504.312 Administrative enforcement proceedings.
1504.313 Confidentiality of employees' statements.
1504.314 Effect of employees' statements on other requirements.

Authority: E.O. 11222, 3 CFR 1964–1965 Comp., 5 CFR 735.104.

Subpart A—General Provisions

§ 1504.101 Purpose.

The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the African Development Foundation's business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interests on the part of employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this Part sets forth the Foundation's regulations prescribing standards of conduct and responsibilities for its employees, and requires statements reporting employment and financial interests.

§ 1504.102 Definitions.

As used in this Part:

(a) "Foundation" or "Agency" means the African Development Foundation.

(b) "Employee" includes anyone serving in the Foundation as:

(1) A person appointed by the President and confirmed by the Senate to a position in the Foundation;

(2) A person appointed by the Board of Directors;

(3) A person appointed by the President of the Foundation or by his/her designee to a position in the Foundation; or

(4) A special Government employee.

(c) "Regular officer or employee" means an employee as defined in paragraph (b) (1), (2), or (3) of this section.

(d) "Special Government employee" means a person who is retained, designated, appointed, or employed to perform temporary duties for the Foundation, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis.

(e) "Member of an employee's family" means a spouse, minor child, or other individual related to the employee by blood, marriage or adoption who are resident in the employee's household.

(f) "Counselor" means the Foundation's Counselor on Ethical Conduct and Conflicts of Interest. The Counselor for the Foundation will be the General Counsel of the Foundation. The Director of Administration and Finance will serve as Deputy Counselor.

(g) "Organization" as used herein includes profit and non-profit corporations, associations, partnership, trusts, sole proprietorships, foundations, and foreign, State and local government units.

(h) "Potential Contractor" means any organization or individual that has submitted a proposal, application, or otherwise indicated in writing its intent to apply for or seek from the Foundation a specific contract or other agreement, including a grant, loan or loan guarantee.

(i) "is associated with" as used in §§ 1504.211 and 1504.212, means:

(1) Is a director of an organization or is a member of a board or committee which exercises a recommending or supervisory function in an organization; or

(2) Serves as an employee, officer, owner, trustee, partner, consultant, or paid advisor in an organization; or

(3) Owns (or his or her spouse, minor child, or other member of his or her immediate household owns) individually or collectively, 1 percent or more of the voting shares of an organization; or

(4) Owns (or his or her spouse, minor child, or other member of his or her immediate household owns), individually or collectively, either beneficially or as trustee, a direct financial interest in an organization through stock, stock options, bonds, or other securities, or obligations, valued at $50,000 or more; or

(5) As a continuing financial interest in an organization, such as participation in or entitlement under a bona fide pension plan, valued at $5,000 or more, through an arrangement resulting from prior employment or business or professional association.

Subpart B—Standards of Conduct

§ 1504.201 General.

(a) All employees of the Foundation are required to conduct themselves in such a manner as to create and maintain respect for the Foundation and the U.S. Government; to avoid situations which require or appear to require a balancing of private interests or obligations against official duties; to be mindful of the high standards of integrity expected of them in all their activities, both personal and official; and to conform with the applicable statutes, rules, and regulations governing their activities. Particularly, an employee shall avoid any action, whether or not specificially prohibited, which might result in or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any organization or person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality of action;

(5) Making a Government decision outside official channels;

(6) Affecting adversely the confidence of the public in the integrity of the Government; or

(7) Using Government employment to coerce, or give the appearance of coercing, a person in order to gain financial benefit for him or herself or for another person, particularly one with whom the employee has family, business or financial ties.

(b) An officer or employee of another Federal agency who is assigned or

detailed to the Foundation shall adhere to the standards of conduct applicable to employees as set forth in this Part.

§ 1504.202 Statutes, rules, and regulations governing conduct of employees.

(a) The "Code of Ethics of Government Services" set forth by the Legislative Branch in House Concurrent Resolution 175, passed in 1958; the "Standards of Ethical Conduct for Government Officers and Employees" set forth by the President of the United States in Executive Order 11222, dated May 8, 1965, and the regulations issued by the Office of Personnel Management pursuant to this Executive Order (5 CFR Part 735); and other statues, rules, and regulations governing conduct of employees, including Foundation regulations, shall govern Foundation employees in their service to the Government.

(b) Conflict of interest statutes: The provisions of 18 U.S.C. 203, 205, 207, 208, and 209 prohibiting conflicts of interests between and employee's Government duties and outside activities are summarized in specific sections of this Part.

(c) Miscellaneous statutory provisions: In addition to the various provisions referred to above, Foundation employees must observe the following:

(1) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interests, as appropriate to the employees concerned.

(2) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(3) The prohibition against striking against the Government (5 U.S.C. 7311; 18 U.S.C. 1918).

(4) The prohibitions against: (i) The disclosure of classified information (18 U.S.C. 798; 50 U.S.C. 783); (ii) the disclosure of confidential information (18 U.S.C. 1905); and (iii) the disclosure of privileged information withheld under the exemptions of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552).

(5) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(6) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(7) The prohibition against the misuse of the franking provilege (18 U.S.C. 1719).

(8) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(9) The prohibition against Fraud or false statements in a Government matter (18 U.S.C. 1001).

(10) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(11) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(12) The prohibitions against: (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his/her employment (18 U.S.C. 654).

(13) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(14) The prohibitions against political activities in Subchapter III of Chapter 73 of Title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(15) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(16) The prohibition against the employment of an individual convicted to a felonious rioting related offense (5 U.S.C. 7313).

(17) The prohibition against a public official's appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(18) The prohibition against self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined at 26 U.S.C. 4941(d) to include certain transactions involving an employee's receipt of pay, a loan, or reinbursement for travel or other expenses, or sale to or purchase of property from a private foundation.

§ 1504.203 Outside employment and other activities.

(a) An employee shal not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform Government duties and responsibilities in an acceptable manner.

(b) A regular employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This section does not apply to special Government employees. Nor does it prevent a regular officer or employee from (1) continuing participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer, or (2) receiving payments or accepting contributions, awards, or other expenses in accordance with Chapter 41 of Title 5, United States Code, relating to employee training.

(c) Employees are encouraged to engage in teaching, lecturing, and writing which is not prohibited by law or regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing (including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Office of Personnel Management or The Board of Examiners for the Foreign Service) that depends on information obtained as a result of Government employment, except when the information has been made available to the general public or will be made available on request, or when the Chairman of the Board or the President of the Foundation gives written authorization for use of nonpublic information on the basis that the use is in the public interest.

(d) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law;

(2) Participation in the affairs of, or acceptance of an award for, a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civic organization; or

(3) Outside employment otherwise permitted under these regulations.

§ 1504.204 Speeches and participation in conferences.

(a) *Fees and expenses.* An employee may not accept a fee for his or her own use or benefit for making a speech, delivering a lecture, or participating in a discussion if the subject is the Foundation or Foundation programs or if such services are part of the employee's official Foundation duties. However, the employee may suggest that the amount otherwise payable as a fee or honorarium be contributed to a not-for-profit organization concerned with African development.

(b) When a meeting, discussion, or other gathering to which paragraph (a)

of this section refers takes place at a substantial distance from the employee's home, he or she may accept such reimbursement, subject to the approval of the counselor, for the actual cost of transportation and necessary subsistence or expenses, as is compatible with this part and for which no Government payment or reimbursement is made. If an employee receives accommodations, goods, or services in kind from a non-Government source while on official travel, such items will be treated as a donation to the Foundation and an appropriate reduction will be made in per diem or other travel expenses payable.

(c) An employee may accept fees for speeches, etc., dealing with subjects other than Foundation programs when no official funds have been used in connection with his or her appearance and such activities do not interfere with the efficient performance of his or her duties, and for which leave of absence, where necessary, is obtained.

(d) No employee may participate for the Foundation in a conference or speak for the Foundation before audiences when he or she has reason to believe that any racial group has been segregated or excluded from the meeting, from any of the facilities or conferences, or from membership in the organization sponsoring the conference or meeting.

§ 1504.205 Gifts, entertainment, and favors.

(a) An employee shall not receive or solicit, directly or indirectly, for personal benefit or for persons with whom there exist family, business, or financial ties, anything of economic value as a gift, gratuity, loan, entertainment, or favor which might reasonably be interpreted by others as affecting the employee's independence or impartiality, from any person, corporation, or group, if the employee has reason to believe that the entity:

(1) Has or is seeking to obtain, contractual or other business or financial relationships with the Foundation;

(2) Conducts operations or activities which are regulated by the Foundation; or

(3) Has interests which may be substantially affected by the employee's performance or nonperformance of his or her official duty.

(b) Paragraph (a) of this section does not prohibit:

(1) Acceptance of things of economic value arising from obvious family or personal relationships (such as those between the employee and the parents, children, or spouse of the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on a project tour where an employee may properly be in attendance;

(3) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as, home mortgage loans; and

(4) Acceptance of unsolicited advertising or promotional material, such as, pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, or accept a gift from an employee receiving less pay than himself/herself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion, such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, nor any other thing from a foreign government unless authorized by Congress as provided by the Constitution, 5 U.S.C. 7342, and the regulations in Part 3 of Chapter 1 of Title 22 ("Acceptance of Gifts and Decorations from Foreign Governments").

(e) Neither this section nor § 1504.203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this Part and for which no Government payment or reimbursement has been made. However, this paragraph does not allow reimbursement, or payment to be made on the employee's behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 1504.206 Financial interests.

(a) Neither a regular nor a special Government employee may participate in a governmental capacity in any matter in which that employee, the employee's spouse, minor child, associate or organization with whom there exists a business relationship, or person or organization with whom there exists negotiation for employment, has a financial interest (18 U.S.C. 208). Such an employee shall not (1) have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially with his/her Government duties and responsibilities; or (2) directly or indirectly, engage in any financial transaction as a result of, or primarily relying on, information obtained through his/her Government employment.

(b) An employee may be granted exemption from these restrictions provided: (1) The President of the Foundation for staff, or the Chairman of the Board for members of the Board, is first advised of the nature and circumstances of the particular matter, and the employee makes full disclosure of the financial interest, and (2) he/she receives in advance a written determination by the President or Chairman, as appropriate, that the outside financial interest is deemed not substantial enough to have an effect on the integrity of his/her services.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order 11222, this section, or these Foundation regulations.

§ 1504.207 Use of Government Property.

An employee shall not directly or indirectly, use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him/her.

§ 1504.208 Misuse of information.

(a) For the purpose of furthering a private interest, an employee shall not, except as provided in § 1504.203, directly or indirectly, use, or allow the use of, official information obtained through or in connection with Government employment which has not been made available to the general public.

(b) This section is not intended to discourage disclosure through proper channels of information which been or should be made available to the public by law.

§ 1504.209 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as, Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee, reduced

to judgment by a court, or imposed by law, such as Federal, State, or local taxes. "In a proper and timely manner" means in a manner which the Foundation determines does not, under the circumstances, reflect adversely on the Government as the individual's employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 1504.210 Gambling, betting, and lotteries.

An employee shall not participate, while on Government- owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 1504.211 Association with potential contractor prior to employment.

(a) No employee, or any person subject to his or her supervision, may participate in the decision to award a contract to any organization with which that employee has been associated in the past 2 years. When an employee becomes aware that such an organization is under consideration for or has applied for a contract with the Foundation, the employee shall notify his or her immediate supervisor in writing. The supervisor shall take whatever steps are necessary to exclude the employee from all aspects of the decision process regarding the contract or agreement.

(b) When an employee becomes aware that an organization with which he or she has been associated in the past 2 years is under consideration for or has applied for a contact with the Foundation, he or she shall refrain from participating in the decision process.

§ 1504.212 Association with Foundation contractor or potential contractor while an employee.

(a) No regular employee may be associated with any Foundation contractor or potential contractor. Any organization that is associated with a regular employee shall be suspended from consideration as a contractor.

(b) No regular or special employee, except in his or her official capacity as a Foundation employee, shall participate in any way on behalf of any organization in the preparation or development of a contract proposal involving the Foundation, or represent any other organization in a matter pending before the Foundation when such participation or representation would result in or create the appearance of the use of public office for private gain. In such cases, if a regular or special employee participates, while an employee of the Foundation, in any aspect of the development of a contract or agreement proposal on behalf of an organization, or represents another organization in a matter pending before the Foundation, that organization shall be suspended from consideration for the contract or other agreement.

(c) No regular or special employee who, prior to his or her employment at the Foundation, participated in the development of a contract or other agreement proposal on behalf of another organization, shall participate in any aspect of the decision process regarding that contract or other agreement, or, if the contract or other agreement is awarded, in any oversight or management capacity in relation to that contract or other agreement. In the event a regular or special employee who participated in the development of the contract or other agreement proposal prior to being employed at the Foundation does participate as a Foundation employee in the decision process for such contract or other agreement, the organization shall be suspended from consideration.

§ 1504.213 Economic and financial activities of employees abroad.

(a) Foundation employees are specifically prohibited from engaging in the activities listed below in any foreign country:

(1) Speculation in currency exchange;

(2) Transactions at exchange rates differing from local legally allowable rates, unless such transactions are duly authorized in advance by the Foundation;

(3) Sales to unauthorized persons, whether at cost or for profit, of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use, without official sanction, of the diplomatic pouch;

(5) Transfers of funds on behalf of blocked nationals or otherwise in violation of U.S. foreign funds and assets control;

(6) Independent and unsanctioned private transactions which involve an employee as an individual in violation of applicable control regulations of foreign governments;

(7) Acting as an intermediary in the transfer of private funds for persons in one country to persons in another country, including the United States; and

(8) Permitting use of his or her official title in any private business transactions or in advertisements for business purposes.

(b) U.S. citizen-Foundation employees on official travel or assignment abroad are prohibited from engaging in the activities listed below:

(1) Transacting or having an interest in any business or engaging for profit in any profession or undertaking or other gainful employment in any country or countries in which he or she is on official travel assignment in his or her own name or through the agency of any other person.

(2) Investing in real estate or mortgages on properties located in his or her country of assignment. (The purchase of a house and land for personal occupancy is not considered a violation of this subparagraph); and

(3) Investing money in bonds, shares, or stocks of commercial concerns headquartered in his or her country of assignment or conducting a substantial portion of business in such country. (Such investments, if made prior to knowledge of assignment or detail to such country or countries, may be retained during such assignment or detail); and

(4) Selling or disposing of personal property, including automobiles, at prices producing profits which result primarily from import privileges derived from his or her official status as an employee for the U.S. Government.

§ 1504.214 Discrimination.

No employee may make inquiry concerning the race, political affiliation, or religious beliefs of any employee or applicant in connection with any personnel action, and may not practice, threaten, or promise any action against or in favor of any employee or applicant for employment because of race, color, religion, sex, age, or national origin, and in the competitive service, on the basis of political, marital status, or physical handicap.

§ 1504.215 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudical to the Government.

Subpart C—Procedures

§ 1504.301 Responsibility of employees.

It is the responsibility of each employee (a) to become familiar with the full text of applicable statutes, rules, and regulations before engaging in outside employment and financial activity which might involve a conflict of interest, or other activity which might

involve a violation of standards of ethical conduct or of statutory or regulatory restrictions, and (b) to secure the advice or approval of his or her supervisor and the Counselor before engaging in the contemplated activity.

§ 1504.302 Sources of information and advice.

General information on statutes, rules, and regulations governing the conduct of employees may be obtained from the General Counsel. Specific information may be obtained from the United States Code, from the Federal Personnel Manual, and from Foundation regulations, all of which are available through the General Counsel. A copy (or a summary) of the Foundation regulations will be furnished to each employee in accordance with Office of Personnel Management Regulations (5 CFR Part 735). Clarification of standards of conduct and related laws, rules, and regulations, and advice on their applicability to individual situations, may be obtained from the General Counsel.

§ 1504.303 Executive personnel financial disclosure.

(a) The following employees of the Foundation shall submit completed Executive Personnel Financial Disclosure Reports (SF278) containing information required in accordance with 5 CFR Part 734, Subpart C:

(1) Within 5 days after transmittal by the President to the Senate of their nomination, each member of the Board of Directors of the Foundation.

(2) Within 30 days, after assuming the position, any newly appointed employee of the Foundation whose position is classified at GS–16 or above of the General Schedule, or whose basic rate of pay (excluding "step" increases) under other pay schedules is equal to or greater than the rate for GS–16 (Step 1).

(3) Within 30 days after designation, the designated Foundation Counselor on Ethical Conduct and Conflicts of Interest.

(b) Employees, who perform the duties of a position or office described in this section in excess of sixty days in any calendar year, must submit annual statements as of May 15 of each year containing the information described in 5 CFR Part 734, Subpart C.

(c) Executive Personnel Financial Disclosure statements filed pursuant to this section shall be made available to the public in accordance with the provisions of 5 CFR Part 734.603.

§ 1504.304 Statement of employment and financial interests.

The following employees of the Foundation shall submit statements of employment and financial interests:

(a) Employees classified at GS–13 or above under Section 5332 of Title 5, United States Code, or at a comparable pay level under another authority, including employees promoted into positions whose incumbents were required to file, as well as, new employees hired who are in positions, the basic duties of which, impose upon the incumbent the responsibility for making a Government decision or taking Government action with regards to:

(1) Contracting or procurement;

(2) Administering or monitoring grants or subsidies;

(3) Regulating or auditing private or other non—Federal enterprises; or

(4) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise; and

(b) Other employees, including those classified at GS–12 and below whose submission of statements of financial interest has been approved by the Office of Government Ethics, whose duties and responsibilities require them to report employment and financial interests in order to avoid involvement in a possible conflict of interest situation and to carry out the purpose of the law, Executive Order 11222, and the Foundation's regulations.

§ 1504.305 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in paragraph (c) of § 1504.303 may be excluded from the reporting requirement when the President of the Foundation determines that:

(1) The duties of the positions are such that the likelihood of the incumbent's involvement in a conflict of interest situation is remote; or

(2) The duties of the position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent, or the inconsequential effect on the intergrity of the Government.

(b) A statement of employment and financial interests is not required by these regulations from members of the Board of Directors and employees of GS–16 and above, who file Financial Disclosure Reports required by § 1504.303.

(c) The President of the Foundation may waive the requirement of this Subpart for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he/she finds that the duties of the position held by that special Government employee are of a nature and at such levels of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meaning given those terms by Chapter 304 of the Federal Personnel Manual.

§ 1504.306 Employees' complaint filing requirement.

Each employee shall have the opportunity for review of a complaint that his/her position has been improperly included in § 1504.303 as one requiring the submission of a statement of employment and financial interests. Employees are reminded that they may obtain counseling pursuant to § 1504.302 prior to filing a compliant.

§ 1504.307 Time and place of submission.

(a) An employee shall submit his/her statement of employment and financial interests to the Counselor no later than:

(1) Ninety days after the effective date of these regulations, if the person has entered on duty on or before that effective date; or

(2) Five days after entrance on duty, if the employee enters on duty after that effective date.

(b) Only the original of the statement, or supplement thereto, required by this Part shall be submitted. The individual submitting a statement should retain a copy for his or her personal records.

§ 1504.308 Information required, and forms.

(a) Employees. The employee's statement of employment and financial interests required by these regulations shall be submitted on the form, "Confidential Statement of Employment and Financial Interests", and shall contain all the information therein required.

(b) Interests of employees' relatives. The interest of a member of an employee's family is considered to be an interest of the employee. The term "member of the employee's family" is defined in § 1504.102(e).

(c) Information not known by employees. If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that

other person to submit information in his/her behalf.

(d) Information not required to be reported. The regulations in this Part do not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to:

(1) The employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or similar organization, not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants or money from, or contracts with, the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests; (2) an indirect interest, such as ownership of shares in a mutual fund, which in turn owns an interest in other organizations, unless such mutual fund is substantially involved in African ventures. Such an "indirect" interest is hereby determined pursuant to 18 U.S.C. 208(b)(2), to be too remote to affect the integrity of employees' services.

§ 1504.309 Supplementary statements.

(a) Employees, other than those occupying positions requiring the filing of Executive Personnel Financial Disclosure statements, who perform the duties of a position or office for a period in excess of sixty days in any calendar year, including special Government employees, must submit annual statements as of June 30 of each year containing the information described in § 1504.308.

(b) Notwithstanding the filing of reports required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of Title 18, United States Code, or these regulations.

§ 1504.310 Review of statements and determinations as to conflicts of interest.

(a) On the basis of the statement of employment and financial interests submitted by each employee, or on the basis of information received from other sources, the Counselor shall determine in the light of the duties which that employee is or will be performing whether any conflicts of interest, real or apparent, are indicated. The Counselor shall make the determination based on the applicable statutes, Executive Order 11222, and the applicable regulations of the Office of Personnel Management and the Foundation.

(b) Where the Counselor's determination in a particular case is that a conflict of interest, real or apparent, is indicated, informal discussions with the employee concerned shall be initiated. The discussions shall have as their objectives:

(1) Providing the individual with a full opportunity to explain the conflict or appearance of conflict; and

(2) Arriving at an agreement (acceptable to the Counselor, the individual, and the individual's immediate superior) whereby the conflict of interest may be removed or avoided.

(c) Where an acceptable agreement cannot be obtained pursuant to paragraph (b) of this section, the Counselor shall present his/her findings and recommendations to the President for decision. The President shall decide what remedy is most appropriate to remove or correct that conflict or apparent conflict. Remedial action under this paragraph may indicate disciplinary action or any of the actions enumerated in § 1504.310.

(d) Written summaries of all agreements and decisions arrived at pursuant to this section and § 1504.310 shall be placed in the Counselor's files. Copies shall also be made available to the regular or special Government employee concerned.

§ 1504.311 Penalties for violation.

(a) Violations of these regulations subject employees to remedial or disciplinary action by the Foundation which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation of the employee and the findings and recommedations of the Counselor, the President decides that remedial action is required, immediate action to end the conflict or appearance of a conflict of interest, shall be taken. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the regular or special Government employee of the conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders, and regulations.

§ 1504.312 Administrative enforcement proceedings.

In the event that the Foundation receives information that there has been a possible violation involving the Foundation of the restrictions against post employment activities contained in section 207 (a), (b), or (c) of title 18 U.S.C., the President or his designee shall follow the procedures set forth in 5 CFR 737.27 with respect to the initiation and conduct of an administrative disciplinary hearing.

§ 1504.313 Confidentiality of employees' statements.

The Foundation shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality only the Counselor and Deputy Counselor are authorized to review and retain the statements. The Counselor is responsibile for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this Part. The Foundation may not disclose information from a statement except as the Office of Personnel Management or the President of the Foundation may determine for good cause shown.

§ 1504.314 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required for employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit participation in a matter in which such participation is prohibited by law, order, or regulation.

Dated: April 25, 1985.

Leonard H. Robinson, Jr.,

President, African Development Foundation.

[FR Doc. 85-10700 Filed 5-2-85; 8:45 am]

BILLING CODE 6117-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-14-81]

Deduction for Certain Foreign Deferred Compensation Plans; Proposed Rulemaking

Correction

In FR Doc. 85-8234, beginning on page 13821, in the issue of Monday, April 8, 1985, make the following corrections:

1. On page 13822, first column, first line, "sections 404(h)" should have read "sections 404A(h)".

2. On page 13825, second column, eighth line of § 1.404A-2(b)(5)(ii), "THIS DOCUMENT" should have read "FINAL REGULATIONS".

3. On page 13826, first column, the line under the *Example* in § 1.404A-2(b)(8), reading "manner in which a protective election" should be removed.

4. On page 13830, in § 1.404A-4(e), in the table following *Example (3)*, the second entry in the column reading "End of year age" reading "41" should have read "42".

5. On page 13831, second column, the line numbered (14) in the "1984—Worksheet for Calculating Amount Taken Into for Qualified Reserve Plans Under 404A" of § 1.404A-4(e), should have read:

(14) (12)—(13) + (11) 9,026,902

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Permanent State Regulatory Program of Ohio; Consideration of Modification of Deadline for Condition of Approval

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: In response to the State's request, OSM is considering modifying the deadline for Ohio to satisfy a condition of approval of the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The condition concerns the Ohio bonding system.

DATE: Comments not received on or before 4:00 p.m. June 3, 1985 will not necessarily be considered in the Director's decision.

ADDRESSES: Written comments must be mailed or hand-delivered to: Office of Surface Mining, Columbus Field Office, 2nd Floor, 2242 South Hamilton Road, Columbus, Ohio 43227.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)-(f)(10), (g), (h)(1)-(h)(3), (i)(1)-(i)(3), (j) and (k)(1)-(k)(5). In accepting the Secretary's conditional approval, Ohio agreed to correct deficiencies (a), (b), (c), (h)(1) and (k)(1) by August 8, 1983 (e) by September 16, 1982; and the remaining deficienceis by February 8, 1983. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register**.

On January 6, 1983, Ohio submitted materials to OSM intended to, among other things, satisfy condition (h). On May 24, 1983, the Secretary approved certain of the amendments and removed a number of conditions including (h)(2) and (h)(3), but found that condition (h)(1) was not fully satisfied. Condition (h)(1) requires the State to revise its bonding system to provide assurance of more timely reclamation at the site of all operations upon which bond has been forfeited and to assure there are sufficient funds to finance the alternative bonding program. The Secretary established a deadline of August 8, 1983, for the State to meet condition (h)(1).

On July 26, 1983, Ohio requested an extension of time to meet certain conditions including condition (h)(1). A six-month extension, until February 8, 1984, was granted on October 11, 1983 (48 FR 46027).

Despite the extension, on August 1, 1983, Ohio submitted a proposed program amendment to satisfy condition (h)(1) and explained that it was submitting the amendment in order to allow OSM sufficient time to review it and require any necessary changes. On March 13, 1984, the Secretary determined that the modification did not fully satisfy the condition and extended until April 15, 1984, the deadline for Ohio to satisfy the condition (47 FR 9418).

On April 16, 1984, the Chief of the Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet this condition. The Division requested a one-year extension, until April 30, 1985. After considering the rationale behind Ohio's request, an one-year extension was granted on July 5, 1984 (49 FR 27505).

By letter dated April 4, 1985 and Chief of the Ohio Division of Reclamation requested an extension of the deadline to meet condition (h)(1) until September 30, 1985. The primary reason for the extension is to allow time for the bill, Substitute House Bill 238, containing the measures necessary to remove the condition to go through the legislative process. The bill would provide the increased funding necessary to fund Ohio's alternative bonding system through increased acreage fees and severance taxes. If passed, the bill would take effect on July 1, 1985. However, the State notes that some past budget bills have not been passed by July 1, and agencies continue to operate on interim budgets.

Therefore, the State requests an extension of the deadline to September 30, 1985, because Substitute House Bill 238 may not pass by the beginning of the fiscal year (July 1), and if the bill does pass, the Division will need time to establish a new account to administer the additional funds and to revise the forfeiture project construction schedule.

In accordance with the State's request, OSM is proposing that the deadline for the State to meet condition (h)(1) be extended until September 30, 1985.

Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would 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.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection

requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: April 26, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

[FR Doc. 85–10804 Filed 5–2–85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 169

[DoD Directive 4100.15]

Commercial Activities Program

AGENCY: Department of Defense, WHS.

ACTION: Proposed rule.

SUMMARY: The Department of Defense is proposing to reissue this part 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. It prescribes DoD policy for the establishment and operation of DoD commercial activities.

DATES: Comments must be received on or before June 3, 1985.

ADDRESS: Office of the Assistant Secretary of Defense (Manpower, Installations and Logistics), Installation Management, Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Hansen, telephone 202–325–0537.

SUPPLEMENTARY INFORMATION: Part 169 was published in the **Federal Register** on March 18, 1980 (45 FR 17138) prescribing the policy for the establishment of DoD commercial activities. Comments will be available for public inspection by request. Because of the anticipated number of comments, DoD does not plan to acknowledge or respond to individual comments. However, DoD will respond to the comments in the preamble of the final rule.

DoD has determined that this action is not a major rule as defined by Executive Order 12291. The part will not have an annual effect on the economy of $100 million or more; result in a major increase in the cost of prices for consumers, industries, State or local governments; or adversely affect competition, employments, investment, productivity, or innovation.

DoD has submitted a request to OMB for review and approval of the part.

This part is not subject to the provisions of the Regulatory Flexibility Act. Therefore, no Regulatory Flexibility Analysis was prepared.

List of Subjects in 32 CFR Part 169

Armed forces, Government procurement.

Accordingly, 32 CFR is proposed to be amended by revising Part 169 to read 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 accommodates substantive changes required by OMB Circular No. A–76 and prescribes DoD policies and assigns responsibilities for commerical activities

§ 169.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense (OSD), the Military Departments and the Defense Agencies (hereafter referred to as "DoD Components").

(b) Its provisions encompass DoD policy for commercial activities in the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) Its provisions are not mandatory for commercial activities staffed solely with civilian personnel paid by nonappropriated funds, such as military exchanges. However, its provisions are mandatory for commercial activities when they are partially staffed with civilian personnel paid by appropriated funds, such as libraries, open messes, and other morale, welfare, and recreation (MWR) activities. When total installation support is 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 the § 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 commercial activities in support of research and development, such as those listed in Enclosure 3 Part 169a.

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

(7) Authorize contracts that establish an employer-employee relationship between the DoD and contractor employees as described in FAR 37.104 (48 CFR 37104).

§ 169.3 Definitions.

Commercial Activity Review. The process of evaluating commercial activities 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 commercial activity from performance by DoD personnel to performance under contract by a commercial source.

Conversion to in-house. The changeover of a commercial activity from performance under contract to performance by DoD personnel.

Cost comparison. The process of developing an estimate of the cost of performance of a commercial activity by DoD employees and comparing it, in accordance with the requirements in Part 169a to the cost to the Government for contract performance of the commercial activity.

Directed 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 to employees outside the function who are adversely affected by conversion through reassignment or the exercise of bumping or retreat rights.

DoD Commercial Activity (CA). An activity which provides a product or service obtainable (or obtained) from a commercial source. A DoD commercial

activity is not a Governmental function. A DoD commercial activity 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 respresentative list of the functions performed by such activities is provided in Enclosure 3 of Part 169a. 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 Governmental Function. A function that is so intimately related 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 judgement in making decisions for DoD. Services or products in support of Governmental functions, such as those listed in Enclosure 1 of Part 169a are CAs and are normally subject to this Part and its implementing instructions. Governmental functions normally fall into two categories:

(a) The act of governing; i.e., the discretionary exercise of Government 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, navibable rivers and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, incluing food and drugs.

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

DoD Employee. Only civilian personnel of the DoD.

DoD Personnel. Both military and civilian personnel of the DOD.

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 newly established need for a commercial product or service. It 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.

(a) *Assure DoD Mission Accomplishment.* The implementation of this part shall consider the overall mission of the DoD 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 are inherently 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, no satisfactory commercial source available, or in the best interest of direct patient care, DoD Components shall not start, expand, or carry on any commercial activities 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 commercial source of a DoD in-house commercial activity 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 shall normally be performed to determine who will do the work. The restriction of a solicitation to a preferential procurement program does not negate this requirement.

(1) When adequately justified, cost comparisons involving ten or fewer DoD civilian employees may be waived by ASD (MI&L)IM and the commercial activity converted directly to contract.

(2) In no case shall any commercial activity involving more than ten DoD civilian employees be modified, reorganized, divided or in any way changed for the purpose of circumventing the requirement to perform a cost comparison.

(3) Commercial activities performed exclusively by military personnel, not subject to deployment in a combat, combat support, or combat service support role may be converted to contract without a cost comparison when adequate competition is available and reasonable prices can be obtained from qualified commercial sources.

(4) A cost comparison shall be conducted when contract costs become unreasonable or performance becomes unsatisfactory and re-competition with other satisfactory commercial sources does not result in reasonable prices.

(e) *Interim In-House Operation.* A DOD in-house commercial activity may be established on a temporary basis if a contractor defaults. Action shall be taken to resolicit bids in accordance with 32 CFR Part 169a.

§ 169.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Installations and Logistics)* (ASD (MI&L)) or his designee shall:

(1) Formulate and develop policy consistent with this part for the DOD commercial activity program;

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

(3) Maintain an inventory of in-house DoD commercial activities;

(4) Monitor program implementation;

(5) Approve or disapprove any requests to directly convert without a cost comparison a CA operated by ten or fewer DoD civilian employees;

(6) Ensure that direct conversion appeal decisions are made at a level organizationally higher than the level of the original direct conversion approval;

(7) Establish the use of automatic data processing (ADP) for DoD commercial activities program surveillance and managerial control;

(8) Develop, register, coordinate, and maintain data elements for use in ADP systems and reporting in accordance with the requirements of the DoD Data Elements and Data Codes

Standardization Program (DoD Directive 5000.11) [1]

(9) Review DoD Component decisions to perform in-house for national defense reasons existing DoD CAs, new requirements, or expansions;

(10) 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 *Heads of DoD Components* shall:

(1) Implement this part in accordance with the instructions issued by the ASD (MI&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 are commercial activities subject to this part.

(5) Prepare and maintain an inventory that identifies all in-house commercial activities including those retained in-house for national defense reasons, lack of satisfactory commercial source, and in the best interest of direct patient care;

(6) Schedule reviews of the in-house commercial activities 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 five years;

(7) Approve or disapprove in-house performance of DoD commercial activities new requirements, and expansions for reasons of national defense (under the criteria established in Part 169a) a lack of a satisfactory commercial source, or in the best interest of direct patient care. Notify ASD (MI&L) of any approvals within one week;

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

(9) Ensure that contracts resulting from cost comparisons conducted under this part are solicited and awarded in accordance with the Federal Acquisition Regulation (FAR) and DoD FAR Supplement (48 CFR Chapters 1 and 2) which requires 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 Office of Federal Procurement Policy Letter No. 78–3, "Requests for Disclosure of Contractor-Supplied Information Obtained in the Course of a Procurement," March 30 1978 [2] 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 commercial activities 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 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 post employment 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 commercial activities program.

(14) Notify the Joint Committee on Printing (JCP) at least 30 days prior to commencing a cost comparison of a field printing operation. These JCP notifications should be coordinated with the General Counsel of the Department of Defense.

(c) The *DoD Inspector General (Auditoring)* shall:

(1) Independently review appeals from directly affected parties relating to ASD (MI&L) or his designee approvals of DoD Components' requests for conversion of an in-house DoD commercial activities to contract without a cost comparison.

(2) Provide results of the administrative review of the appeal within 30 calendar days of receipt of the appeal to ASD(MI&L).

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 29, 1985.

[FR Doc. 85–10688 Filed 5–2–85; 8:45 am]

BILLING CODE 3810–01–M

[1] Copies may be obtained if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120; Attention: Code 301.

[2] Copies may be obtained if needed, from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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32 CFR Part 199

[DoD 6010.8–R, Amdt. 25]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Elimination of Preauthorization Requirement for Cosmetic, Reconstructive and Plastic Surgery

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This amends portions of the comprehensive CHAMPUS Regulation, DoD 6010.8–R (32 CFR Part 199), by eliminating the administrative requirement for preauthorization for cosmetic, reconstructive, and plastic surgery under CHAMPUS. Elimination of preauthorization relieves the beneficiary of an administrative burden for obtaining benefits under CHAMPUS.

DATE: Written public comments must be received on or before June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Charles E. Guidance, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone 303–361–3586.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Part 199 requires written pre-approval (preauthorization) for: Admissions to institutions other than acute general or special hospitals, adjunctive dental care, plastic, cosmetic, and reconstructive surgery, and all care provided under the Program for the Handicapped. Although preauthorization is not required for admissions to acute general or special hospitals, care continuing more than 30 days must be recertified.

Under this proposed rule all requirements for preauthorization for cosmetic, reconstructive and plastic

surgery would be eliminated and the CHAMPUS fiscal intermediary would be the single point of contact for initial determinations of care.

Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. The Secretary certifies, pursuant to section 605(b) of Title 5, United States Code, enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this regulation will not have a significant economic impact on a substantial number of small businesses, organizations or government jurisdictions.

We have determined that this regulation only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. It is not, therefore, a "major rule" under Executive Order 12291.

This amendment is being published for proposed rulemaking at the same time as it is being coordinated within the Department of Defense, with the Department of Health and Human Services, the Department of Transportation and with other interested agencies, in order that consideration of both internal and external comments and publication of the final rulemaking document can be expedited.

List of **Subjects in 32 CFR Part 199**

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I is amended reading as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

1. In § 199.10, by revising paragraph (a)(11); by removing paragraph (e)(8)(iv) in its entirety and redesignating paragraph (e)(8)(v) ad (e)(8)(iv).

§ 199.10 Basic program benefits.

(a) * * *

(11) *Preauthorization.* Because CHAMPUS benefits are limited for certain types of care, the beneficiary is required to obtain preauthorization from the Director, OCHAMPUS, or a designee, before the services are provided. The types of care for which preauthorization is required are identified in other parts of this section.

* * * * *

(10 U.S.C. 1079, 1086; 5 U.S.C. 301)

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 30, 1985.

[FR Doc. 85–10769 Filed 5–2–85; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket Nos. AMO64/065–MD; A–3–FRL–2830–5]

Proposed Approval of Revisions to the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces the Regional Administrator's decision to propose approval of Maryland's amendments to the Code of Maryland Regulations (COMAR) 10.18.06.02, and 10.18.09.05 relating to visible emission limits for stationary sources and COMAR 10.18.08 relating to the control of industrial waste incinerators. The major purpose for amending the regulations relating to visible emission limits for stationary sources is to eliminate the need to process each individual exception as a SIP revision. The amendment to the COMAR requirements for industrial incinerators will clarify the definition of "industrial waste" and will lower the prohibited size for industrial waste incinerators.

EFFECTIVE DATE: Comments must be submitted on or before June 3, 1985.

ADDRESSES: Written comments should be addressed to Mr. David L. Arnold at the EPA Region III address shown below. Copies of Maryland's request for amendments to their visible emission regulations and industrial incinerator regulations are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch (3AM10), 841 Chestnut Building, Philadelphia, PA 19107, Attn: Ms. Patricia Gaughan (2AM11)

Maryland Office of Environmental Programs, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, MD 21201, Attn: Mr. George P. Ferreri.

FOR FURTHER INFORMATION CONTACT: James Topsale, (215) 579–4553, or Cynthia H. Stahl, (215) 597–9337, at the Region III address above.

SUPPLEMENTARY INFORMATION: The State of Maryland has submitted two requests to revise their State Implementation Plan (SIP).

AMO64–MD

The first request is to amend COMAR 10.18.06.02 and 10.18.09.05 by making definitional and procedural changes such that visible emissions exceptions will not have to be submitted as revisions to the SIP. The requirement that the source is eligible for an exception only if it demonstrates the capacity to meet an alternative visible emission standard as well as all other applicable regulations, remains unchanged. Because the source must meet all other applicable emission standards, including new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP), no increase in emissions and no effects on prevention of significant deterioration (PSD) increments, new source growth in nonattainment areas, or reasonable further progress (RFP) in nonattainment areas are anticipated. The changes will allow certain sources which, for technical or economic reasons, are unable to comply with the applicable VE requirement to apply and receive an alternative VE standard from the State without the need for a source specific SIP revision. The proposed revision is not applicable in Air Quality Control Regions III and IV (Baltimore and Washington).

AMO65–MD

The second request amends COMAR 10.18.08.01, .03, .04, and .05 concerning the control of industrical waste incinerators. The term "industrial waste", previously defined as Type 5 or 6 wastes (according to Incineration Institute of America Standards) is now defined as "any solid, liquid, or semi-liquid waste, generated by a manufacturing industry, that does not contain hazardous waste". The term "refuse", previously defined as Type 0, 1, 2, or 3 waste (according to I.I.A. standards), is now defined as "a mixture of trash, rubbish, and garbage containing up to 50 percent moisture and up to 7 percent incombustible solids from household and commercial activities". The prohibited size for industrial waste incinerators is lowered from a minimum of 2000 lbs per hour (1 ton per hour) to 500 lbs per hour. In addition, the requirement to burn at least 2 tons of industrial waste per day is eliminated. The expected effect of

these changes is to allow sources to take advantage of heat recovery systems throughout their normal period of operation by allowing them to burn smaller quantities of waste while operating for more hours per day. Although the 2 tons per day requirement is eliminated for industrial waste incinerators, if a source burns 500 lbs/hr during an 8 hour day, it will have burned 2 tons per day. The requirement to burn at least 20 tons of refuse per day is also eliminated for refuse incinerators. This is expected to have very little effect since the requirement to burn 5 tons per hour still remains. The State estimates that only sources large enough to operate for a least 5 hours a day would be likely to invest the money necessary to build and operate a refuse incinerator. Allowing incineration of industrial refuse, rather than only industrial by-product waste (Type 5 or 6 waste) will increase opportunities for incineration. However, the State expects only an increase of four or five incinerator (including industrial waste and refuse) permit applications in the next six years. No effects on prevention of significant deterioration (PSD) or reasonable further progress (RFP) in nonattainment areas are expected since the emission standards remain unchanged and no significant increase in the number of industrial waste and/or refuse incinerators is expected. This revison is applicable only in Areas III and IV and includes both attainment and nonattainment areas.

Conclusion

EPA is, as of today, proposing to approve Maryland's State Implementation Plan revisions which include the definitional and procedural changes enabling Maryland to adopt a generic visible emissions exception rule, definitional changes for industrial waste, and lowering the prohibited size for industrial waste incinerators. As a result, EPA proposes approval of these SIP revisions which amend COMAR regulations 10.18.06.02, 10.18. 09.05, 10.18.08.01, .03, .04, and .05.

The Regional Administrator's decision to propose approval of the generic visible emissions exception rule and the changes requested for the control of industrial waste incinerators was based on the determination that they meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Preparation, Adoption and Submittal of State Implementation Plans.

The public is invited to submit, to the EPA Region III address stated above, comments on whether or not the proposed revision to the State of Maryland's SIP should be approved. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Regional Administrator has certified that SIP approvals under section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 52

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

Dated: March 22, 1985.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 85-10796 Filed 5-2-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5-FRL-2830-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designation; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: USEPA proposes to revise the Total Suspended Particulates (TSP) designation for a small area near Imlay City in Lapeer County, Michigan, from primary nonattainment to attainment. This proposed State Implementation Plan (SIP) revision is based on a redesignation request from the Michigan Department of Natural Resources (MDNR) and on supporting technical data submitted by the Department. Under the Clean Air Act (Act) attainment status designations can be changed if sufficient data are available to warrant such changes. The intent of this notice is to discuss the results of USEPA's review of the MDNR's redesignation request and their supporting technical data, and to solicit public comment on the revision and on USEPA's proposed action.

DATE: Comments on this redesignation and on USEPA's proposed action must be received by June 3, 1985.

ADDRESSES: Copies of the redesignation request, the technical support documents, and the supporting air quality data available at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909.

Comments on this proposed rule should be addressed to (Please submit an original and five copies, if possible): Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, (312) 886-6037.

SUPPLEMENTARY INFORMATION:

Background

Under section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of Michigan. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised if sufficient data are available to warrant such changes.

USEPA's criteria for section 107 redesignations are summarized in two policy memorandums: (1) An April 21, 1983, policy memorandum from Sheldon Meyers, former Director of the Office of Air Quality Planning and Standards, entitled "section 107 Designation Policy Summary" ' and (2) a December 23, 1983, policy memorandum from G.T. Helms, Chief of the Control Programs Operation Branch, entitled "Section 107 Question and Answers." In general, all available information relative to the attainment status of the area should be reviewed. In addition, a change from a primary nonattainment designation to an attainment designation must be supported by:

(1) The most recent eight consecutive quarters of quality-assured, representative ambient air quality data that show no violations of the appropriate NAAQS, plus evidence of an implemented control strategy; or

(2) The most recent four consecutive quarters of quality-assured, representative ambient air quality data that show no violations of the appropriate NAAQS, plus a state-of-the-art modeling analysis that demonstrates a sound SIP strategy, and a correlation between actual, enforceable emission reductions and recent air quality improvement; and

(3) Any supplemental information, including air quality and emissions data, that can be used to determine whether the monitoring data accurately

characterize the worst case air quality in the area.

State Actions

The amended Clean Air Act (August 1977), required all States to determine attainment/nonattainment status with respect to the NAAQS. On October 27, 1980, based on air monitoring data collected during 1978–1980, the State of Michigan recommended to USEPA that a small area near Imlay City in Lapeer County be designated as secondary nonattainment for TSP.

On November 6, 1981 (46 FR 55108), USEPA redesignated this area to primary nonattainment because of monitored violations of the primary TSP NAAQS in 1978 and 1980. The boundaries of the Lapeer County primary nonattainment area are as follows:

T7N—R12E, that portion of section 17 which lies south of M–21 and east of Fairground Road.

On July 20, 1983, the MDNR requested that USEPA revise the TSP air quality attainment status designation for the primary nonattainment area near Imlay City to secondary nonattainment. The MDNR also submitted eight quartes of TSP monitoring data (1981–1983) that showed no violations of the primary TSP NAAQS, but eight exceedances of the secondary standard. The MDNR attributed the improvement in air quality to the installation of a baghouse at Almont Manufacturing, the only significant TSP source in the area. On September 29, 1983, USEPA requested that the MDNR deomonstrate that the recent emission reductions at Almont Manufacturing were sufficent to attain and maintain the TSP NAAQS throughout the area.

On October 19, 1984, the MDNR revised their July 20, 1983, submittal by requesting that USEPA redesignate the primary nonattainment area near Imlay City in Lapeer County to attainment for TSP. To support this request, the MDNR submitted the most recent four quarters of TSP monitoring data (July 1983-June 1984), as well as their stipulation that Almont Manufacturing was permanently shut down as of April 1983. Since the shutdown of Almont Manufacturing, and the removal of the foundary sand stored at the site, there have been no recorded exceedances of the primary or secondary TSP NAAQS. After reviewing the MDNR's October 19, 1984, redesignation request, USEPA requested additional technical information in order to demonstrate that the exceedances in this area could be directly attributed to emissions from Almont Manufacturing and, therefore, that the recent shutdown of the plant would assure attainment and maintenance of the TSP NAAQS in this area. This information was submitted by the MDNR on February 20, 1985.

Monitoring Data

The MDNR submitted TSP ambient air monitoring data collected from a special purpose monitoring site that had been installed by the MDNR to characterize the TSP air quality in the vincinity of Almont Manufacturing. The data were collected from 1978 to June 1984. The MDNR submitted eight quarters of monitoring data (1981–1983) with its July 20, 1983, redesignation request. The data showed no violations of the primary TSP NAAQS, but eight exceedances of the secondary TSP NAAQS. The MDNR submitted four additional quarters of monitoring data (July 1983–June 1983) with its October 19, 1984, revision to the July 20, 1983, redesignation request. The data showed no violations of either the primary or the secondary TSP NAAQS. On February 20, 1985, the MDNR submitted additional air quality and meteorological data to support its October 19, 1984 request. These data included individual 24-hour TSP observations at the Imlay City monitor for the 1979–1982 period and meteorological data for days with observed secondary standard exceedances. These data showed that, on all 16 days on which an exceedance of the secondary standard was observed at the Imlay City site, the prevailing wind direction was directly from the south or south-west. The only significant TSP source in this area, Almont Manufacturing, is located about 100 meters south-southwest of the monitor.

Conclusion

The improvement in ambient TSP levels in the primary nonattainment area located near Imlay City, Lapeer County, Michigan, can be attributed to the permanent shutdown of Almont Manufacturing. Based on the submitted data, it can be concluded that the previous violations of the TSP NAAQS were directly caused by emissions from Almont Manufacturing and that the NAAQS will be maintained in this area because of the permanent shutdown of Almont. Although MDNR did not submit a state-of-the-art modeling analysis, in addition to the four quarters of data, as suggested by the April 21, 1983, policy memorandum on section 107 redesignations, it is clear from the available monitoring data and from the analyses of past exceedances that the area has attained and will maintain the TSP NAAQS.

In conclusion, the ambient air monitoring data show no violations of the TSP NAAQS at the Imlay monitor from 1983 to 1984 in Lapeer County, Michigan. Additionally, the MDNR has supplied verification of the source shutdown which led to the reduced TSP emission levels. Therefore, USEPA is proposing to approve the redesignation of the Lapeer County primary nonattainment area to attainment, as requested by the State of Michigan. This designation is defined at 40 CFR 81.323.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After review of all comments submitted, the Administrator of USEPA will publish the Agency's final action on the redesignation in the **Federal Register.**

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended, (42 U.S.C. 7407)

Dated: March 27, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85–10795 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1241

[No. 38590]

Revision to Railroad Annual Report Form R–1

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission (Commission) is reopening this proceeding. The Final Rule, served March 11, 1982 (47 FR 10041, March 9, 1982) eliminated certain annual report schedules in Railroad Annual Report Form R–1 (Form R–1). On judicial review, the United States Court of

Appeals for the District of Columbia Circuit found that the Commission failed to give adequate notice that the proposed elimination of schedules was to be done in reliance upon a previously announced general policy of limiting periodic reports to information frequently and regularly used by the Commission. The court further found that interested parties were not "accorded the statutorily required opportunity to tell the Commission why the 'regular and frequent use' principle is in their view a bad idea." Interested parties are now being asked to comment on the additional considerations discussed below.

DATE: Written responses should be filed on or before June 3, 1985. The proposed revisions would be effective upon service of the Final Rule.

ADDRESS: Send comments (original and 15 copies) to: No. 38590, Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Brian A. Holmes, (202) 275–7448.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking in No. 38590, *Revision to Railroad Annual Report Form R–1*, 46 FR 45966 September 16, 1981, served September 16, 1981, the Commission proposed elimination of certain schedules in railroad Annual Report Form R–1. In the decision served March 11, 1982 (47 FR 10041 March 9, 1982), 365 I.C.C. 552 (1982), the Commission eliminated 20 schedules (see Appendix).

On judicial review, the United States Court of Appeals for the District of Columbia Circuit found that the Commission failed to give adequate notice that the proposed elimination of schedules was to be done in reliance upon a previously announced general policy of limiting periodic reports to information frequently and regularly used by the Commission. The court further found that interested parties were not "accorded the statutorily required opportunity to tell the Commission why the 'regular and frequent use' principle is in their view a bad idea." No. 82–1503, *Patrick W. Simmons* v. *ICC*, —— F. 2d ——, —— (D.C. Cir. March 19, 1985) (slip op. 9).

We are reopening this proceeding for further comment. A major factor in our decision on whether particular schedules are to be retained will be the Commission's Policy Statement on Financial and Statistical Reporting, 44 FR 27537 (1979). This reporting policy states in part that:

> Periodic reports, annual or quarterly, will be required only for information needed by the Commission regularly and frequently. Information needed occasionally will be collected only when the specific need arises.

The objective of the policy is to ensure that carriers subject to Commission reporting are not burdened with reporting requirements beyond those necessary for the Commission's regular use in performing its duties. The benefits to carriers from the policy include reductions in costs and in time preparing Commission reports.

This previously announced policy of reducing data collection to those materials regularly and frequently used by the Commission is expressly put forward for public comment as a major basis for the proposed [1] elimination of schedules. We note, as the reviewing court did, that reduction of carriers' data-reporting requirements is also consonant with the National Rail Transportation Policy, 49 U.S.C. 10101a(14) and with the Paperwork Reduction Act, 44 U.S. 3501(1). These directives, along with our own policy statement, establish the framework within which we will evaluate the need to maintain particular reporting requirements.

We wish to make it clear that eliminating particular data or schedules from mandatory recurring reports does not preclude the Commission from requesting the data from individual railroads from time to time as needed. Further, both the Paperwork Reduction Act and the Rail Transportation Policy confirm that the Commission's role is not to fulfill the independent information needs or desires of carriers and the public, whether or not they may have relied on Commission reports in the past for their private analysis and monitoring purposes.

When commenting in this proceeding, interested parties should consider that the Commission's objective is to ensure that useful, timely, and accurate data will be collected to meet the Commission's regulatory needs and to reduce paperwork burdens upon carriers. In justifying retention of particular reporting requirements, respondents should clearly specify why particular schedules should be retained and/or why they believe the Commission's general reporting policy is not justified.

[1] This notice will treat the elimination of the identified portions of Form R–1 as a *proposed* action, although the schedules are now deleted and even though the reviewing court stayed the effectiveness of its order for 90 days to allow the Commission to take corrective action.

Interested parties may request copies of the previously eliminated schedules by calling the above telephone number. The former schedule numbers and titles are listed in the Appendix.

Regulatory Flexibility Act

This proposed rule will not have a significant ecnomic impact on a substantial number of small entities. Because this proceeding relates to only the larger Class I railroads, we perceive no likely impact on smaller railroads who are not required to file reports. Comments are requested on this issue.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1241

Railroads, Reporting requirements.

These rules are proposed under the authority of 49 U.S.C. 10321, 10326, and 11145, and 5 U.S.C. 553.

Decided: April 23, 1985.

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

James H. Bayne,

Secretary.

Appendix

The following schedules were eliminated pursuant to No. 38590, served March 11, 1982 (47 FR 10041):

Schedule No.	Schedule title
300	1. Items in Selected Current Asset Accounts.
315	2. Special Funds and Other Investments.
319	3. Securities, Advances, and Other Intangibles Owned or Controlled Through Nonreporting Subsidiaries.
325	4. Property Used in Other Than Carrier Operations.
329	5. Other Assets and Deferred Debits.
355	6. Other Elements of Investment.
362	7. Noncapitalized Capital Leases.
370	8. Items in Selected Current Liability Accounts.
379	9. Other Long-Term Liabilities and Other Deferred Credits.
413	10. Rent for Leased Roads and Equipment.
430	11. Miscellaneous Rent Income.
440	12. Miscellaneous Rents (Expense).
445	13. Separately Operated Properties—Profits or Loss.
451	14. Railway Tax Accruals.
703	15. Miles of Tracks at Close of Year by States and Territories (for Switching and Terminal Companies).
760A	16. Grade Crossings—A Railroad With Railroad.
760B	17. Grade Crossings—B Railroad With Highway.
761	18. Grade Separations.
900	19. Compensation of Officers, Directors, etc.
	20. Annual Report Supplement—Corporate Disclosure.

[FR Doc. 85–10813 Filed 5–2–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Erythronium Propullans (Minnesota Trout Lily) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list a plant, *Erythronium propullans* (Minnesota trout lily), as an endangered species. *Erythronium propullans* is presently known at only 14 sites, one to three acres each in size, with a total of a few hundred plants, in Rice and Goodhue Counties, Minnesota. The Minnesota trout lily is the only known plant species endemic to Minnesota. The species is vulnerable due to the low number of individuals, restricted distribution, expansion of housing projects, associated suburban development, and other modifications of natural habitat. A final determination of *Erythronium propullans* to be an endangered species will implement the protection provided by the Endangered Species Act of 1973, as amended. Critical habitat is not being proposed at this time. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by July 2, 1985. Public hearing requests must be received by June 17, 1985.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Endangered Species Division, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Engel (see **ADDRESSES** above) (612–725–3276 or FTS 725–3276).

SUPPLEMENTARY INFORMATION:

Background

Erythronium propullans Gray is a member of the lily family. It was first discovered near St. Mary's College in Faribault, Minnesota, in 1870, and was described by Gray (1871). There have been no revisions of its taxonomic status since that time.

The lily-like plant is about 15 centimeters tall, with one pair of mottled green, pointed leaves arising from near the base. A single nodding bell-shaped flower is at the end of a slender, leafless stalk. The recurved petals are pink or roseate. Perianth parts usually number four or five, rather than six as in other species of *Erythronium*. The flowers are generally distinguishable from those of *E. albidum*, the only other *Erythronium* found in the same habitat. The flowers of *E. propullans* are deeper pink in hue than the whitish-pink flowers of *E. albidum*. They are smaller (9–13 millimeters) than those of any other *Erythronium*. The fruits are also smaller and remain in a nodding or horizontal position at maturity.

The outstanding feature of *Erythronium propullans* is the production of a single bulblet from a lateral stem offset below the leaves (Morley, 1982). The other two species of *Erythronium* in Minnesota increase vegetatively by multiple basal offsets from the deeply buried bulbs (Banks, 1980).

Erythronium propullans is a spring ephemeral in deciduous forest blooming in April or May. The aerial parts of the plant completely disintegrate after the forest canopy fills out in early June. The species is usually associated with other spring ephemerals such as Dutchman's breeches (*Dicentra cucullaria*), white dog-tooth violet (*Erythronium albidum*), and snow trillium (*Trillium nivale*).

Etryhronium propullans occurs in the wooded valleys along the Cannon and Zumbro Rivers in Rice and Goodhue Counties, Minnesota. It occupies sites on north-facing slopes, 15–27 meters above the stream beds. Occasionally, the plants occur in moderate to heavy shade, and occasionally on river floodplains (Morley, 1978). Plant colonies or clones are 2–5 decimeters or larger in diameter. Plants also occur as scattered individuals.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of this report as a petition within the context of Section 4(c)(2) of the Act (petition acceptance is now governed by Section 4(b)(3) of the Act, as amended), and of its intention to review the status of the plant taxa named within. *Erythronium propullans* was named in the Smithsonian Report as threatened and was included in the Service's 1975 notice of review.

Erythronium propullans was also included as a category-1 species in an updated notice of review for plants published in the December 15, 1980 **Federal Register** (45 FR 82480). Category 1 comprises taxa for which the Service presently has sufficient biological information to support their being proposed to be listed as endangered or threatened species.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been submitted on that date. The deadline for a finding on those species, including *Erythronium propullans*, was October 13, 1983. On October 13, 1983, and again on October 13, 1984, the petition finding was made that listing *Erythronium propullans* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B) (iii) of the Act. Notice of the 1983 finding was published on January 20, 1984 (49 FR 2485). Such a finding requires a reevaluation of the petition within 12 months, pursuant to section 4(B)(3)(C) (i) of the Act. Therefore, a new finding must be made; this proposed rule constitutes the new findings that the petitioned action is warranted and proposes to implement the action in accordance with section 4(b)(3)(B) (ii) of the Act.

Status reports compiled by Morley (1978) and Smith (1981) as well as other pertinent literature (see "References," below) provide the biological basis for this proposed rule. The data demonstrate low numbers of plants and continuing threats to the species.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.)* and regulations promulgated to implement the listing provisions of the Act (to be codified at 50 CFR Part 424; see 49 FR 38900, October 1, 1984) set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Etryhronium propullans* Gray (Minnesota trout lily) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* There are no historical data to indicate that the range of *Etryhronium propullans* may have been larger at one time than its is now. Morley (1978) reported that road construction near the city of Faribault eliminated several colonies. Several large colonies located 1.5 miles

northeast of Faribault were destroyed by conversion of pastureland to cropland. Motorbikes have destroyed one colony within the city of Faribault (Morley, 1978). Threats to the urban sites are overutilization of a recreational potential (i.e., foot paths) and off-the-road vehicles. Other rural sites face destruction from the conversion of woodland to cropland.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is significant threat from wildflower collectors who may reduce populations in more accessible sites. One site was severely damaged in the early 1970's when a large number of plants were removed and replanted in the University of Minnesota Landscape arboretum (Smith, 1981).

C. *Disease or predation.* None Known.

D. *The inadequacy of existing regulatory mechanisms. Erythronium propullans* is officially listed as endangered by the State of Minnesota. The Endangered Species Act offers possibilities for protection of this taxon through Section 6 by cooperation between the State and the Service and through Section 7 (interagency cooperation) requirements. All know populations are privately owned. Two of the sites, with 20 and 110 colonies each, are owned by the Minnesota Chapter of The Nature Conservancy and are managed by them for the preservation of *Erythronium propullans.*

E. *Other natural or manmade factors affecting its continued existence.* None know.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this taxon, in determining to propose this rule. Based on this evaluation, the preferred action is to list *Erythronium propullans* as an endangered species, because of the known losses of local populations of this extermely rare species. For reasons detailed below, it is not considered prudent to propose designation of critical habitat.

Critical Habitat

Section 4(a)(3) of the act, as amended, requires that, to the maximum extent prudent nd determinable, the Secretary designated any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The designation of critical habitat is not considered to be prudent when such designation would not be of net benefit to the species involved (50 CFR 424.12). In the present case, the Service believes that designation of critical habitat would not be prudent because no benefit to the taxon can be identified that would outweigh the potential threat of vandalism or collection, which might be exacerbated by the publication of a detailed critical habitat map.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act including recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups and individuals. The Endangered Species Act provides for land acquisition, if necessary, and cooperation with the States; it also requires that recovery actions be carried out for all listed species. These actions are initiated by the Service following listing. The protection required by Federal agencies and applicable prohibitions are discussed, in part, below.

Section 7(a) of the Act, as amended requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. When a species is listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destory or adversely modify its critical habitat. If an activity may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. There are now known Federal activities planned in the range of *Erythronium propullans.*

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Erythronium propullans,* all trade prohibitions of Section 9(a)(2) of the Act, as implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. International and interstate commerce in *Erythronium propullans* is not known to exist. It is anticipated that few trade permits would ever be sought or issued, since this plant is not common in cultivation or in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species in areas under Federal jurisdiction. *Erythronium propullans,* however, does not occur on Federal lands.

If this species is listed under the Act, the Service will review it to determine whether it should be considered for placement upon one of the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which is implemented through Section 8A of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned govenmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Erythronium propullans;*

(2) The location of any additional populations of *Erythronium propullans* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Erythronium propullans.*

Final promulgation of the regulation on *Erythronium propullans* will take

into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. The reasons for this determination were published in the **Federal Register** (48 FR 49244) on October 25, 1983.

References

Banks, J. 1980. The reproductive biology of *Erythronium propullans* Gray and sympatric populations of *E. albidum* Nutt. (Liliaceae). Bull. Torrey Bot. Club 107:181–188.

Gray, A. 1871. A new species of *Erythronium*. Amer. Nat. 5:298–300.

Johnson, A.G. and M.K. Smithberg. 1968. A wildflower unique to Minnesota. Minnesota Horticulturalist 96:38–39.

Morley, T. 1978. Distribution and rarity of *Erythronium propullans*. Phytologia 40(5):381–389.

———. 1982. Flowering frequency and vegetative reproduction in *Erythronium albidum* and *E. propullans*, and related observations. Bull. Torrey Bot. Club 109:169–176.

Smith, W.R. 1981. Status report on *Erythronium propullans*. Unpubl. ms. Minnesota Dept. of Natural Resources. 9 pp.

Author

The primary author of this proposed rule is John G. Sidle (see **ADDRESSES** section) (612–725–3276 or FTS 725–3276).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92. Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Liliaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Liliaceae—lily family						
*	*	*	*	*		*
Erythronium propullans	Minnesota trout lily	U.S.A. (MN)	E		NA	NA
*	*	*	*	*		*

(Proposed: *Erythronium propullans* (Minnesota trout lily)—endangered)

Dated: March 25, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–10807 Filed 5–2–85; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 50, No. 86
Friday, May 3, 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.

COMMISSION ON CIVIL RIGHTS

California 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 California Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 1:00 p.m., on June 15, 1985, at the Western Regional Office, USCCR, 3660 Wilshire Boulevard, Room 810, Los Angeles, California. The purpose of the meeting is to discuss plans for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, the director of the Western Regional Office at (213) 688-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-10830 Filed 5-2-85; 8:45 am]

BILLING CODE 6335-01-M

Delaware 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 Delaward Advisory Committee to the Commission will convene at 2:30 p.m. and will end at 4:30 p.m. on May 20, 1985, at Boggs Federal Courthouse, 844 King Street, Room 3207, Wilmington, Delaware. The purpose of the meeting is to review the status of current projects and provide an orientation for new Committee members.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson William J. Conner, or Edward Rutledge, director of the Mid-Atlantic Reginal Office, at (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-10828 Filed 5-2-85; 8:45 am]

BILLING CODE 6335-01-M

Florida 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. Commisson on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 7:00 a.m. and will end at 8:00 a.m. on May 29, 1985, and on May 30, 1985 at 9:00 a.m. to 6:00 p.m. at the Biscayne Bay Marriott Hotel, 1633 North Bayshore Drive, the Fisher Room, Miami, Florida. The purpose of the meeting is to hold an Advisory Committee briefing and community forum on immigration practices and laws.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Paul Porter, or Bobby Doctor, director of the Southern Regional Office, at (420) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-10826 Filed 5-2-85; 8:45 am]

BILLING CODE 6335-01-M

Indiana 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 Indiana Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m. on May 23, 1985, at the Indiana Black Expo Headquarters, 3130 Sutherland Avenue, the Conference Room, Indianapolis, Indiana. The purpose of the meeting is to discuss the status of current projects and provide an orientation for new committee members.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson James Nuechterlein, or Clark Roberts in the Midwestern Regional Office, at (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-10831 Filed 5-2-85; 8:45 am]

BILLING CODE 6335-01-M

Maryland 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 Maryland Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 4:00 p.m. on May 23, 1985, at the Allegany County Building, 3 Pershing Street, the Commissioner's Room, Cumberland, Maryland. The purpose of the meeting is to hear from community representatives and government officials and discuss discrimination against handicapped and disabled persons and other civil rights issues in Western Maryland.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Lorretta Johnson, or Edward Rutledge in the Mid-Atlantic Regional Office, at (202) 254-6717

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April, 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-10827 Filed 5-2-85; 8:45 am]

BILLING CODE 6335-01-M

Nebraska 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 Nebraska Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 10:00 p.m. on May 16, 1985, at the Flanagan High School, 2606 Hamilton Street, the Capitol Room, and on May 17, 1985 at 9:00 a.m. to 6:00 p.m. at the Red Lion Inn, 1616 Dodge Street, the Dodge Room, Omaha, Nebraska. The purpose of the meeting is to conduct program planning and a community forum on the general status of civil rights in Omaha.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin Jenkins, director of the Central States Regional Office, at (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10829 Filed 5–2–85; 8:45 am]

BILLING CODE 6335–01–M

New Jersey 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 New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m. on May 28, 1985, at the Quality Inn, Route 1, South, North Brunswick, New Jersey. The purpose of the meeting is for the newly rechartered committee to discuss plans for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Stephen Balch or Ruth Cubero, of the Eastern Regional Office, at (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 30, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10825 Filed 5–2–85; 8:45 am]

BILLING CODE 6335–01–M

Hearing on the Protection of Handicapped Newborns

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1983, Public Law 98–183, 97 Stat. 1304, that a public hearing of the U.S. Commission on Civil Rights will begin on June 12, 1985, at 12:45 p.m. at the Medical Society of the District of Columbia, 2007 I Street NW., Washington, D.C. It will also convene on June 13–14, 1985, beginning at 8:30 a.m.

The purpose of the hearing is to hear testimony about possible discrimination in medical decisions affecting handicapped newborns and to assess the Federal role, if any, in this area.

The Commission is an independent bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice.

Dated at Washington, D.C., April 30, 1985.

Clarence M. Pendleton, Jr.,

Chairman.

FR Doc. 10853 Filed 5–2–85; 8:45 am]

BILLING CODE 6335–01–M

Hawaii Advisory Committee; Meeting Cancellation

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 Hawaii Advisory Committee to the Commission originally scheduled for May 16, 1985, at the Ala Moana Americana Hotel, 410 Atkinson Drive, the Board Room, Honolulu, Hawaii, (FR Doc. 85–10118, on page 16528) has been cancelled.

Dated at Washington, D.C., April 30, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10821 Filed 5–2–85; 8:45am]

BILLING CODE 6335–01–M

New York Advisory Committee; Agenda and 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 New York Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on May 22, 1985, at the Summit Hotel, 51st Street and Lexington Avenue, the Van Buren Room, New York, New York. The purpose of the meeting is for the newly rechartered committee to discuss plans for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Archer Puddington, or Ruth Cubero, of the Eastern Regional Office at (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10823 Filed 5–2–85; 8:45 am]

BILLING CODE 6335–01–M

North Dakota Advisory Committee; Agenda and 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 9:00 a.m. and will end at 12:00 p.m. on May 17, 1985, at the Townhouse Motel, 301 Third Avenue, North Fargo, North Dakota. The purpose of the meeting is to discuss future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Robert Feder, or William Muldrow, director of the Rocky Mountain Regional Office, at (303) 844–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10824 Filed 5–2–85; 8:45 am]

BILLING CODE 6335–01–M

Wyoming Advisory Committee; Agenda for 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 Wyoming Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 p.m. on June 1, 1985, at the Downtowner Motor Hotel, I–25 and Center Street, Casper, Wyoming. The purpose of the meeting is to discuss the status of current projects and provide an orientation for new committee members.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Fuju Adachi, or William Muldrow in the Rocky Mountain Regional Office, at (303) 844–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10822 Filed 5–2–85; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 85–134. Applicant: Fred Hutchinson Cancer Research Center, 1124 Columbia Street, Seattle, WA 98104. Instrument: Electron Microscope, Model JEM–100SX with Water Recirculator. Manufacturer: JEOL Ltd., Japan. Intended use: Studies of subcellular materials, cells and tissues related to cancer research. These materials may include human or animal tissue, tissue culture, DNA preparations, almost any tissue or component which demonstrates some aspects of the phenomena which can be described as relating to cancer. The experiments to be conducted will include: (1) The regulation of ribosomal gene transcription; (2) examination of the causative agents of AIDS; (3) chromosome replication; (4) lampbrush chromosome structure; (5) mechanism of Rec BC enzyme action; (6) analysis of RSV-transformed cells using site-directed antibodies against $pp60^{src}$; (7) studies of microtubules and kinetochores and (8) structural aspects of nuclear attachment in cells grown on extracellular matrix. Application received by Commissioner of Customs: March 30, 1985.

Docket No.: 85–137. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Electron Spectrometer. Manufacturer: Fom Institute for Atomic & Molecular Physics, The Netherlands. Intended use: The instrument is intended to be used to detect weak photoelectron signals and conduct new coincidence experiments. Application received by Commissioner of Customs: March 22, 1985.

Docket No.: 85–138. Applicant: Arizona State University, Department of Chemistry, Tempe, AZ 85287. Instrument: Two X-ray Powder Diffractometers, Model D/MAX–RB and Accessories. Manufacturer: Rigaku Corporation, Japan. Intended use: X-ray powder diffraction research consisting of the study of solid state materials, their structures, textures and thermal behavior. The main areas of research to be performed are examination of the structure and phase behavior of compositionally modulated transition metal films, metal ammonia intercalates with transition metal sulfides, metal oxide/metal sulfide corrosion products and various materials of geochemical interest. Other areas of study include structure properties of biaxially deformed high density polymers, the kinetics of solid state reactions and thermal behavior of thin films on single crystal substrates. The primary educational use of the instrument is in the one-on-one training of graduate students in the use and practice of modern X-ray powder diffraction. Application received by Commissioner of Customs: March 22, 1985.

Docket No.: 85–139. Applicant: Dwight David Eisenhower Army Medical Center, Building 300, Fort Gordon, GA 30905–5650. Instrument: Electron Microscope, Model JEM–100CXII with Accessories. Manufacturer: JEOL Co., Ltd., Japan. Intended use: Ultrastructural study of kidney disease and various tumors especially the differential diagnoses of the various poorly differentiated anaplastic cancers. The instrument will also be used in the training of residents in pathology in the various aspects of electron microscopy. Application received by Commissioner of Customs: March 22, 1985.

Docket No.: 85–140. Applicant: Queens College, City University of New York, Chemistry Department, 65–30 Kissena Boulevard, Flushing, NY 11367–0904. Instrument: Teaching Flash Kinetic Spectrometer with Accessories. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended use: The instrument will be used to train undergraduate students in the flash photolysis study of chemical solutions. Short-lived events will be investigated. Application received by Commissioner of Customs: March 22, 1985.

Docket No.: 85–141. Applicant: The University of Texas at Austin, Bureau of Economic Geology, P.O. Box X, University Station, Austin, TX 78713. Instrument: CP/Mass Spectrometer. Manufacturer: VG Instruments, United Kingdom. Intended use: Analysis of geologic rock and mineral samples to determine chemical and to some extent isotopic, composition of the materials. This knowledge is then used to understand a variety of geologic, hydrologic, or environmental processes. Application received by Commissioner of Customs: March 26, 1985.

Docket No.: 85–142. Applicant: University of Texas, Bureau of Economic Geology, P.O. Box X, University Station, Austin, TX 78713. Instrument: Isotope Spectrometer, Model Sira 24. Manufacturer: VG Instruments, United Kingdom. Intended use: Studies of geologic and hydrologic materials to better understand the hydrologic cycle (movement of water through the earth and the atmosphere) and to better understand the chemical reactions which result in mineral precipitation and dissolution of rocks in the deep subsurface. Application received by Commissioner of Customs: March 26, 1985.

Docket No.: 85–143. Applicant: Memorial Hospital for Cancer & Allied Diseases, 1275 York Avenue, New York, NY 10021. Instrument: Electron Microscope, Model EM 410LS. Manufacturer: Philips Gloeilampenfabrieken, The Netherlands. Intended use: Diagnosis of human tumors during ultrastructural studies. The instrument will also be used for interpreting kidney and nerve biopsies, monitoring anthracycline-induced cardiotoxicity (chemo-therapy) using transvenous endomyocardial biopsies, the localization of human tumor antigens using colloidal gold labeled monoclonal antibodies for numerous other cancer research project, and for teaching pathology residents. Application received by Commissioner of Customs: March 26, 1985.

Docket No.: 85–144. Applicant: New Jersey Department of Health, CN 360 John Fitch Plaza, Trenton, NJ 08625. Instrument: Electron Microscope, Model EM 420T with Accessories.

Manufacturer: Philips Gloeilampenfabrieken, The Netherlands. Intended use: Detection of asbestos fiber concentrations in ambient air, in and around buildings where asbestos containing construction materials are known, or thought to be present. The examinations to be performed on this instrument are an integral part of a comprehensive asbestos policy which will provide a rational, uniform approach towards the management of asbestos problems throughout New Jersey. Application received by Commissioner of Customs: March 26, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-10754 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-307-501]

Extension of the Deadline for Preliminary Countervailing Duty Determinations; Certain Circular Welded Carbon Steel Pipe and Tube Products From Venezuela

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is extending the deadline for its preliminary determinations in the countervailing duty investigations of certain welded carbon steel pipes and tubes from Venezuela in order to investigate upstream subsidies provided to pipe and tube manufacturers, producers and exporters in Venezuela through the purchase of subsidized inputs. On March 26, 1985, petitioners presented information which establishes a reasonable basis to believe or suspect that an upstream subsidy is being paid or bestowed on the products under investigation. Under section 703(h) of the Tariff Act of 1930, as amended by the Trade and Tariff Act of 1984 (the Act), we may extend the deadline for a preliminary determination to 250 days after the filing of a petition whenever there is a reasonable basis to believe or suspect that an upstream subsidy is paid or bestowed and we conclude that additional time is required to investigate the upstream allegation. Therefore, the Department will make its preliminary determinations by November 5, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Terry Link 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) 377-0189 or 377-1785.

SUPPLEMENTARY INFORMATION:

Case History

On February 28, 1985, we received a petition filed by the Subcommittees of the Committee on Pipe and Tube Imports (CPTI) and its member companies on behalf of the U.S. industries producing certain circular welded carbon steel pipe and tube products. In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Venezuela of certain welded carbon steel pipe and tube products directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure or threaten material injury to U.S. industries.

We found that the petition contained sufficient grounds on which to initiate countervailing duty investigations, and on March 20, 1985, we initiated such investigations (50 FR 12063). We stated that we expected to issue preliminary determinations by May 24, 1985.

Since Venezuela is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, the International Trade Commission (ITC) was notified of our initiations. On April 15, 1985, the ITC preliminarily determined that there is a reasonable indication that these imports materially injure and threaten material injury to U.S. industries.

Upstream Subsidy Allegation

In the petition, the Subcommittees of the Committee on Pipe and Tube Imports alleged that Venezuelan manufacturers, producers, or exporters of certain circular welded carbon steel pipe and tube products receive an "upstream subsidy" through the purchase of subsidized inputs of plate and hot-rolled and cold-rolled sheet. In our notice of initiation, we stated that the upstream subsidy allegation was insufficient to initiate an investigation because the petitioners did not provide "reasonable grounds to believe or suspect" that a competitive benefit is being conferred on the manufacturers, producers, or exporters in Venezuela of certain circular welded carbon steel pipes and tubes.

On March 26, 1985, petitioners requested the Department to re-examine the upstream subsidy allegation and provided further information in support of their allegation. In consideration of the information received, we determine that we now have reasonable grounds to believe or suspect that an upstream subsidy is paid or bestowed on the products under investigation.

Under section 703(h) of the Act, we may extend the deadline for a preliminary determination to 250 days after the filing of a petition, whenever the Department determines that additional time is required to investigate an upstream subsidy allegation. Accordingly, we will make our preliminary determinations on or before November 5, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-10755 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-307-504]

Extension of the Deadline of Preliminary Countervailing Duty Determination; Oil Country Tubular Goods From Venezuela

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is extending the deadline for its preliminary determination in the countervailing duty investigation of oil country tubular goods from Venezuela in order to investigate upstream subsidies provided oil country tubular goods manuacturers, producers and exporters in Venezuela through the purchases of subsidized inputs. On April 10, 1985, parties to the proceeding presented information which establishes a reasonable basis to believe or suspect that an upstream subsidy is being paid or bestowed on the product under investigation. Under section 703(h) of the Tariff Act of 1930 as amended by the Trade and Tariff Act of 1984, (the Act), we may extend the deadline for a preliminary determination to 250 days after the filing of a petition whenever there is a reasonable basis to believe or suspect that an upstream subsidy is paid or bestowed and we conclude that additional time is required to investigate the upstream allegation. Therefore, the Department will make its preliminary determination by November 5, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Terry Link 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) 377–0189 or 377–1785.

SUPPLEMENTARY INFORMATION:

Case History

On February 28, 1985, we received a petiton filed by the United States Steel Corporation on behalf of the U.S. industries producing oil country tubular goods. On March 5, 1985 we received a letter on behalf of Lone Star Steel Company requesting that the company be added as a co-petitioner. The United States Steel Corporation agreed to include Lone Star in this proceeding. On March 28, 1985 we received a letter from counsel for the members of the oil country tubular goods subcommittee of the Committee on Pipe and Tube Imports requesting that they be considered as parties to the proceeding in the oil country tubular goods investigation. In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Venezuela of oil country tubular goods directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure on threaten material injury to U.S. industries.

We found that the petition contained sufficient grounds on which to initiate a contervailing duty investigation, and on March 20, 1985, we initiated such an investigation (50 FR 12066). We stated that we expected to issue a preliminary determination by May 24, 1985.

Since Venezuela is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, the International Trade Commission (ITC) was notified of our initiation. On April 15, 1985, the ITC preliminary determined that there is a reasonable indication that this import materially injures and threatens material injury to U.S. industries.

Upstream Subsidy Allegation

On March 7, 1985, Lone Star filed an amendment to the petition, alleging that Venezuelan manufacturers, producers, or exporters of oil country tubular goods receive an "upstream subsidy" through the purchases of subsidized imputs. In our notice of initation, we stated that the upstream subsidy allegation was insufficient to initiate an investigation because the petitioner did not provide "reasonable grounds to believe or suspect" that domestic subsidies to suppliers of inputs have a significant effect on the cost of manufacturing OCTG or that a competitive benefit is being conferred on the manufacturers, producers, or exporters in Venezuela of oil country tubular goods. Moreover, we stated that Lone Star did not identify the inputs in the manufacture of OCTG that the are benefiting from the subsidies.

On April 10, 1985, the members of the oil country tubular goods subcommittee of the Committee on Pipe and Tube Imports, parties to the proceedings, requested the Department to investigate the upstream subsidy allegation and provided information in support of their allegation. In consideration of the information received, we determine that we now have reasonable grounds to believe or suspect that an upstream subsidy is paid or bestowed on the product under investigation.

Under section 703(h) of the Act, we may extend the deadline for a preliminary determination to 250 days after the filing of a petition, whenever the Department determines the additional time is required to investigate an upstream subsidy allegation. Accordingly, we will make our preliminary determination on or before November 5, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–10756 Filed 5–2–85; 8:45 am]

BILLING CODE 3510-DS-M

[A–471–501]

Carbon Steel Wire Rod From Portugal; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether carbon steel wire rod ("wire rod") from Portugal is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission ("ITC") of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 23, 1985, and we will make ours on or before September 16, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–1776.

SUPPLEMENTARY INFORMATION:

The Petition

On April 8, 1985, we received a petition from counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel Texas, Inc., and Raritan River Steel Company on behalf of the domestic wire rod industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Portugal are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

The petitioners based the United States prices on offers for sale of wire rod to U.S. purchasers, less estimated inland freight, ocean freight, handling, off-loading, United States duty and broker commission.

The petitioners based foreign market value on constructed value. The petitioners calculated constructed value based on United States factors of production for raw materials, labor, general selling and administrative expenses and profit.

By comparing the values calculated by the foregoing methods, petitioners alleged dumping margins of 39 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire rod and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether wire rod from Portugal is being, or is likely to be, sold at less than fair

value in the United States. If our investigation proceeds normally, we will make our preliminary determination by September 16, 1985.

Scope of Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. Wire rod is currently classifiable under item 607.17 of the *Tariff Schedules of the United States.*

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 23, 1985, whether there is a reasonable indication that imports of wire rod from Portugal are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 29, 1985.

[FR Doc. 85-10837 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-307-505]

Carbon Steel Wire Rod From Venezuela; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether carbon steel wire rod ("wire rod") from Venezuela is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission ("ITC") of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 23, 1985, and we will make ours on or before September 16, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-1776.

SUPPLEMENTARY INFORMATION:

The Petition

On April 8, 1985, we received a petition from counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel Texas, Inc., and Raritan River Steel Company on behalf of the domestic wire rod industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry.

The petitioners based the United States prices on actual sales of wire rod to U.S. purchasers, less estimated inland freight, ocean freight, handling, off-loading, United States duty and broker commission.

The petitioners based foreign market value on constructed value. The petitioners calculated constructed value based on United States factors of production for raw materials, labor, general selling and administrative expenses and profit.

By comparing the values calculated by the foregoing methods, petitioners alleged dumping margins of 39 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire rod and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether wire rod from Venezuela is being, or is likely to be, sold at less than fir value in the United States. If our investigation proceeds normally, we will make our preliminary determination by September 16, 1985.

Scope of Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufacture, and valued over 4 cents per pound. Wire rod is currently classifiable under item 607.17 of the Tariff Schedules of the United States Annotated.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 23, 1985, whether there is a reasonable indication that imports of wire rod from Venezuela are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 29, 1985.

[FR Doc. 85-10836 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-455-401]

Barbed Wire and Barbless Fencing Wire From Poland; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that barbed wire and barbless fencing wire (barbed wire) from Poland is being, or is likely to be, sold in the United States at less than fair value, and that "critical circumstances" do not exist with respect to imports of the merchandise under investigation. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise as described in the "Suspension of Liquidation" section of the notice. If this investigation proceeds normally, we will make a final determination by July 15, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Shimabukuro, 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) 377-5332.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that barbed wire and barbless fencing wire (barbed wire) from Poland are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have determined the weighted-average margin of sales at less than fair value to be 56.9 percent. We also found that critical circumstances do not exist.

If this investigation proceeds normally, we will make a final determination by July 15, 1985.

Case History

On November 19, 1984, we received an antidumping duty petition from Forbes Steel and Wire Corporation, filed on behalf of domestic producers of barbed wire. In compliance with the filing requirements of section 353.36 of our regulations (19 CFR 353.36), the petitioner alleged that imports of barbed wire from Poland are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Act, and that these imports materially injure or threaten material injury to a United States industry. Petitioner also alleged that "critical circumstances" exist, as defined in section 733(e) of the Act. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on December 9, 1984 (49 FR 49128). On January 2, 1985, the ITC determined that there is a reasonable indication that imports of barbed wire from Poland are materially injuring a U.S. industry.

A questionnaire was presented to counsel of PHZ Universal, the only known exporter of barbed wire to the United States, on March 1, 1985. The response was received on April 8, 1985. We have determined that Poland is a state-controlled-economy country for the purpose of this investigation. This is further discussed under "Foreign Market Value".

Scope of Investigation

The products covered by this investigation are barbed wire and barbless fencing wire, as currently provided for in items 642.0200 and 642.1105 of the Tariff Schedules of the United States, Annotated (TSUSA). We investigated all sales of barbed wire, to the United States, for the period June 1, 1984, through November 30, 1984.

Fair Value Comparison

To determine whether sales in the United States of the subject merchandise were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, the purchase price of the subject merchandise was used to represent the United States price because the merchandise was sold to an unrelated United States purchaser prior to its importation into the United States. We made deductions for foreign inland freight and ocean freight. Deductions for inland freight were based on barge rates in Hamburg, Federal Republic of Germany.

Export packing costs were based on the packing costs, for barbed wire, in the Republic of Korea.

Foreign Market Value

In accordance with section 773(c) of the Act, we used surrogate prices of barbed wire imported to the United States to determine foreign market value. Petitioner alleged that Poland is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of Poland's economy and consideration of the briefs submitted by the parties, we have preliminarily concluded that Poland is a state-controlled-economy country for purposes of this investigation. Our decision on this issue is mainly based on the fact that the central government of Poland strictly controls the prices and levels of production of the steel industry, as well as the internal pricing of the factors of production.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Section 353.8(a) of our regulations establishes a preference for foreign market value based upon prices at which similar merchandise is sold for consumption in the home market of that country, or to other countries, including the United States. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

After an analysis of countries producing barbed wire, we determined that Italy would be an appropriate surrogate. We mailed questionnaires to three Italian producers of barbed wire and, on April 18, 1985, received a response from one of them.

We based foreign market value on the weighted average ex-mill price in the Italian home market. Adjustment for cost differences of similar merchandise, and differences in credit costs, were not made because information necessary for such adjustments was not available. These adjustments, however, shall be considered for the final determination.

Preliminary Negative Determination of Critical Circumstances

The petitioner alleged that imports of barbed wire from Poland present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist if we have a reasonable basis to believe or suspect that (1) there is a history of dumping in the United States, or elsewhere, or the class or kind of the merchandise which is the subject of the investigation; or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise, which is the subject of the investigation, at less

than its fair value; and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short priod.

In determining whether there have been massive imports over a relatively short period, we considered the following factors:

1. Whether recent imports have increased significantly;
2. Whether recent import penetration ratios have increased significantly;
3. Whether the pattern of recent imports may be explained by seasonal factors; and
4. Whether recent imports are significantly above average imports calculated over the last three years.

Based on our analysis of the import statistics compiled by ITC, and the Department's IM 146, we have determined that imports of the products covered by this investigation were not massive over a relatively short period.

We, therefore, did not need to consider whether there is a history of dumping of barbed wire, or whether the person by whom or for whose account these products were imported knew or should have known that the exporters were selling these products at less than fair value.

We have determined, for the reasons described above, that "critical circumstances" do not exist with respect to barbed wire from Poland.

Verification

We will verify all data used in reaching the final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of barbed wire from Poland that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The weighted average margin rate is 56.9 percent. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR), we will hold, if requested, a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2 p.m. on June 4, 1985, at the U.S. Department of Commerce, room 5611, 14th Street and Constitution Avenue, N.W., 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 3099B, at the above address within 10 days of this notice's publication. 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, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 22, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 29, 1985.

[FR Doc. 85-10839 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-407]

Barbed Wire and Barbless Fencing Wire From Brazil: Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value.

SUMMARY: We preliminarily determine that barbed wire and barbless fencing wire (barbed wire) from Brazil are being, or are likely to be, sold in the United States at less than fair value, and that "critical circumstances" do not exist with respect to imports of the merchandise under investigation. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by July 12, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, 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) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that barbed wire from Brazil is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margins for the two respondents were based on the best information available, as explained below in the sections of this notice which describe our fair value comparisons and calculations. The margins for individual companies investigated are listed in the "Suspension of Liquidation" section of this notice. We also found that critical circumstances do not exist with respect to imports of barbed wire from Brazil. If this investigation proceeds normally, we will make a final determination by July 12, 1985.

Case History

On November 19, 1984, we received a petition from Forbes Steel and Wire Corporation on behalf of the domestic producers of barbed wire. In compliance with the filing requirements of section 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of barbed wire from Brazil 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 causing material injury, or are threatening material injury, to a United States industry. Petitioner also

alleged that critical circumstances exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on December 10, 1984 (49 FR 49127). On January 3, 1985, the ITC determined that there is a reasonable indication that imports of barbed wire are materially injuring a U.S. industry.

On February 19, 1985, questionnaires were presented to Companhia Siderurgica Belgo-Mineira (Belgo-Mineira) and Companhia Siderergica da Guanabara (COSIGUA).

Questionnaire responses were not received on the due date of April 8, 1985. We notified the respondents on April 15, 1985, that we might proceed to the preliminary defermination using the best information available. To date, we have not received any response.

Scope of Investigation

The merchandise covered by this investigation is barbed wire and barbless fencing wire, currently provided for in the Tariff Schedules of the United States Annotated (TSUSA) items 642.0200 and 642.1105, respectfully.

According to the petition, Belgo-Mineira and COSIGUA accounted for substantially all the exports of this merchandise to the United States. We investigated all imports of barbed wire during the period June 1 through November 30, 1984.

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, based on the best information available, with the foreign market value, also based on the best information available. We used the best information available as required by section 776(b) of the Act because respondents did not submit responses.

United States Price

We calculated the purchase price of barbed wire as provided in section 772 of the Act, on the basis of average customs value for the period of investigation as provided in the IM146. We used these data as the best information available instead of those provided in the petition in order to obtain a representative figure for the total period of investigation.

Foreign Market Value

We calculated foreign market value as provided in section 773 of the Act. The best information available for calculating foreign market value was cost of material and fabrication data submitted in the petition. To this amount we added the required statutory minimum of 10 percent for general selling and administrative expenses and eight percent for profit.

Preliminary Negative

Determination of Critical Circumstances

The petitioner alleged that imports of barbed wire from Brazil present "critical circumstances." Under section 733(e) of the Act, critical circumstances exist if we have a reasonable basis to believe or suspect that (1) there is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation: or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value; and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

In determining whether there have been massive imports over a relatively short period, we considered the following factors: (1) whether imports have surged recently, (2) recent trends in import penetration levels, (3) whether the recent imports are significantly above the average calculated over the last three years, and (4) whether the pattern of imports over that three year period may be explained by seasonal swings.

In considering this question, we analyzed recent trade statistics on import levels and import penetration ratios for barbed wire from Brazil for the periods immediately preceding and subsequent to the filing of the petition. Based on our analysis of recent trade data, we preliminarily determine that imports of barbed wire from Brazil do not appear massive over a relatively short period.

We, therefore, did not need to consider whether there is a history of dumping of barbed wire from Brazil or whether the person by whom or for whose account these products were imported knew or should have known that the exporters were selling these products at less than fair value.

For the reasons described above, we preliminarily determine that "critical circumstances" do not exist with respect to barbed wire from Brazil.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching the final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of barbed wire from Brazil which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price.

This suspension of liquidation will remain in effect until further notice. The marigns are as follows:

Manufacturers	Margin (percent)
Belgo-Mineira	47.55
COSIGUA	47.55
All other manufacturers/producers/exporters	47.55

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on June 5, 1985, at the U.S. Department of Commerce, room 3708, 14th St. and Constitution Ave., N.W., 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 3099B, at the above address within 10 days of this notice's publication. 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, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 29, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Homer,

Deputy Assistant Secretary for Import Administration.

April 29, 1985.

[FR Doc. 85-10840 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-455-501]

Carbon Steel Wire Rod From Poland; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether carbon steel wire rod from Poland is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product injure or threaten material injury to, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 23, 1985, and will make ours on or before September 16, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Lim, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-0184.

SUPPLEMENTARY INFORMATION:

The Petition

On April 8, 1985, we received a petition in proper form from Atlantic Steel Company, Continential Steel Company, Georgetown Steel Corporation, North Star Steel Company Texas, and Raritan River Steel Company, filed on behalf of the domestic producers of carbon steel wire rod. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Poland are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring or are threatening to materially injure, a United States industry. The petition further alleges that Poland is a state-controlled economy within the meaning of the Act. It alleges that sales of carbon steel wire rod in Poland do not permit a determination of foreign market value and that the Department of Commerce must choose a surrogate country for the purposes of determining the foreign market values of this product. The petitioners suggest Australia as a surrogate country. The allegation of sales at less than fair value is supported by comparing the average price obtained by the petitioners for ex-plant price charged for the product in Australia to the Polish offers for sale of U.S. purchasers (less amounts for foreign inland freight, ocean freight, handling, off loading, U.S. duty and broker commission). In comparing the United States prices with the foreign market value, the petition alleges a dumping margin of 36.51 percent.

In case involving a state-controlled economy country, the foreign market value of carbon steel wire rod exported from that country must be determined in accordance with section 773(c) of the Act. The surrogate procedure, as prescribed by the Department's regulations (19 CFR 353.8), contemplates the use of prices for such or similar merchandise when sold for consumption in a market economy at a comparable stage of economic development to the non-market economy country, or a constructed value.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegation. We have examined the petition on carbon steel wire rod and we have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether carbon steel wire rod from Poland is being, or is likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by September 16, 1985.

Scope of Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. Wire rod is currently classificable under item 607.17 of the Tariff Schedules of the United States Annotated.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at the determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine by May 23, 1985, whether there is a reasonable indication that imports of carbon steel wire rod from Poland are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 29, 1985.

[FR Doc. 85-10838 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-357-405]

Barbed Wire and Barbless Fencing Wire From Argentina; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value.

SUMMARY: We preliminarily determine that barbed wire and barbless fencing wire (barbed wire) from Argentina are being, or are likely to be, sold in the United States at less than fair value, and that "critical circumstances" do not exist with respect to imports of the merchandise under investigation. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by July 12, 1985.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, 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) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that barbed wire from Argentina is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margin for the respondent was based on the best information available, as explained below in the sections of this notice which describe our fair value comparisons and calculations. The margin for the company investigated is listed in the "Suspension of Liquidation" section of this notice. We also found that critical circumstances do not exist with respect to imports of barbed wire from Argentina. If this investigation proceeds normally, we will make a final determination by July 12, 1985.

Case History

On November 19, 1984, we received a petition from Forbes Steel and Wire Corporation on behalf of the domestic producers of barbed wire. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of barbed wire from Argentina 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 causing material injury, or are threatening material injury, to a United States industry. Petitioner also alleged that critical circumstances exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on December 10, 1984 (49 FR 49126). On January 3, 1985, the ITC determined that there is a reasonable indication that imports of barbed wire are materially injuring a U.S. industry.

On February 19, 1985, a questionnaire was presented to Acindar Industria Argentia de Aceros S.A. (Acindar).

An incomplete questionnaire response was received on April 8, 1985. We notified the respondent on April 18, 1985, that we might proceed to the preliminary determination using the best information available if we did not receive an adequate response. We did not receive an adequate response in sufficient time to use in the preliminary determination.

Scope of Investigation

The merchanidise covered by this investigation is barbed wire and barbless fencing wire, currently provided for in the Tariff Schedules of the United States Annotated (TSUSA) items 642.0200 and 642.1105, respectively.

According to the petition, Acindar accounted for substantially all the exports of this merchandise to the United States. We investigated all imports of barbed wire during the period June 1 through November 30, 1984.

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, based on the best information available, with the foreign market value, also based on the best information available. We used the best information available as requred by section 776(b) of the Act because the respondent did not submit an adequate response.

United States Price

We calculated the purchase price of barbed wire, as provided in section 772 of the Act, on the basis of average customs value for the period of investigation as provided in the IM146. We used these data as the best information available instead of those provided in the petition in order to obtain a representative figure for the total period of investigation.

Foreign Market Value

We calculated foreign market value as provided in section 773 of the Act. The best information available for calculating foreign market value was cost of material and fabrication data submitted in the petition. To this amount we added the required statutory minimum of 10 percent for general, selling and administrative expenses and 8 percent for profit.

Preliminary Negative Determination of Critical Circumstances

The petitioner alleged that imports of barbed wire from Argentina present "critical circumstances." Under section 733(e) of the Act, critical circumstances exist if we have a reasonable basis to believe or suspect that (1) there is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation; or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value; and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

In determining whether there have been massive imports over a relatively short time period, we considered the following factors: (1) Whether imports have surged recently, (2) recent trends in import penetration levels, (3) whether the recent imports are significantly above the average calculated over the last three years, and (4) whether the pattern of imports over that three year period may be explained by seasonal swings.

In considering this question, we analyzed recent trade statistics on import levels and import penetration ratios for barbed wire from Argentina for the periods immediately preceding and subsequent to the filing of the petition. Based on our analysis of recent trade data, we find that imports of barbed wire from Argentina do not appear massive over a relatively short period.

We, therefore, did not need to consider whether there is a history of dumping of barbed wire from Argentina

or whether the person by whom or for whose account these products were imported knew or should have known that the exporters were selling these products at less than fair value.

For the reasons described above, we preliminary determine that "critical circumstances" do not exist with respect to barbed wire from Argentina.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching the final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of barbed wire from Argentina which are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price.

This suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturers	Margin (percent)
Acindar	64.44
All other manufacturers/producers/exporters	64.44

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determiantion, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on June 6, 1985, at the U.S. Department of Commerce, Room 3708, 14th St. 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 3099B, at the above address within 10 days of this notice's publication. 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, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 30, 1985. Oral presentations will be limtied to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 29, 1985.

[FR Doc. 85-10841 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; U.S. Fish and Wildlife Service, Alaska Maritime National Wildlife Refuge

On March 15 1985, notice was published in the Federal Register (50 FR 10526) that an application had been filed by U.S. Fish and Wildlife Service, Alaska Maritime National Wildlife Refuge, 202 W. Pioneer Avenue, Homer, Alaska 99603.

Notice is hereby given that on April 29, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668 Juneau, Alaska 99802.

Dated: April 29, 1985.

William G. Gordon,

Assistant Administrator for Fisheries.

[FR Doc. 85-10818 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

April 30, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended has issued the directive published below to the Commissioner of Customs to be effective on May 3, 1985. For further information contact Diana Solkoff, International Trade Specialist (202) 377-4212.

Background

On March 4, 1985, a notice was published in the Federal Register (50 FR 3586) which established an import restraint limit for cotton vests in Category 359pt., (only TSUSA numbers 379.0258, 379.0654, 379.3949, 379.5700, 379.5820, 383.0648, 383.0652, 383.4200 and 383.4320), produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on January 3, 1985. The notice also stated that the Government of the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, if no mutually satisfactory solution is reached on a level for this category during consultations, to limit its exports during the twelve-month period immediately following the ninety-day consultation period to 879,414 pounds.

No solution has been reached in consultations on a mutually satisfactory limit. The United States Government has decided, therefore, to control imports of cotton textile products in Category 359pt., exported during the twelve-month period at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the Federal Register.

In event the limit established for the ninety-day period has been exceeded, such excess amount, if allowed to enter, will be charged to the level established for the designated twelve-month period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annoated (1985).

Walter C. Lenahan,

Committee for the Implementation of Textile Agreements.

April 30, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-dade Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 3, 1985, entry for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 359pt.,[1] produced or manufactured in China and exported during the twelve-month period beginning on May 1, 1985 and extending through April 30, 1986 in excess of 879,414 pounds.[2]

Textile products in Category 359pt. which are in excess of the 90-day limit previously established shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), ad amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

[1] In Category 359, only TSUSA numbers 379.0258, 379.0654, 379.3949, 379.5700, 379.5820, 383.0648, 383.0652, 383.4200 and 383.4320.

[2] The restraint limit has not been adjusted to account for any imports exported before May 1, 1985.

In carryingout the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Committee for the Implementation of Textile Agreements.

[FR Doc. 85-10802 Filed 5-2-85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group D (Production) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 9:30 a.m., Friday, May 17, 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Crystal Park One, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Thomas Henion, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The Working Group D area includes all production aspects of critical electronic components for the defense electronic supply base; the transition of components from research and development into production, e.g., manufacturing technology; policy and acquisition steps necessary to insure that there is a sufficient domestic supply base for critical electronic components; and steps necessary to insure the continuing availability of skilled people to support the critical electronic component supply base. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer Department of Defense.

April 30, 1985.

[FR Doc. 85-10768 Filed 5-2-85; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 8:30 a.m., Wednesday and Thursday, 15-16 May 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Crystal Park One, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Harold Summer, AGED Secretariat, 201 Varick Street, New York, NY 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that

accordingly, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer Department of Defense.

April 30, 1985.

[FR Doc. 85-10767 Filed 5-2-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Naval Research Advisory Committee; Open 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 Panel on Navy Artificial Intelligence R&D will meet on May 20 and 21, 1985 at SRI International, Inc., 333 Ravenswood Avenue, Menlo Park, California. The first session of the meeting will commence at 8:00 A.M. and terminate at 5:30 P.M. on May 20. The second and final session will commence at 8:30 A.M. and terminate at 5:30 P.M. on May 21. All sessions of the meeting will be open to the public.

The purpose of the meeting is to receive technical briefings from industry and university representatives in order to develop a working definition of artificial intelligence suited to Navy needs; determine the current state of R&D and evaluate its' relevance to Navy needs; establish criteria for evaluating potential applications of artificial intelligence in the Navy and identify the most beneficial applications for the Navy in combat and non-combat roles; identify commercial applications that may be readily adapted to Navy needs; and propose mechanisms for bringing existing artificial intelligence technology to the Navy. The agenda will include presentations and discussions by industry and university representatives on expert systems, natural language, robotics, training, and basic research in artifical intelligence.

For further information concerning this meeting contact:

Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000; Telephone number (202) 696-4870.

Dated: May 1, 1985.

William F. Roos, Jr.,

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

[FR Doc. 85-10971 Filed 5-2-85; 9:13 am]

BILLING CODE 3810-AE-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing and Special Commission Meeting

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing and meeting for business on May 13, 1985 at 9:30 a.m. in the Lafayette Room of the Holiday Inn, 260 Goddard Boulevard, King of Prussia, Pennsylvania.

Possible Drought Emergency Declaration

Section 10.4 of the Delaware River Basin Compact provides that in the event of a drought or other condition which may cause an actual and immediate shortage of available water supply within the Basin, or within any part thereof, the Commission may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein. For the duration of such emergency, the Commission could limit the extent to which water users may divert or withdraw water of any purpose. The Commission is considering whether current and developing conditions of water supply and demand require the declaration of a water supply emergency.

The purpose of this hearing is to permit the public to comment on these matters and to make any suggestions or recommendations concerning possible Commission actions.

All persons wishing to be heard should notify the Secretary of the Commission by 4:00 p.m., May 10.

There will be a business meeting of the Commission immediately following the hearing to consider possible Commission actions relating to the drought situation.

Susan M. Weisman,

Secretary.

April 26, 1985.

[FR Doc. 85-10788 Filed 5-2-85; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Continuation Awards Under the Bilingual Education; Demonstration Projects Program

AGENCY: Department of Education.

ACTION: Application notice establishing closing date for transmittal of fiscal year 1985 Noncompeting Continuation Awards unde the Bilingual Education: Demonstration Projects Program.

SUMMARY: Applications are invited for noncompeting continuation awards, formerly funded under the Demonstration Projects Program, under the Program of Academic Excellence.

The Education Amendments of 1984, Pub. L. 98-511, amended the authorizing legislation for the Demonstration Projects Program. The Secretary has determined that recipients of new awards in Fiscal Years 1983 and 1984 under the Demonstration Projects Program (CFDA No. 84.003E) are eligible for continuation awards as projects under the Program of Academic Excellence, provided that applicants conform to the language of the statute and the requirements of 34 CFR 75.118 and 75.253 of the Education Department General Administrative Regulations (EDGAR).

Authority for this program is contained in Section 721 (a) (4) of Part A of Title VII of the Elementary and Secondary Education Act, as amended by Pub. L. 98-511.

(20 U.S.C. 3221-3262)

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on February 7, 1985 (50 FR 5293), withdrawing an application notice inviting applications for noncompeting continuations under the Bilingual Education Act: Demonstration Projects Program published September 28, 1984 (49 FR 38498). The February 7, 1985 notice also indicated that the Secretary was considering the eligibility of current recipients for continuation awards.

Closing Date for Transmittal of Applications.

To be assured of consideration for funding, applicants for noncompeting continuation awards should mail or hand deliver their applications on or before June 7, 1985.

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

Applications Delivered by Mail.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.003E, 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.

Applications Delivered by Hand.

Applications that are 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.

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

Program Information

Fiscal Year 1985 continuation awards under this program are governed by the authorizing statute for the program, and the Education Department General Administrative Regulations (EDGAR).

All amendments to an application required by this notice are solely for the purpose of informing applicants of new statutory requirements and ensuring that the applications and projects conform to the amended statute. This notice does not authorize applicants for continuation awards to make programmatic changes or carry out activities that are not within the scope of the original project as approved.

Applicants must amend their applications in the following manner to be considered eligible for support as programs of academic excellence under the amended statute:

1. An applicant must assure that the applicant's program of instruction for children of limited English proficiency is a program of transitional bilingual education which has an established record of providing effective, academically excellent instruction and which is designed to serve as a model of exemplary bilingual education programs and to facilitate the dissemination of the effective bilingual educational practice.

(20 U.S.C. 3223(a)(8))

2. An applicant must assure that parents or legal guardians of students identified for enrollment in the program shall be informed of: the reasons for the selection of their child as in need of bilingual education; the alternative educational programs that are available; the nature of the bilingual education program and the instructional alternatives; and their option to decline enrollment of their children in the program and shall be given the opportunity to decline such enrollment if they so choose.

(20 U.S.C. 3231(d)(1)(D))

3. An applicant must ensure that information regarding the following is contained in its application:

(a) The number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program.

(b) A description of the existing program as well as the educational background and linguistic competencies of program personnel.

(c) The extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; rates of referral to or placement in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students.

(d) The extent of parent involvement in and satisfaction with the existing bilingual education program.

(e) The activities which would be undertaken under the grant and how these activities would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

(20 U.S.C. 3231(c)(4))

This description of the application amendments is intended only to aid applicants in applying for continuation awards in accordance with the new statutory requirements. Nothing in this notice is intended to impose any requirements beyond those imposed under the statute.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

The Executive Order—

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

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

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

State	
Alabama	North Dakota
Arizona	Ohio
Arkansas	Oklahoma
Connecticut	Oregon
Delaware	Pennsylvania
Florida	South Carolina
Indiana	South Dakota
Kansas	Tennessee
Louisiana	Texas
Maine	Utah
Massachusetts	Vermont
Michigan	Virginia
Missouri	Washington
Montana	Wyoming
Nebraska	Guam
Nevada	Northern Mariana Islands
New Hampshire	Puerto Rico
New Jersey	Virgin Islands
New Mexico	

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

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

The comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 8, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.003E), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Proof of mailing will be determined on the same basis as applications.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Application Forms

Application packages are expected to be ready for mailing on May 6, 1985. They will be mailed to current grantees that have one or more year(s) remaining of an approved multi-year project period. A copy of the application package may be obtained by writing to the Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, D.C. 20202.

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

The Secretary strongly urges that the narrative portion of the application not exceed 10 pages.

The Secretary further urges that applicants not submit information that is not requested.

(The application form is approved by the Office of Management and Budget under control number 1885–0003.)

Available Funds

It is expected that approximately $6,600,000 will be available for 38 noncompeting continuation grants for Fiscal Year 1985.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Applicable Regulations

Regulations applicable to this program are in the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information

For further information contact Dr. Mary T. Mahony, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, D.C. 20202. Telephone: (202) 447–9228.

(Catalog of Federal Domestic Assistance Number 84.003, Bilingual Education)

(20 U.S.C. 3221–3261)

Dated: May 1, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10934 Filed 5–2–85; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 85–10–NG]

Czar Resources Inc.; Amended Application for Order Authorizing the Import of Natural Gas From Canada

AGENCY: Energy Regulatory Administration, DOE.

ACTION: Notice of amendment to application to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 25, 1985, of an amendment to the application previously filed by Czar Resources Inc. (Czar Inc.) to import up to 5,800 Mcf per day of Canadian natural gas from Czar Resources Ltd. (Czar Ltd.) for resale to Weyerhaeuser Company (Weyerhaeuser). The amendment would increase the price of the proposed import at the international border from $275 (U.S.) per MMBtu to $2.84 (U.S.) per MMBtu.

FOR FURTHER INFORMATION CONTACT:

Olga T. Ronkovich (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9482.

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: On April 8, 1985, Czar Inc. filed an application in ERA Docket No. 85–10–NG to import from Czar Ltd., on a best-efforts, interruptible basis up to 5,800 Mcf per day of Canadian natural gas for resale to Weyerhaeuser over a period of two years (50 FR 15604, April 19, 1985). The imported gas is intended to displace No. 6 fuel oil used at Weyerhaeuser's Longview, Washington, fiber manufacturing facility.

The sales contract provided that during the first three months, the pride Czar Inc. would pay Czar Ltd. for the gas would be $2.75 (U.S.) per MMBtu. The delivered cost to Weyerhaeuser during that period would be $3.70 (U.S.) per MMBtu. Thereafter, price redetermination may be made quarterly, subject to mutual agreement. Czar Inc. has amended its application to reflect an increase in the initial price it will pay Czar Ltd. to $2.84 (U.S.) per MMBtu. The amendment did not change the delivered price to Weyerhaeuser. According to the applicant, the change was needed to meet the Canadian government's current minimum floor price for short-term, interruptible export sales.

Other information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention. Persons who have already filed for intervention in ERA Docket 85–10–NG need not file new motions, but may submit additional comments as appropriate. The filing of a protest with respect to this amended application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulation in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–033, RG–23, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

They must be filed no later than 4:30 p.m. May 20, 1985.

A decisional record on the amended application will be developed through reponses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues.

A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comment should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed.

Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trail-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Czar Inc.'s amended application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holiday.

Issued in Washington, D.C., on April 29, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-10866 Filed 5-2-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP85-406-000, et al.]

Natural Gas Certificate Filings; Carnegie Natural Gas Co. et al.a

Take notice that the following filings have been made with the Commission:

1. Carnegie Natural Gas Company

[Docket No. CP85-406-000]

April 26, 1985.

Take notice that on April 15, 1985, Carnegie Natural Gas Company (Applicant), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, filed in Docket No. CP85-406-000 a substitute page 4 to its application filed April 1, 1985, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to revise page 4 of the original application, all as more fully set forth in the substitute page 4 which is on file with the Commission and open to public inspection.

Applicant requests that the enclosed revised page 4 of its application be substituted for original page 4 of that filing. It is indicated that the revision is intended to reflect more accurately that New Jersey Natural Gas Company (New Jersey) and Texas Eastern Transmission Corporation (Texas Eastern) have not finalized their negotiations for the transportation service related to the transaction.

Applicant states that the revised page 4 now indicates that the transportation of natural gas sold under the requested authorization is dependent upon the elicitation of transportation service by New Jersey from Texas Eastern and that such transportation would require separate certification under Section 7 of the Natural Gas Act.

Applicant requests that the Notice of Application which was issued in this proceeding on April 10, 1985, be amended by further notice so as to delete the representation that "Texas Eastern is indicated as having agreed to request such authorization as may be necessary to effectuate the aforesaid transportation."

Comment date: May 17, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corporation

[Docket No. CP85-454-000]

April 26, 1985.

Take notice that on April 19, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-454-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Ashland Oil, Inc. (Ashland), under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully described in the request which is on file with the Commission and open to public inspection.

It is indicated that pursuant to the terms of a September 20, 1983, gas purchase agreement, Ashland acquired natural gas from Zenith Oil and Gas, Inc. (Zenith), and Southern Triangle Oil, Inc. (Southern), for use as boiler fuel at Ashland's Findlay, Ohio, plant. In order for Ashland to receive its gas, it is explained, Ashland, has entered into a gas transportation agreement dated December 1, 1984, with Columbia. Columbia would receive up to 2,060 MMBtu equivalent of gas per day from Zenith in Perry and Holmes Counties, Ohio, and from Southern in Perry and Guernsey Counties, Ohio, and would redeliver the gas, less retainage, to Columbia Gas of Ohio, Inc. (Columbia of Ohio), near Findlay for further transportation to Ashland's plant. Columbia states that it began transporting the gas for Ashland on December 1, 1984, pursuant to Section 157.209 of the Commission's Regulations. Columbia herein proposes to transport 500 MMBtu equivalent of gas on an average day and 180,000 MMBtu equivalent of gas on an annual basis on behalf of Ashland through June 30, 1985. Columbia states that it has released up to 500 MMBtu of gas per day which would be sold by Zenith and Southern; the released gas is subject to section 108 of the Natural Gas Policy Act of 1978. Columbia would charge 29.93 cents per MMBtu of gas it transports within Columbia of Ohio's total daily entitlement (TDE) and 41.27 cents per MMBtu for gas in excess of Columbia of Ohio's TDE. These rates are set forth in Rate Schedule TS-1 of Columbia's FERC Gas Tariff. In addition, Columbia states that it would retain a percentage of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. This percentage, as reflected in Rate Schedule TS-1, is said to be currently 2.43 percent.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply not to delivery points in the market area. Columbia will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: June 10, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Colorado Interstate Gas Company

[Docket Nos. CP85-416-000 and CP85-416-001]

April 25, 1985.

Take notice that on April 4, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-416-000 a request as amended in Docket No. CP85-416-001 on April 18, 1985, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Sinclair Oil Corporation (Sinclair) under the certificate issued in Docket No. CP83-21-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request and amendment to request which are on file with the Commission and open to public inspection.

CIG proposes to transport up to 10,000 Mcf of natural gas per day for Sinclair through June 30, 1985. CIG states that the gas to be transported for Sinclair would be purchased from Tom Brown, Inc., and Koch Hydrocarbon Company, and would be used as fuel gas at Sinclair's refinery in Carbon County, Colorado.

It is indicated that CIG would receive the gas for Sinclair's account from Williston Basin Pipeline Company at existing interconnecting facilities in Park and Fremont Counties, Wyoming. It is further stated that CIG would transport and deliver the gas directly to Sinclair at an existing interconnection in Carbon County, Colorado.

CIG states that it would charge its systemwide transportation rate of 36.08 cents per Mcf for its transportation service. In addition, CIG states it would collect the General R & D Funding Unit of the Gas Research Institute for all quantities of gas transported under the arrangement.

CIG also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested would apply only to points related to sources of gas supply, not to delivery points in the market area. CIG would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the amendment and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: June 10, 1985, in accordance with Statndard Paragraph G at the end of this notice.

4. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-422-000]

April 25, 1985.

Take notice that on April 9, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-422-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern to transport and deliver natural gas, on an interruptible basis, to a direct sale customer, Arcadian Corporation (Arcadian), for a term extending through October 31, 1986, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern requests authority to transport and deliver up to 45,000 Mcf of natural gas per day to Arcadian to be used primarily as feedstock and process fuel in the manufacture of agricultural fertilizers at its Geismar plant located in Iberville Parish, Louisiana. To effectuate this direct sale of natural gas to Arcadian, Northern states that it has entered into transportation agreements with various third party transporters to transport gas available to Northern in the Gulf of Mexico in order to fulfill Northern's direct sale obligation to Arcadian. Such transporters include High Island Offshore System, U-T Offshore System, Transcontinental Gas Pipe Line Corporation, Faustina Pipeline Company, Northern Intrastate Pipeline Company, ANR Pipeline Company, El Paso Natural Gas Company and Arcadian Gas Pipeline System.

Northern explains that for each Mcf of gas delivered, Northern would charge Arcadian the combined sum of (1) Northern's currently effective Permian area rate as identified in Northern's FERC Gas Tariff, Original Volume No. 2, (2) third party transportation costs incurred by Northern and (3) taxes incurred by Northern. Northern avers that this sale constitutes part of the eight billion cubic feet of off-system sales to Arcadian included in the currently effective rate settlement in Docket No. RP82-71, 23 FERC ¶61,198.

Northern requests permission and approval, pursuant to section 7(b) of the Natural Gas Act, to abandon the transportatio service effective November 1, 1986.

Comment date: May 10, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Northwest Central Pipeline Corporation

[Docket No. CP85-425-000]

April 26, 1985.

Take notice that on April 10, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-425-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon by reclaim measuring, regulating and appurtenant facilities in Allen County, Kansas, and to abandon the transportation of gas through these facilities, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest Central proposes to abandon the facilities because they were installed to make a direct sale to Boyer Oil Company (Boyer), and that sale has been discontinued. It is stated that the facilities were installed in 1962 pursuant to Commisison authorization in Docket No. CP62-123 and that Boyer notified Northwest that they were no longer required in a letter dated August 22, 1984. It is further stated that Boyer requested that Northwest Central remove the facilities in a letter dated December 19, 1984.

Comment date: June 10, 1985, in accordance with Standard Paragraph G at the end of this notice.

Transcontinental Gas Pipe Line Corporation; Transcontinental Gas Pipe Line Corporation; Marengo Corporation

[Docket Nos. CP85-390-000, and CP85-390-001]

April 26, 1985.

Take notice that on March 26, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP85-390-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, and that on April 11, 1985, Transco and Marengo Corporation (Marengo) (jointly referred to as Applicants), P.O. Drawer 888, Oneonta, Alabama 35121, filed in Docket No. CP85-390-001 a joint amendment to the application filed in Docket No. CP85-390-000, to reflect Marengo as a co-applicant, all as more fully set forth in the application, as amended, which is on file with the

Commission and open to public inspection.

Applicants propose to transport up to 16,560 dt equivalent of natural gas per day for James River-Norwalk, Inc. (JR-N), on an interruptible basis, until October 31, 1985. It is stated that JR-N has purchased gas from Koch Hydrocarbon Company, a Division of Koch Industries, Inc. (Koch), from the Liberty, Knoxo, Vintage, Reedy Creek, Whitesand, Grange, and Oak Grove fields in Mississippi. It is stated that Transco would receive the gas at the existing points of interconnection between Transco and Koch in Amite and/or Jones Counties, Mississippi, at the existing point of interconnection between Transco and Maxwell Exploration, Inc., in Walthall County, Mississippi, and at the existing points of interconnection between Transco and Mississippi Fuel Company in Jefferson Davis and/or Clarke Counties, Mississippi. Applicants state that Transco would deliver equivalent quantities, less compressor fuel and line-loss make-up to an existing point of interconnection with Marengo in Choctaw County, Alabama. Applicants indicate that Marengo, in turn, would deliver the gas at an existing delivery point to JR-N's pulp mill in Pennington, Alabama. It is claimed JR-N would use the gas for paper machine drying fuel, lime kiln fuel, and boiler fuel.

It is stated that Transco would charge JR-N a transportation rate and retain a percentage of the gas received for line-loss make-up in accordance with the currently applicable rate set forth in Rate Schedule T-II of Transco's FERC Gas Pipeline Tariff. It is further stated that for its transportation Marenco would charge JR-N according to the following schedule:

Quantity of gas transported during each 12-mo period	Cents per dt
First 700,000 dt	12.0
Next 750,000 dt but less than 1,450,000 dt	10.0
Next 550,000 dt but less than 2,000,000 dt	8.5
2,000,000 dt and over	8.0

Applicants also request flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested would apply only to points related to sources of gas supply not to delivery points in the market area. Transco would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: May 17, 1985, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10753 Filed 5-2-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140060; TSH-FRC 2830-7]

Access to Confidential Business Information by Five Contractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will provide its contractors, Dynamac Corporation (Dynamac), of Rockville, Maryland; Maxima Corporation (Maxima), of Bethesda, Maryland; MITRE Corporation (MITRE), of McLean, Virginia; Systems Development Corporation (SDC), of Durham, North Carolina; and Technical Resources, Incorporated (TRI), of Rockville, Maryland, with access to information which has been submitted to EPA under various sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460.
Toll-Free: (800-424-9065).
In Washington, D.C.: (554-1404).
Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or mixtures may present an unreasonable risk of injury to human health or the environment. EPA must evaluate new chemical substances (i.e., not listed on the TSCA Inventory of Chemical Substances) under section 5 of TSCA. Existing chemical substances (i.e., those listed on the TSCA Inventory) are evaluated by EPA under sections 4, 6, 7, and 8 of TSCA.

EPA has selected five contractors to perform work under six contracts in support of the Agency's activities under TSCA. In accordance with 40 CFR 2.306(j), EPA has determined that those

contractors, Dynamac, Maxima, MITRE, SDC, and TRI, may require access to confidential business information (CBI) submitted to EPA under TSCA to perform work successfully under the six contracts described in the following paragraphs of this notice. EPA is issuing this notice to inform submitters of information under TSCA that EPA may provide access to TSCA CBI to these contractors on a need-to-know basis.

Contract No. 68–02–3861 provides that Dynamac, 11140 Rockville Pike, Rockville, Maryland, will assist EPA's Chemical Control Division in assessing chemicals for potential regulation under sections 5 and 6 of TSCA. Dynamac's activities will include assisting EPA in the development of rules under sections 5 and 6 through such means as information gathering and evaluation, preparation of reports and support documents, performing preliminary risk analyses, and analyzing regulatory options. Dynamac's assignments will also include performing analyses of the effects of both proposed and past regulatory decisions by EPA under TSCA. Under this contract Dynamac employees will be allowed access only to CBI submitted under sections 4, 5, 6, and 8 of TSCA. Access to such CBI will take place both at EPA headquarters and at Dynamac facilities in Rockville, Maryland. EPA has approved the security plan of this contractor and inspected the Dynamac facilities and approved them for the storage and use of TSCA CBI. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1985.

Contract No. 68–02–3990 provides that Dynamac will assist EPA's Health and Environmental Review Division in performing risk assessments for selected TSCA section 5 premanufacture notices (PMNs). Dynamac will help EPA in preparing Toxicity Validation Review Reports and other related documents in the PMN review process. Under this contract, Dynamac employees will be allowed access only to CBI submitted under sections 4, 5, and 8(e) of TSCA. Access to such CBI will take place both at EPA headquarters and at Dynamac facilities in Rockville, Maryland. As noted in the preceding paragraph, EPA has inspected Dynamac facilities and approved them for storage and use of TSCA CBI. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1985.

Contract No. 68–01–6716 provides that Maxima, 7315 Wisconsin Ave., North Building, Bethesda, Maryland, will assist the EPA's Office of Toxic Substances by providing clerical support such as typing, editing, and proofreading. Though none of Maxima's activities under this contract will require substantive review of TSCA CBI, some of the materials that Maxima will type, edit, or proofread may contain CBI. Under this contract, Maxima employees will, as their assignments require, be allowed access to information submitted under all sections of TSCA. However, at no time will Maxima employees be allowed to remove TSCA CBI from the premises at EPA headquarters. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1985. This contract is an extension of one allowing access to TSCA CBI previously announced in the **Federal Register** of February 18, 1982 (47 FR 7312).

Contract No. 68–02–3991 provides that the Metrek Division of the MITRE Corporation, 1820 Dolley Madison Blvd., McLean, Virignia, will assist the Health and Environmental Review Division in analyzing the health effects of selected new and existing chemicals. MITRE employees will, on occasion, be assigned to participate in detailed review and Structure Activity Team activities for PMN chemicals. Under this contract MITRE employees will be allowed access only to CBI submitted under section 4, 5, and 8(e) of TSCA. Access will take place both at EPA headquarters and at MITRE facilities in McLean, Virignia. EPA has approved the security plan for this contractor and inspected the MITRE facilities and approved them for the storage and use of TSCA CBI. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1985.

Contract No. 68–01–6658 provides that SDC, 2515 Apex Durham Hwy., Durham, North Carolina, will, with guidance from EPA, manage and operate EPA's secure National Computer Center in the Agency's regional office in Research Triangle Park (RTP), North Carolina. SDC's activities will include systems operations, programming, security, user support, and data base management. SDC's activities will not require substantive review of any TSCA CBI; however, SDC employees will have access to all computerized TSCA CBI to manage and operate the Office of Toxic Substance's computer facilities. This TSCA CBI includes information obtained under sections 4, 5, 6, and 8 of TSCA. SDC's employees will be allowed access to TSCA CBI only at EPA facilities in RTP. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1985. This contract supersedes one allowing for access to TSCA CBI by SDC announced in the **Federal Register** of April 1, 1981 (46 FR 1982).

Contract No. 68–02–3971 provides that TRI, 3202 Monroe Street, Suite 300, Rockville, Maryland, will assist the Economics and Technology Division in analyzing the properties and uses of new and existing chemicals under sections 5 and 6 of TSCA. TRI will generate information on selected chemicals through literature search reviews and other activities. Material generated will include information on physical and chemical properties, chemical synthesis routes, uses and potential uses, substitutes, and identities of by-products, impurities, feedstocks, other related chemicals, and analogues. TRI will also study production processes and technology to control release of and limit exposure to chemicals. Under this contract, TRI employees will be allowed access only to CBI submitted under sections 5 and 8 of TSCA. TRI employees will be allowed access to TSCA CBI only on EPA headquarters premises under this contract. Access to TSCA CBI under this contract is scheduled to expire on September 30, 1986. This contract supersedes on allowing for access by TRI to TSCA CBI announced in the **Federal Register** of November 3, 1981 (46 FR 54640).

All contractors that review confidential materials at their facilities under these contracts will return them to EPA upon the completion of their review.

Dynamac, Maxima, MITRE, SDC, and TRI have been authorized access to TSCA CBI under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Contractor personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: April 24, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85–10789 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51569; FRL–2829–7]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-eight PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85–821, 85–822 and 85–823—July 17, 1985.

P 85–824 and 85–825—July 20, 1985.

P 85–826, 85–827, 85–828, 85–829, 85–830, 85–831, 85–832, 85–833, 85–834 and 85–835—July 21, 1985.

P 85–836, 85–837, 85–838, 85–839, 85–840, 85–841, 85–842, 85–843, 85–844, 85–845, 85–846, 85–847, 85–848, 85–849 and 85–850—July 1, 1985.

P 85–851, 85–852, 85–853, 85–854 and 85–855—July 22 1985.

P 85–856, 85–857 and 85–858—July 23, 1985.

Written comments by:

P 85–821, 85–822 and 85–823—June 17, 1985.

P 85–824 and 85–825—June 20, 1985.

P 85–826, 85–827, 85–828, 85–829, 85–830, 85–831, 85–832, 85–833, 85–834 and 85–835—June 21, 1985.

P 85–836, 85–837, 85–838, 85–839, 85–840, 85–841, 85–842, 85–843, 85–844, 85–845, 85–846, 85–847, 85–848, 85–849 and 85–850,—June 1, 1985.

P 85–851, 85–852, 85–853, 85–854 and 85–855—June 22, 1985.

P 85–856, 85–857 and 85–858—June 23, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS–51569]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm E–201, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M St., SW., Washington, DC 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacture on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

P 85–821

Manufacturer. Spencer Kellogg Division of Textron Inc.

Chemical. (G) Alkyd resin.

Use/Production. (G) An alkyd resin to be used in an open, nondispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P 85–822

Manufacturer. Confidential.

Chemical. (G) Substituted alkyl alkanol.

Use/Production. (G) Plastic stabilizer. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Severe, Eye—Mild/moderate.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 85–823

Manufacturer. Confidential.

Chemical. (G) Alkene-methacrylate copolymer.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total or 1 worker, up to 3–4 hrs.

Environmental Release/Disposal. 25 kg/day released.

P 85–824

Manufacturer. Confidential.

Chemical. (G) Acrylic modified alkyd resin.

Use/Production. (G) Paint, open non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 8 workers, up to 3 hrs/da, up to 40 da/yr.

Environmental Release/Disposal. 2 to 5 kg/batch released to land. Disposal by controlled landfill.

P 85–825

Manufacturer. E. I. du Pont Nemours and Company, Inc.

Chemical. (G) Polyfluoro substituted alkyl, N-substituted amino alcohol.

Use/Production. (G) Surfactant, industrial, non-dispersive. Prod. range: Confidential.

Toxicity Data. Acute oral: 11,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate.

Exposure. Manufacture: Dermal, a total of 3 workers.

Environmental Release/Disposal. Release to land. Disposal by on-site landfill.

P 85–826

Importer. Confidential.

Chemical. (G) 1-H-pyrazole-3-carboxylic acid, 4, 5-dihydro-5-oxo-1-[4-sulfophenyl)-4-[(4-sulfophenyl) axo]-, mixed salt.

Use/Import. (S) Paper dye. Import range: Confidential.

Toxicity Data. No data submitted:

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 85–827

Importer. Confidential.

Chemical. (G) Phenoxazinium, bis(substituted amino), salt.

Use/Import. (S) Textile dye. Import range: 6,200 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Use: Dermal.

Environmental Release/Disposal. Very little release.

P 85–828

Importer. Confidential.

Chemical. (G) Cycloalkenylpentenol.

Use/Import. (G) Ingredient for use in consumer products highly; dispersive use. Import range: 100–1,000 kg/yr.

Toxicity Data. Acute oral: Male and female—>5.0 g/kg; Acute dermal: Male and female—>2.0 g/kg; Irritation: Skin—Not a primary irritant, Eye—Not a primary irritant; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizer.

Exposure. Use: Dermal, a total of 6 workers, up to 2 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Confidential. Disposal by private water treatment plant.

P 85–829

Manufacturer. Confidential.

Chemical. (G) Further clarification needed before information can be released to public files.

Use/Production. (G) Chemical intermediate. Prod. range: 2–3 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, inhalation and ocular, a total of 2 workers, up to 0.7 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. No release. Less than 0.05 to less than 0.1 kg/batch incinerated.

P 85–830

Manufacturer. Confidential.

Chemical. (G) Further clarification needed before information can be released to public files.

Use/Production. (G) Contained use in a commercial article. Prod range: 3–4 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manfacutre and processing: Dermal, inhalation and ocular, a total of 14 workers, up to 0.2 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release. Less than 0.1 kg/batch incinerated with less than 0.04 kg/batch disposed of by biological treatment.

P 85–831

Manufacturer. Confidential.

Chemical. (G) Further clarification needed before information can be released to public files.

Use/Production. (G) Chemical intermediate. Prod. range: 2.5–3.5 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manfacutre and use: Dermal and ocular, a total of 4 workers, up to 0.6 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. No release. Less than 0.2 kg/batch incinerated.

P 85–832

Manufacturer. Hanna Chemical Coatings Corporation.

Chemical. (G) Polyester resin.

Use/Production. (G) Industrial and commerical polyester vehicle for use in pigmented syntehtic coatings. Prod. range: 15,000–45,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 8 workers, up to 2 hrs/da, up to 24 da/yr.

Environmental Release/Disposal. 1 to 9.4 kg/batch released to land with .3 to 1.35 kg/batch to air. Disposal by landfill.

P 85–833

Manufacturer. Confidential.

Chemical. (G) Urethane with blocked multifunctional isocyanates.

Use/Production. (G) Component for industrial coating with open use. Prod. range: 50,000–555,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manfacutre and processing: Dermal, a total of 42 workers, up to 8 hrs/da, up to 40 da/yr.

Environmental Release/Disposal. 2 to 180 kg/batch released to land. Disposal by incineration and approved landfill.

P 85–834

Manufacturer. Confidential.

Chemical. (G) Vinyl-substituted organo-silicone copolymer.

Use/Production. (S) Silicone gum for the production of silicone rubber for industrial, site-limited and commercial use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin-Mild, Eye-Moderate.

Exposure. Manufacture and processing: Dermal, a total of 14 workers, up to 2.0 hrs/da.

Environmental Release/Disposal. 2.5 kg released. Disposal by incineration and approved landfill.

P 85–835

Manufacturer. Confidential.

Chemical. (G) Organosilicone copolymer.

Use/Production. (S) Site-limited and industrial component of a low temperature grease. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acue dermal: >2,000 mg/kg; Irritation: Skin-Mild, Eye-Mild.

Exposure. Manufacture and processing: Dermal, a total of 32 workers, 3 shifts to operators and technicians/batch and 6 workers, 1 shift/da.

Environmental Release/Disposal. 1 kg released. Disposal by incineration, Resource Conservation and Recovery Act (RCRA) approved disposal site.

P 85–836

Importer. EM Industries.

Chemical. (S) (+) 4-n-tetradecyl 4'-(2-methylbutyl) phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–837

Importer. EM Industries.

Chemical. (S) (+) 4-n-hexyloxyphenyl 4-(2-methylbutyl) biphenyl 4' carboxylate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–838

Importer. EM Industries.

Chemical. (S) (+)-4-(2-methylbutyl) phenyl 4-(2-methylbutyl) biphenyl 4'-carboxylate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–839

Importer. EM Industries.

Chemical. (S) (+)-4-cyanophenyl-4-(2''-methylbutyl) biphenyl 4'-carboxylate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–840

Importer. EM Industries.

Chemical. (S) (+) 4-n-octyloxyl 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin-Slight, Eye-Temporary; Delayed contact hypersensitivity: Positive.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–841

Importer. EM Industries.

Chemical. (S) (+) 4-n-hexyloxy 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin-Slight, Eye-Temporary; Delayed contact hypersensitivity: Positive.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–842

Importer. EM Industries.

Chemical. (S) (+) 4-n-decyloxy 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin—Slight, Eye—Temporary; Delayed contact hypersensitivity: Negative.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–843

Importer. EM Industries.

Chemical. (S) 4-n-dodecyloxy 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin—Slight, Eye—Temporary; Delayed contact hypersensitivity: Negative.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–844

Importer. EM Industries.

Chemical. (S) (+) 4'-(2-methylbutyl) phenyl 4'-n-octylbiphenyl carboxylate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–845

Importer. EM Industries.

Chemical. (S) (+) 4-n-propyl 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin—Slight, Eye—Temporary; Delayed contact hypersensitivity: Positive.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–846

Importer. EM Industries.

Chemical. (S) (+) 4-n-pentyl 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin—Slight, Eye—Temporary; Delayed contact hypersensitivity: Positive.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–847

Importer. EM Industries.

Chemical. (S) (+) 4(2-methylbutyl) phenyl 4'-n-heptylbiphenyl carboxylate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic; Irritation: Skin—Slight, Eye—Temporary; Delayed contact hypersensitivity: Negative.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–848

Importer. EM Industries.

Chemical. (S) (+) 4-n-heptyl 4'-(2 methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–849

Importer. EM Industries.

Chemical. (S) (+) 4-n-nonyl 4'-(2-methylbutyl)-phenylbenzoate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–850

Importer. EM Industries.

Chemical. (S) 4-(2-methylbutyl) 4'-phenylbiphenyl carboxylate.

Use/Import. (S) Used in an encapsulated form to make sensitive devices (thermometers, thermographs). Import range: 20–500 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Not mutagenic.

Exposure. Use: Dermal, a total of 1–2 workers, up to 8 hrs/da, up to 5 da/wk.

Environmental Release/Disposal. No release.

P 85–851

Manufacturer. Ethyl Corporation.

Chemical. (G) Copolymer of vinyl acetate and olefins.

Use/Production. (G) Fuel additive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 85–852

Manufacturer. Confidential.

Chemical. (G) Alkyl ester of phosphorous acid.

Use/Production. (G) Lubricant additive. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg. Acute dermal: >1.2 g/kg; Irritation: Skin—Moderate, Eye—Non-irritant.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

P 85–853

Manufacturer. Confidential.

Chemical. (G) Cycloaliphatic and cycloaromatic composite polyester.

Use/Production. (G) Resin to be used in industrial coating products. Prod. range: 30,000–60,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 35 workers, up to 3 hrs/da, up to 34 da/yr.

Environmental Release/Disposal. 2 to 10 kg/batch released to land. Diposal by incineration and landfill.

P 85–854

Manufacturer. The Dow Chemical Company.

Chemical. (G) Triglycidyl ether of substituted tri(hydroxyphenyl)methane.

Use/Production. (S) Industrial manufacture of structural composite, transfer molding of electronic parts and manufacture of printed circuit board. Prod. range: Confidential.

Toxicity Data. No data on the PMN substannce submitted.

Exposure. Manufacture: Dermal, a total of 10 workers.

Environmental Release/Disposal. Release to water with up to 1 pound sample/batch to air or land. Disposal by incineration or landfill and navigable waterway after treatment.

P 85–855

Manufacturer. The Dow Chemcial Company.

Chemcial. (G) Triglycidyl ether of substituted tri(hydroxyphenyl)methane.

Use/Production. (S) Industrial manufacture of structural composite and printed circuit board and on site intermediate to make an epoxy resin. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: Dermal, a total of 15 workers.

Environmental Release/Disposal. Up to 1 pound sample/batch released to air or land with an estimated less than 0.01 to less than 0.02 to water. Disposal by incineration or landfill and navigable waterway after treatment.

P 85–856

Manufacturer. Confidential.

Chemcial. (G) Oxime based polyurethane.

Use/Production. (G) Adhesive for open-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 85–857

Manufacturer. Confidential.

Chemcial. Further clarification needed before information can be released to the public files.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Ingestion: Servere; Irritation: Skin—Severe, Eye—Severe; Inhalation: Low vapor pressure.

Exposure. Manufacture and processing: Dermal, a total of 9 workers, up to 5.0 hrs/da.

Environmental Release/Disposal. 0.5 kg/batch released. Disposal by incineration and landfill.

P 85–858

Importer. Confidential.

Chemical. Further clarification needed before information can be released to the public files.

Use/Import. (S) Industrial and commercial co-reactant for moisture curing, one-pack polyurethane coatings. Import range: 14,000–70,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: A total of 20 workers.

Environmental Release/Disposal. No release.

Dated: April 29, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85–10797 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59193; FRL–2829–3]

Certain Chemicals Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for an exemption, provides a summary, and requests comments on the appropriateness of granting of the exemptions.

DATE: Written comments by: May 20, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS–59193]" and the specific TME number should be sent to: Document Control Officer (TS–793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E–4201, 401 M Street SW., Washington, DC 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Room E–611, 401 M Street SW., Washington, DC 20460 (202–382–3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

T 85–41

Close of Review Period: June 6, 1985.

Manufacturer. Confidential.

Chemical. (G) Acrylate—substituted vinylchloride copolymer resin.

Use/Production. (G) Coating for open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

T 85–42

Close of Review Period. June 6, 1985.

Manufacturer. Confidential.

Chemical. (G) Acrylate—substituted phenoxy resin.

Use/Production. (G) Coating for open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: April 29, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85–10801 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59713, RL–2829–4]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of twelve such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 85–58, 85–59 and 85–60—May 12, 1985.

Y 85–61, 85–62 and 85–63, 85–64 and 85–65—May 14, 1985.

Y 85–66, 85–67, 85–68 and 85–69—May 15, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Room E–611, 401 M Street, SW., Washington, DC 20460 (202–382–3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential

document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85-58

Importer. Kay-Fries, Incorporated.
Chemical. (G) Polyester resin.
Use/Import. (S) Industrial coating for building products. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 85-59

Manufacturer. Confidential.
Chemical. (G) Polyester resin made from dibasic aromatic and aliphatic acids and aliphatic glycols.
Use/Production. (G) Adhesive for flexible laminations. Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 85-60

Manufacturer. Confidential.
Chemical. (G) Polyester resin made for dibasic aromatic and aliphatic acids and aliphatic glycols.
Use/Production. (G) Adhesive for flexible laminations. Open non-dispersive use.
Toxicity data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 85-61

Manufactuer. Confidential.
Chemical. (G) Urethane modified alkyd resin.
Use/Production. (S) Industrial coatings resin component. Prod. range: 36,500-131,000 kg/yr
Toxicity Data. No data submitted.
Exposure. No data submitted.
Enviromental Release/Disposal. No data submitted.

Y 85-62

Manufacturer. Confidential.
Chemical. (G) Phthalic modified alkyd resin.
Use/Production. (S) Industrial coatings resin component. Prod. range: 11,000-131,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Enviromental Release/Disposal. No data submitted.

Y 85-63

Manufacturer. Confidential.
Chemical. (G) Isophthalic modified alkyd resin.
Use/Production. (S) Industrial coatings resin component. Prod. range: 23,600-218,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Enviromental Release/Disposal. No data submitted.

Y 85-64

Manufacturer. Confidential.
Chemical. (G) Phthalic modified alkyd resin.
Use/Production. (S) Industrial coatings resin component. Prod. range: 18,200-182,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Enviromental Release/Disposal. No data submitted.

Y 85-65

Manufacturer. Ethyl Corporation.
Chemical. (G) Copolymer of vinyl acetate and olefins.
Use/Production. (G) Fuel additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Enviromental Release/Disposal. No release.

Y 85-66

Manufacturer. Superior Varnish and Drier Company.
Chemical. (G) Linseed fatty acid modified polyester.
Use/Production. (S) Industrial printing ink vehicle. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: Dermal, ocular and ingestions, a total of 7 workers, up to 1 hr/da, up to 8 da/yr.
Enviromental Release/Disposal. No release.

Y 85-67

Importer. Confidential.
Chemical. (G) Polyester.
Use/Importer. (S) Industrial and commercial co-reactant for moisture curing, one-pack polyurethane coatings. Import range: 14,000-70,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing and use: Dermal, a total of 20 people at 4 sites.
Enviromental Release/Disposal. No release.

Y 85-68

Manufacturer. Confidential.
Chemical. (G) Alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: Dermal, a total of 9 workers, up to 8 hrs, up to 100 da/yr.
Enviromental Release/Disposal. .5 kg/batch released to water with .5 to 10 kg/batch to land. Disposal by publicly owned treatment works (POTW) and landfill.

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Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: Dermal, a total of 9 workers, up to 8 hrs, up to 100 da/yr.
Enviromental Release/Disposal. .5 kg/batch release to water with .5 to 10 kg/batch to land. Disposal by POTW and landfill.

Dated: April 29, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85-10800 Filed 5-2-85; 8:45 am]

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[OPTS-42066; FRL-2810-8]

Isopropyl Biphenyl/Diisopropyl Biphenyl Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is EPA's response to the Interagency Testing Committee's (ITC's) recommendation that EPA consider requiring chemical fate, health effects and ecological effects testing of isopropyl biphenyl (CAS No. 25640-78-2) and diisopropyl biphenyl (CAS No. 69009-90-1) under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not at this time initiating rulemaking under section 4(a) to require chemical fate, health effects or ecological effects testing of isopropyl biphenyl or diisopropyl biphenyl. EPA believes that there is no significant release of isopropyl biphenyl or diisopropyl biphenyl to the aquatic environment. Based on the limited exposure to these chemicals during manufacture, production, and use, isopropyl biphenyl and diisopropyl biphenyl are not expected to cause substantial or significant human exposure or present an unreasonable risk of injury to human health or the environment.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M Street SW., Washington D.C. 20460, Toll free: (800-424-9065), In Washington,

D.C.: (554–1404), Outside the USA: (Operator-202–554–1404).

SUPPLEMENTARY INFORMATION: EPA is not initiating rulemaking at this time under section 4(a) of TSCA to require health effects testing, ecological effects testing or chemical fate testing of isopropyl biphenyl or diisopropyl biphenyl as designated by the ITC in its Fourteenth Report.

I. Background

Section 4(e) of TSCA (Pub. L. 94–469, 90 Stat. 2003 *et seq.*; 15 U.S.C. 2601 *et seq.*) establishes the ITC to recommend to EPA a list of chemicals to receive priority consideration for testing under section 4(a) of TSCA.

The ITC designated Isopropyl Biphenyl (IPBP) (CAS No. 25640–78–2) and Diisopropyl Biphenyl (DPBP) (CAS No. 69009–90–1) for priority testing consideration in its Fourteenth Report, published in the **Federal Register** on May 29, 1984 [49 FR 22389] (Ref. 1), this notice constitutes EPA's response to the ITC's designation of IPBP and DPBP.

The ITC recommended that IPBP and DPBP be tested for chronic health effects, with emphasis on neurotoxic and kidney effects; ecological effects, including acute and chronic toxicity to fish, aquatic invertebrates and algae and bioconcentration; and chemical fate, to include water solubility, octanol/water partition coefficient, persistence and soil mobility.

The ITC based its health effects testing recommendation on the potential for dermal exposure through the use of IPBP and DPBP in carbonless copy paper, and potential human exposure from the consumption of contaminated fish, and potential drinking water contamination from landfill leachate. Studies referencing adverse health effects in office workers when they were exposed to carbonless copy paper, adverse effects in laboratory animals and a lack of chronic toxicity data were offered as rationale for the ITC recommendations for chronic toxicity testing with emphasis on neurotoxic and kidney effects.

The ecological effects testing recommendation from the ITC was based on the detection of IPBP in the aquatic environment and on a study which suggests that IPBP is toxic to fish at concentrations less than 1.0 mg/L. Inconsistencies in this study with respect to solubility limits and a lack of data on the effects of IPBP and DPBP on aquatic invertebrates, algae, and bioconcentration potential served as additional rationale for the recommended ecological effects testing.

The ITC recommended chemical fate testing to determine the potential for transport and persistence of IPBP and DPBP within the aquatic environment.

Under section 4(a)(1) of TSCA, the Administrator shall by rule require testing of a chemical substance to develop appropriate test data if the Agency finds that:

(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment.

(ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture,

(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data.

EPA uses a weight-of-evidence approach in making a section 4(a)(1)(A)(i) finding in which both exposure and toxicity information are considered to make the finding that the chemical may present an unreasonable risk. For the section 4(a)(1)(B)(i) finding, EPA considers only production, exposure, and release information to determine whether there is substantial production, and significant or substantial exposure or substantial release. Thus, while EPA can require testing for an effect under section 4(a)(1)(A) only if there is a suspicion of a hazard, under section 4(a)(1)(B) EPA can require testing whether or not there are data suggesting adverse effects if the relevant production and exposure or release criteria are met.

For the findings under both sections 4(a)(1)(A)(ii) and 4(a)(1)(B)(ii), EPA examines toxicity and fate studies to determine whether existing information is adequate to reasonably determine or predict the effects of human exposure to, or environmental release of, the chemical. In making the third finding, that testing is necessary, EPA considers whether ongoing testing will satisfy the information needs for the chemical and whether testing which the Agency might require would be capable of developing the necessary information. EPA's process for determining when these findings can be made is described in detail in EPA's first and second proposed test rules as published in the **Federal Register** of July 18, 1980 (45 FR 48528) and June 5, 1981 (46 FR 30300). The section 4(a)(1)(A) finding is discussed in 45 FR 48528, and the section 4(a)(1)(B) finding is discussed in 46 FR 30300.

In evaluating the ITC's testing recommendations concerning IPBP and DPBP, EPA considered all available relevant information including the following: Information presented in the ITC's report recommending testing consideration; production volume, use, exposure, and release information reported by manufacturers under the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712); and published and unpublished data available to the Agency, including information submitted under the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716).

III. Review of Available Data

A. Exposure and Release

1. *Background.* Two companies currently manufacture IPBP and DPBP; they are Sybron Chemical Company, Wellford, South Carolina (Refs. 2 and 3) and Koch Chemical Company, Corpus Christi, Texas (Ref. 2). Commercial IPBP is a mixture of isomers of IPBP and varying amounts of DPBP isomers. DPBP is a by-product of IPBP and is not isolated for sale as a separate commercial product (Refs. 4 and 5). Hereafter in this notice the commercial IPBP products containing DPBP as a byproduct will be referred to as IPBP/DPBP. Because DPBP is not separated from the commercially produced IPBP, EPA has focused its testing assessment on IPBP/DPBP rather than on the individual homologues IPBP and DPBP or their various isomers. Koch Chemical Company produces IPBP/DPBP under the tradename Sure Sol *–250, a mixture containing a minimum of 94 percent IPBP (Ref. 6). Sybron Chemical Company produces three different grades of commercial IPBP/DPBP under the tradenames PG, MPG, and CG (Ref. 4). PG and MPG contain approximately 75 percent IPBP; CG contains, at a minimum, 94 percent IPBP. Combined production by these two firms is

between 2 and 8 million pounds annually (Ref. 7).

The principal uses of IPBP/DPBP are as a dielectric fluid in high-power capacitors and as a solvent for use in carbonless copy paper. Westinghouse Corporation uses Koch Chemical Company's Sure Sol *-250 in its capacitor-impregnating fluid which it calls Wemcol * (Ref. 6). Mead Corporation, the sole user of IPBP/DPBP as a dye solvent for carbonless copy paper, purchases the chemical in tank trucks and dilutes it 15 percent with deodorized kerosene for viscosity control. Colorless dyes are then dissolved in the solution, which is then microencapsulated in modified polyurethane cells. The cells are then mixed with wax in a wiped-film evaporator that drives off water. The hot melt wax product contains 20 to 25 percent capsules and 70 to 75 percent wax. The final product is a wax-flake material which is placed in plastic bags and boxed for shipment. The wax flake material is applied to the paper by common paper coating processes (Ref. 8).

2. *Occupational exposure.* IPBP/DPBP is produced within a closed system. Sybron Chemical Company reported that approximately six to eight workers are exposed to IPBP/DPBP each day, 5 days per week (Ref. 9). The final product is packaged and shipped in tank wagons or drums. Koch Chemical Company (Ref. 10) reported that approximately 20 workers are involved in the manufacture of Sure Sol *-250. The product is manufactured periodically throughout the year. While in production status the material is produced 24 hours per day, 7 days per week, in four shifts. However, Sure Sol *-250 was produced for only 2 to 3 months in 1983 (Ref. 11).

During the processing of IPBP/DPBP for use as a dielectric fluid, 18-24 workers may be exposed (Refs. 12 through 14). The IPBP/DPBP is unloaded, stored, and placed in the capacitors within a closed system.

An estimated six operators (Ref. 8) are exposed to IPBP/DPBP during the wax-flake processing procedure required for its use on carbonless copy paper. Exposure to workers during the coating, slitting, collating, and packaging of carbonless copy paper is minimal because it is economically advantageous for the manufacturers to maintain the integrity of the carbonless copy paper and not release the mixture contained within the polyurethane cells.

3. *General population exposure.* Exposure to IPBP/DPBP through its use and disposal as a dielectric fluid is discussed in Unit II.A.4.C.

Exposure to IPBP/DPBP through its use in carbonless copy paper is estimated to be minimal. The amount of IPBP/DPBP contained on one side of an 8½ x 11 inch sheet of carbonless copy paper is roughly estimated based on the following: Mead recommends applying 1.2 to 1.8 pounds (lbs.) wax per ream of paper (Ref. 15). Thus, the average application is 1.5 lb. wax per 20 lb. ream of 500 (17x22 inch) sheets. One pound of wax contains 25 percent capsules; a capsule consists of microencapsulated cells containing about 13 percent dye and 85 percent solvent. The dye solvent is 85 percent commercial IPBP/DPBP and 15 percent kerosene. On this basis, the amount of IPBP/DPBP per side of an 8½ x 11 inch sheet of carbonless copy paper is estimated to be 31.5 milligrams of IPBP/DPBP per side of an 8½ x 11 inch sheet of the carbonless copy paper. The use of carbonless copy paper causes the polyurethane capsules to break; the chemicals evolve slowly and tend to stick with the paper and dusts (Ref. 21). Therefore, based on the estimated concentration of IPBP/DPBP per sheet of paper and the fact that the IPBP/DPBP is encapsulated on the back portion of the paper, dermal exposure is estimated to be limited.

4. *Environmental Release.* Release may occur through the production, processing, use and disposal of IPBP/DPBP.

a. *Production.* Koch Chemical Corporation (Ref. 11) manufacturing wastes containing IPBP/DPBP are limited to rinsewaters produced when the manufacturing process tanks are switched from Sure Sol*-250 to a different product. The rinsewater is combined with all aqueous wastes generated in the plant. The aqueous wastewater is treated in an on-site system which treats 1 million gallons per day via primary and secondary processes. Primary treatment consists of oil/water separation. Oils are recycled to a cooking unit, sludges are landfarmed, and the effluent is treated in an activated sludge system. The effluent from the activated sludge system is discharged to Corpus Christi Bay under permits from both the EPA and the Texas Department of Water.

Sludges produced during primary treatment are treated on an on-site landfarm. The sludges originate from the primary treatment processes as well as other sources. The landfarm is equipped with monitoring wells and is treated as a hazardous waste area.

Sybron Chemical Company (Ref. 9) reported that their scrubber effluent is treated in an on-site biological system which treats 35,000 gallons per day via secondary processes. Their facility consists of a series of aerated lagoons with holding times of 60 to 90 days. The waste water is pumped from these lagoons through a trickling filter and placed in aerated lagoons. Sybron's effluent is discharged into a stream under permits from the state of South Carolina (Ref. 16).

Material safety data sheets for both manufacturers recommend that, in the event of a spill, the material be absorbed in solid medium and subsequently incinerated or buried in a landfill (Refs. 17 and 4).

b. *Processing.* During the processing of IPBP/DPBP for use as a dielectric fluid in capacitors, the IPBP/DPBP is unloaded, stored and placed into the capacitors within a closed system. Releases are expected to be minimal and are limited to accidental spills. In case of spills, the area is cleaned with absorbents which are placed into drums or barrels and disposed of in landfills (Refs. 14, 13 and 12).

In the manufacture of hot melt wax for carbonless copy paper at Mead Corporation, the process of incorporating the raw IPBP/DPBP into the polyurethane cells is conducted within a closed system (Ref. 18), thereby allowing for minimal release.

Release of IPBP/DPBP to the environment from paper mills that handle recycled carbonless copy paper appears to be limited. The American Paper Institute (Ref. 19) reported that 290 of 304 reporting paper mills are believed to qualify as secondary fiber mills (Table 1). However, only a limited number of these facilities accept carbonless copy paper. Only 85 of the 290 mills are listed as direct dischargers. Of these 85 (Table 2), 52 employ some form of secondary treatment, 15 had primary treatment, 7 had no external treatment, and 11 were unknown with respect to treatment. For those mills reported as sending their waste to Publicly Owned Waste Treatment Facilities (POTWs) it was determined through the 1982 Needs Survey (Ref. 20) that of the 15,425 POTWs listed in the United States 52 percent employ secondary treatment, 16.3 percent employ advanced secondary treatment and 1.4 percent employ tertiary treatment. Therefore, 69.7 percent of all POTWs employ secondary treatment at a minimum. If 155 recycling mills are listed as indirect dischargers, and 69.7 percent of the POTWs in the U.S. have secondary treatment at a minimum, then 108 of the indirect dischargers and 52 of the direct dischargers employ some form of secondary treatment, with 48 mills being self-contained (no effluent discharge).

TABLE 1.—METHOD OF DISCHARGE AMONG MILLS USING WASTEPAPER AS THE PRINCIPAL FIBER SOURCE

	Total mills	Direct disch.	Indirect disch.	Self-contained	Irrigation	Unknown
Deink Fine and Tissue	20	13	5	2		
Deink Newsprint	6	2	3			1
Deink Market Pulp	5	1	3			1
Wastepaper-Tissue	24	11	4	8		1
Wastepaper-Board	163	51	90	18	1	3
Wastepaper-Molded Products	20	2	13	2		3
Wastepaper-Construction Prod	66	5	37	18	1	5
Totals	[1] 304	85	155	48	2	14

[1] Only 290 mills qualify as secondary fibermills. (Ref. (19))

TABLE 2.—CONTROL TECHNOLOGY EMPLOYED BY DIRECT DISCHARGE SECONDARY FIBER MILLS

	Unknown	No external treatment	Primary treatment only	Secondary treatment		Unspecified or other configuration
				Activated sludge	Aerated stabilization basin	
Deink Fine and Tissue		1	1	8	3	
Deink Newsprint				1	1	
Deink Market Pulp						[1] 1
Wastepaper-Tissue	2	2	4	1	2	
Wastepaper-Board	9	3	8	6	21	4
Wastepaper-Molded Products			1		1	
Wastepaper-Construction Prod		1	1			3
Totals	11	7	15	16	28	8

[1] System expected to come online in early 1985. (Ref. (19))

c. *Use and Disposal.* The use of IPBP products, carbonless copy paper and dielectric fluid, do not result in a significant release of IPBP/DPBP to the environment. The use of carbonless copy paper causes the polyurethane capsules to break, the chemicals are released slowly and tend to stick with the paper and dusts (Ref. 21). Accidental leakage from electrical capacitors damaged during use or ruptured upon failure are potential sources of IPBP release to the environment. Because IPBP is more flammable than are PCBs, capacitor manufacturers have taken precautions to protect against rupture (Ref. 22).

Disposal of carbonless copy paper is via recycling facilities or sanitary landfills. At present, the disposal of capacitors is extremely limited. IPBP/DPBP is used as a dielectric fluid in capacitors as a replacement for PCBs. The switch did not occur until the late 1970's. The average life span of a large high voltage capacitor is 20 years, the average life of a small appliance capacitor is 15 years (Ref. 22). Therefore, most of the capacitors produced with IPBP as the dielectric fluid are still in service. At present, waste disposal firms would treat IPBP/DPBP capacitors as they do transformers containing PCBs. Liquids would be incinerated, and solids would be placed in secure landfills (Ref. 23).

The placement of IPBP/DPBP-containing products in sanitary or secure landfills would result in IPBP/DPBP partitioning to soil and sediment where it would biodegrade. Based on this biodegradation potential, groundwater contamination through landfill leachates is extremely unlikely (see Unit II.B.).

B. Chemical Fate

IPBP has a low vapor pressure, a high boiling point, a low estimated water solubility and a high octanol/water partition coefficient (Table 3). DPBP has a low vapor pressure, a high boiling point, a low estimated water solubility, and a high octanol/water partition coefficient (Table 3).

TABLE 3.—PHYSICAL AND CHEMICAL PROPERTIES

Data	IPBP	DPBP
Vapor pressure	5.73×10^{-3} mm Hg at 25 °C (est) [a]	6.85×10^{-4} mm Hg at 25 °C (est).[a]
Boiling point	*o*—IPBP 270 °C [b]; *p*—IPBP 291 °C [c]	4,4' DPBP 335 °C.[d]
Water solubility	0.10 mg/l [a]	4.3×10^{-4} mg/l (est).[a]
Octanol/water	Log P = 5.5 [a]	Log P = 7.3. [a]

[a] (Ref. 24).
[b] (Ref. 25).
[c] (Ref. 26).
[d] (Ref. 27).

These properties indicate that, under equilibrium conditions, IPBP and DPBP will tend to partition to the soil and sediment where they will bind strongly to the organic matter present. The low water solubility and the low vapor pressure and high boiling point of IPBP and DPBP will tend to retard their entry into the water and air, respectively.

Addison *et al.* (Ref. 28) modeled the equilibrium distribution of IPBP in the environment using the environmental partitioning model developed by Mackay (Ref. 29) and Mackay and Paterson (Ref. 30). The model coverts physical property data to fugacity capacities and then uses these capacities to calculate the partitioning behavior of a chemical in the air, water soil, sediment, suspended aquatic matter, and aquatic biota. The model does not consider any dynamic factors such as rate of degradation of the compound in any compartment. The Mackay model predicts that IPBP will partition primarily to soil and sediment.

The soil adsorption coefficient (Koc) of IPBP was calculated by the method of Kenage and Goring (Ref. 31) to be 23,500. Compounds having a Koc value greater than 1,000 are expected to be tightly bound to organic matter in soil and are considered immobile (Ref. 32). The lower vapor pressure and higher estimated log P of DPBP relative to IPBP indicate that it will partition even more strongly to the soil and sediment than IPBP.

Studies have shown IPBP to be biodegradable. In one river die-away study (Ref. 33) IPBP was added to two sets of Delaware River water samples; one contained only the indigenous river microflora, and the other received an additional inoculum prepared from soil. The IPBP was biodegraded 80 percent within 48 hours, with the biodegradation rate being slightly higher for the sample enriched with the soil inoculum. Biodegradation tests performed with sewer sludge have shown that 60 percent of IPBP biodegrades in 24 hours and 100 percent in less than 1 week (Ref. 34).

Based on the physical and chemical properties of IPBP/DPBP, and the modeling study by Mackay, IPBP/DPBP is expected to partition primarily to soil and sediment where it will rapidly biodegrade. The results of the river die-away study show that the fraction of IPBP/DPBP that is discharged to water is also expected to rapidly biodegrade. Releases to the environment from the production and processing of IPBP/DPBP are expected to be minimal. Secondary waste treatment facilities will be sufficient to reduce the concentrations of IPBP/DPBP discharged to receiving waters to negligible levels. Because closed systems are employed and because of the low vapor pressure

of IPBP/DPBP, EPA expects that atmospheric releases and occupational exposures will be minimal.

c. Environmental Effects

1. *Acute toxicity.* The aquatic toxicity for Wemcol®, a commercial dielectric fluid containing approximately 98 percent IPBP and approximately 1 percent DPBP, was studied in fish by Ozburn *et al.* (Ref. 35). In a 96-hour flow-through assay with flagfish (*Jordanella floridae*) the LC_{50} in adults was >0.75 mg/L. The LC_{50} in fry was 0.28 mg/L. Ozburn also studied the reproductive effects. It was determined that the thresholds for spawning impairment, hatching impairment, and fry survival were >0.42 mg/L, >0.47 mg/L, and 0.43 mg/L, respectively. The bioconcentration in flagfish for Wemcol® was 2,896 at 3.5 µg/L for 28 days and 10,790 at 2.41 µg/L, with half-life depuration periods of 2.88 and 1.61 days, respectively.

2. *Environmental concentrations.* The Wisconsin Department of Natural Resources (Ref. 36) in surveying their lakes and stream fishes tentatively detected IPBP in four of their survey sites and DPBP in two of their sites. Upon review of the study it was noted that gas chromatographic/mass spectral (GC/MS) interpretation techniques were the mode of analysis. IPBP was tentatively detected in three of the four sites. Detection at the fourth site was at the detection limit of the instrument. DPBP was tentatively detected at one site and at the other site at the detection limit of the instrument. No quantitative levels for the respective compounds were given. Peterman in his master's thesis (Ref. 37) tentatively detected IPBP and DPBP in fish from the Fox River in Wisconsin, downstream from a recycling paper mill. However, according to Peterman (Ref. 38) recent fish monitoring studies of the Fox River downstream of the paper mill by the State of Wisconsin have not detected any IPBP/DPBP.

D. Health Effects

1. *Acute Toxicity.* IPBP/DPBP has a low acute toxicity with a reported LD_{50} in a 14-day oral rat study of 4.7 g/kg (Refs. 39 and 40). IPBP/DPBP was not judged to be an eye irritant (Refs. 41 and 42) as normal eye appearance was rated in rabbits 72 hours after a 24-hour dosing period. An acute dermal toxicity was determined in rabbits (Ref. 43) with an LD_{50} >6,000 mg/kg of body weight. Dermal irritation was present but transient, with the skin returning to normal within 5 days. IPBP/DPBP was judged (Refs. 6, 44, and 45) to be a mild to moderate irritant on intact and abraded skin.

Several acute inhalation studies have been reported for IPDP/DPBP. A 1977 study submitted by Mead Corporation exposed a group of 10 rats to an aerosol concentration of 1.67 mg/L (exceeded concentration level) for 1 hour (Ref. 46). No adverse effects were observed. The LC_{50} was determined to be >1.67 mg/L. A 1975 study for Sun Oil (Ref. 47) exposed 10 rats to a reported atmospheric concentration of 20.8 mg/L for 1 hour at 18–20 °C. No deaths occurred. Grooming and slight depression were observed during and immediately following exposure. Animals returned to normal within 1 hour following termination of exposure. Necropsy revealed no gross anomalies. A 1974 study by Scientific Associates (Ref. 48) conducted for the Mead Corporation, exposed 10 albino rats to an ambient chamber concentration of approximately 4 mg/L at a flow rate of 7 liters per minute. The animals were exposed for a period of 1 hour plus an 8-minute equilibration period; a 14-day observation period followed. All animals survived the initial exposure period. Two mortalities were noted in the latter part of the observation period. The authors noted that at this concentration (4 mg/L) they were unable to observe the animals due to the heaviness of the mist. This corrobates the pathology findings for the remaining animals of moderate to severe lung congestion. It was noted that all other tissues were not remarkable. A 1959 (Haley *et al.*) study exposed 12 rats to 15.85 g/m^3, (15.85 mg/L) for 1 hour (Ref. 44). They reported 12 out of 12 animals died by the third day. When exposed to 3.87 g/m^3 (3.87 mg/L) for 1 hour 5 out of 8 animals died by day 14. At 0.99 g/m^3 for 1 hour no deaths occurred at day 14. This study does suggest a higher toxicity than indicated by the previous data, however, although not cited, it is thought that the data were obtained at temperatures higher than 20 °C as the authors noted that they ran hot-air controls. The elevated temperatures could have altered some of the exposure patterns used in this study. The Sun Oil Study (Ref. 47) appears inconsistent with the other studies with respect to the extreme level of the reported exposure concentration (20.8 mg/L) and the lack of any deaths. It appears that the exposure concentration for this study may have been reported incorrectly.

2. *Metabolism.* IPBP was studied for its potential use as an anti-inflammatory agent (Refs. 49 and 50). These characterization studies by Sullivan *et al.*, conducted in accordance with standard toxicology guidelines (Ref. 51) and submitted to the Food and Drug Administration, showed that two distinct metabolic pathways were involved in the biotransformation of IPBP in laboratory animals and in man. In the rat, the metabolite atrolactic (AA) acid must be hydroxylated to be excreted, which in turn produces methyl glycolic acid (MGA). When MGA accumulates, it precipitates in the kidney tubules producing nephrotoxicity in the rat. The dog, unlike the rat, is capable of directly eliminating the atroloactic acid; therefore, no development of nephrotoxicity occurs. In the monkey, the failure to detect the atrolactic acid metabolite indicated that the monkey was also capable of elminating the metabolite, resulting in no development of nephrotoxicity. Human studies showed the subjects did not require conversion of the metabolite to atrolactic acid for elimination, therefore no nephrotoxicity would result.

The Agency believes that, based on the results of the metabolism study showing nephrotoxicity to be species-sensitive for the rat, further chronic testing for nephrotoxicity is unnecessary.

Oral and gastrointestinal absorption is nearly complete (Ref. 49). Tulp *et al.* (Ref. 52) studied the retention of Wemcol® in the abdominal fat of rats using a single oral 12.5 mg dose. After one week, no IPBP could be detected. Sullivan *et al.* (Ref. 49) also studied tissue distribution and retention in the rat using a single 25 mg/kg oral dose of 4-iso(14C) propyl biphenyl. After 48 hours, 88 percent was excreted in the urine and feces, with the remaining 12 percent retained in the carcass. The elimination results of 48 hours after a single intraperitoneal dose were similar. IPBP was retained principally in the liver, where metabolism takes place. The remaining IPBP was sequestered in fat from which it was released slowly into the blood stream for metabolism by the liver and ultimate renal elimination. Thus, 48 hours after a single oral or intreperitoneal dose of IPBP, over 80 percent of the IPBP has been eliminated.

3. *Genotoxicity.* No evidence of mutagenic activity was found for IPBP when it was tested directly or in the presence of rat liver enzyme preparations. The indicator strains used were *Salmonella typhimurium*, *Saccharomyces cerevisiae* and *Escherichia coli* (Refs. 53 through 55).

4. *Human Dermal Irritation.* Repeated insult human patch testing was performed on a total of 687 panelists

using varyious IPBP containing products. The results indicated no evidence of delayed contact hypersensitivity or primary skin irritation (Ref. 56).

5. *Epidemological.* The papers referenced by the ITC with respect to IPBP/DPBP as the cause of health complaints to office workers did not upon review support any inference that these chemicals were the cause of the complaints. Kleinman and Horstman (Ref. 57) did not address the chemical composition of the carbonless copy paper used in their epidemological study; instead they refer the reader to another paper. This paper, Gockel *et al.* (Red. 58) is entitled "Formaldehyde Emissions from Carbonless Copy Paper Forms". This paper does not state that IPBP/DPBP was specifically identified or that IPBP/DPBP was inferentially indicated as being present in the carbonless copy paper being used by the office workers. Additionally, the paper does not state that IPBP/DPBP was, in some other manner, the etiological agent of the complaints by the officer workers.

The paper by Levy and Hanoa (Ref. 59), when translated and reviewed, was found to be taken from a newsletter distributed to physicians in Norway. The paper stated that there were some health complaints from office workers who used a particular lot of carbonless copy paper. The author states that the paper was sent to Sweden for analysis and that it did contain " . . . monoisopropyl biphenyl and other impurities . . ." No quantification or identification was given for the monoisopropyl biphenyl or the impurities. The paper further states that when the specific lot of paper was replaced, the complaints disappeared. The paper does not state if the new lot of carbonless copy paper contained monoisopropyl biphenyl. A study by Jeansson *et al.* (Ref. 60), in cooperation with the National Swedish Board of Occupational Safety and Health, investigated health complaints related to carbonless copy paper. The 1983 study was conducted in three principal areas; the effects of chemicals found in carbonless copy paper on skin and mucous membranes were evaluated with the aid of toxicological literature; patients referred to the Department of Occupational Dermatology at the Caroline Hospital due to medical troubles, in conjunction with carbonless copy paper handling, were examined and tested; and at the Department of Occupational Medicine at the Soder Hospital different brands of paper and handling environments were studied and weighed against health complaints. The report concluded ". . . that no specific relation between the chemicals in the market-leading carbonless copying papers and symptoms has been established and that reported symptoms are unspecific and rapidly disappearing." The market-leading brands of carbonless copy paper did contain IPBP/DPBP.

III. Decision Not to Initiate Rulemaking

EPA has decided that testing of IPBP/DPBP under sections 4(a)(1)(A) of 4(a)(1)(B) of TSCA is not warranted at this time because the potential for an unreasonable risk of injury to health or the environment is extremely limited and because there is no evidence of significant or substantial exposure to humans or substantial release to the environment. The IPBP/DPBP are produced and processed within a closed system. The Agency believes that because of the low vapor pressures of IPBP and DPBD, releases to the workplace resulting in occupational exposure will be minimal. The physical and chemical properties of IPBP and DPBP, in conjunction with the data submitted on biodegradation, show that the secondary waste treatment facilities at the production and paper recycling plants will reduce effluent concentrations to negligible levels. Disposal of IPBP/DPBP containing substances in secure or sanitary landfills will allow for microbial degradation with little or no transport of the chemicals due to their high soil adsorption coefficients.

EPA is unable to make the finding that IPBP/DPBP may present an unreasonable risk of health effects, at this time. The data now available to the Agency do not suggest any unreasonable risk of adverse health effects. The ITC's concern for nephrotoxicity can be dismissed on the basis of comparative metabolism studies which showed that atrolactic acid, which is responsible for nephrotoxicity in the rat, is not formed in humans or other primates. Epidemiological studies referencing adverse health effects, including neurotoxic effects, in office workers exposed to carbonless copy paper did not directly infer that IPBP/DPBP was the cause of health complaints, although this was the basis of the ITC's concern for neurotoxicity.

EPA's review of available information concerning IPBP/DPBP has revealed no basis for requiring testing for health effects, ecological effects or chemical fate.

IV. References

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from B. Millman summarizing telephone conversations with G. Gardner and L. McDonnold, Mead Corporation, P.O. Box 2500, Chillicothe, OH 45601, B. Fetters, Mead Corporation, Columbus, OH, and K. Lopes, Cornell-Dubilier Company, P.O. Box B967, New Bedford, MA 02741–9990. 1984 (June 14).

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V. Public Record

The EPA has established a public record of this testing decision (docket number OPTS–12066). This record includes:

(1) **Federal Register** Notice designating Isopropyl Biphenyl/ Diisopropyl Biphenyl to the priority list and comments received in response thereto.

(2) Contractor reports.

(3) Communications consisting of letters, contact reports of telephone conversations, and meeting summaries.

(4) Confidential Business Information submissions by Sybron Chemical Company, Koch Chemical Company, Mead Corporation. While part of the public record, these submissions are not available for public review.

The record, containing the basic information considered by the Agency in developing its decision, is available for inspection in the OPTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. E–107, 401 M St., SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information received. (Sec. 4, 90 Stat. 2006; (15 U.S.C. 2603)).

Dated: April 24, 1985.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 85–10794 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–44011; FRL–2829–5]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the data submissions received by EPA during the first quarter of 1985 from testing programs accepted by EPA in lieu of requiring testing under section 4 of the Toxic Substances Control Act (TSCA). These submissions include results of certain studies and tests on five chemical substances or groups of chemicals.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, D.C. 20460

Toll Free: (800–424–9065),

In Washington, D.C.: (554–1404),

Outside the USA: (Operator—800–554–1404),

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires the EPA to issue a notice in the **Federal Register** reporting on any test data received pursuant to test rules promulgated under section 4(a). Although not required by section 4(d), EPA also periodically publishes notices of receipt of data from negotiated testing programs and other industry programs, the conduct of which led EPA not to require testing through test rules. This notice announces test data submissions received during the first quarter of 1985 from such industry testing programs under TSCA.

I. Alkyl Phthalates

The Chemical Manufacturers Association (CMA), on behalf of the Phthalates Esters Program Panel, is conducting testing on a number of alkyl phthalates, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under section 4 of TSCA and is described in the **Federal Register** of October 30, 1981 (46 FR 53775).

On March 29, 1985, EPA received the results of a CHO/HGPRT forward mutation assay on mono-2-ethylhexyl phthalate (MEHP, CAS. No. 4376–20–9), di-(2-ethylhexyl) phthalate (DEHP, CAS. No. 117–81–7), and 2-ethylhexanol (2–EH, CAS. No. 104–76–7).

II. Bis (2-Ethylhexyl) Terephthalate

Eastman Kodak Company is conducting a testing program on bis(2-ethylhexyl) terephthalate (DOTP, CAS. No. 6422–86–2), a plasticizer for polyvinyl chloride and related plastics. This program was accepted by the Agency in lieu of rulemaking under section 4 of TSCA, and is summarized in the **Federal Register** of June 4, 1984 (49 FR 23110).

On March 7, 1985, EPA received the results of water solubility determination in deionized, well, and sea water. On March 27, 1985, the Agency received the results of a dynamic 7-day acute toxicity test on rainbow trout (*Salmo gairdneri*) and an octanol/water partition coefficient determination (K_{ow}) in well water and sea water.

III. Chlorinated Paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a testing program on chlorinated paraffins, substances used primarily as flame retardants and plasticizers. This testing program, described in full in the **Federal Register** of January 8, 1982 (47 FR 1017), was accepted by EPA in lieu of a chlorinated paraffins test rule under section 4 of TSCA.

On February 12, 1985, EPA received the results of a reproduction range-finding study of the intermediate chain length paraffin of 52 percent chlorination in rats.

IV. Dichloromethane

The Halogenated Solvents Industry Alliance has conducted a testing program on dichloromethane (methylene chloride, CAS. No. 75–09–2), a widely used industrial solvent. This testing program was initiated by industry independent of EPA's test rule activities and is described in the withdrawal of the proposed rule on dichloromethane published in the **Federal Register** of June 19, 1984 (49 FR 25009).

On March 5, 1985, EPA received the results of a 2-generation reproductive effects study in rats.

V. Isophorone

The Ketones Program Panel of the Chemical Manufacturers Association is conducting health effects testing on isophorone (CAS. No. 78–59–1), primarily used in coatings and as a chemical intermediate. This program, accepted by the Agency in lieu of a test rule under section 4 of TSCA is described in the **Federal Register** of January 17, 1984 (47 FR 2012).

On February 4, 1985, EPA received the results of an inhalation teratology study in rats and mice.

VI. Public Record

EPA has established a public record for this quarterly receipt of data notice (docket number OPTS–44011). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OPTS reading room, E–107, 401 M St., SW, Washington, D.C. 20460.

Dated: April 24, 1985.

Don Clay,

Director, Office of Toxic Substances.

[FR Doc. 85–10799 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–2829–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075. Availability of Environmental Impact Statements filed April 22, 1985 Through April 26, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850166, Draft, BLM, SD, South Dakota Resource Area, Resource Management Plan, Due: July 26, 1985, Contact: Billy McIlvain (605) 892–2526.
EIS No. 850167, Final, COE, NY, Oneida Creek Watershed Flood Control Plan, Madison and Oneida Counties, Due: June 3, 1985, Contact: Philip Frapwell (716) 876–5454.
EIS No. 850168, Draft, AFS, MT, Stillwater Valley Platinum-Palladium Mining and Milling Project, Operation Approval, Stillwater Co., Due: June 17, 1985, Contact: Phillip Jaquith (406) 446–2103.
EIS No. 850169, Draft, COE, AR, L'Anguille River and Tributaries Flood Damage Reduction, Due: June 17, 1985, Contact: Dr. Morris Mauney (901) 521–3857.
EIS No. 850170, Draft, OSM, MT, CX Ranch Mine Construction and Operation, Permit, Big Horn County, Due: June 17, 1985, Contact: Charles Albrecht (303) 844–5656.
EIS No. 850171, Draft, COE, KY, IL, Lower Ohio River Navigation Study Area, Improvements, Cumberland River to Mississippi River, Due: June 17, 1985, Contact: David Weyer (502) 582–5641.
EIS No. 850172, Draft, EPA, TX, Cummins Creek Surface Lignite Mine, NPDES Permit, Fayette County, Due: June 17, 1985, Contact: Clinton Spotts (214) 767–2716.
EIS No. 850173, Final, COE, AK, Auke Bay Breakwater and Marina Developments, Construction and Expansion, Permit, Auke Bay, Due: June 3, 1985, Contact: Gene Augustine (907) 753–2724.
EIS No. 850174, Final, FHW, OR, S.E. Hubbard Road Extension, 122nd Avenue to US 212, Clackamas County, Due: June 3, 1985, Contact: Dale Wilken (503) 399–5749.
EIS No. 850175, Final, SFW, AK, Bristol Bay Region, Cooperative Management Plan, Bristol Bay, Due: June 3, 1985, Contact: John Kurtz (907) 562–2271.
EIS No. 850176, FSuppl, COE, MN, East Grand Forks Flood Control Plan, Red and Red Lake Rivers, Polk County, Due: June 3, 1985, Contact: Robbin Blackman (612) 725–7746.
EIS No. 850177, Draft, NOA, PAC, REG, Taking of Marine Mammals Associated with Tuna Purse Seining Operations, 1986 Amendments to Regulations, Due: June 26, 1985, Contact: William Gordan (202) 634–7283.
EIS No. 850178, FSuppl, COE, MN, Chaska Flood Control Plan, Minnesota River, Carver County, Due: June 3, 1985, Contact: Robbin Blackman (612) 725–7746.
EIS No. 850179, Draft, FERC, WA, Hamma Hamma Hydroelectric Project, Construction and Operation, Licenses, Mason County, Due: June 17, 1985, Contact: Frank Karwoski (202) 376–1761.
EIS No. 850180, Report, COE, KS, Halstead Local Flood Protection Plan, Construction, Harvey County, Contact: Ken Williams (918) 745–7219.
EIS No. 850181, Report, COE, NC, Pamlico Sound and Beaufort Harbor Connecting Waterway Maintenance, Carteret County, Contact: Richard Jackson (919) 343–4745.

Amended Notices

EIS No. 850143, Final, AFS, NM, Western Spruce Budworm Management Program, Carson National Forest, Taos, County, Due: May 28, 1985, Published FR 4–19–85—Review period reestablished.
EIS No. 850148, Draft, COE, DE, Wilmington Harbor Federal Navigation Project, Dredged Material Disposal Area, Development and Designation, New Castle County, Due: June 3, 1985, Published FR 4–19–85—Inadvertently omitted due date.
EIS No. 850161, Final, DOE, KS, Arkansas City, Flood Control Plan, Arkansas and Walnut Rivers, Cowley County, Due: May 28, 1985, Published FR 4–26–85—Incorrect state.
EIS No. 850164, Final, BLM, CO, Northeast Resource Area, Resource Management Plan, Due: July 23, 1985, Published FR 4–26–85—Review period extended.

Dated: April 30, 1985.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 85–10867 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–2830–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 15, 1985 through April 19, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

DRAFT EISs

ERP No. D–AFS–E65031–KY, Rating LO, Daniel Boone Nat'l Forest Land and Resource Mgmt. Plan, KY. **SUMMARY:** EPA believes the DEIS and plan have been well prepared and contain the necessary mitigation measures. EPA did not identify any potential environmental impacts requiring substantive changes to the proposal.

ERP No. D–AFS–J65135–MT, Rating LO, Helena Nat'l Forest Land and Resources Mgmt. Plan, MT. **SUMMARY:** EPA reviews the DEIS and found it to be well-written and potential impacts well-analyzed, particularly those related to water quality.

ERP No. D–BLM–G70000–NM, Rating LO, White Sands Resource Mgmt. Plan, NM. **SUMMARY:** EPA has not identified any potential environmental impacts requiring changes to the proposal.

ERP No. D–BLM–K65069–00, Rating EC2, Yuma District Resource Area Mgmt. Plan, AZ and CA. **SUMMARY:** EPA requested that the FEIS clarify Wilderness Study Area designation criteria, provided more detailed analyses of air and water quality impacts, and provide more information on pesticide use in the resource area.

ERP No. DS–COE–E32064–00, Rating EC2, Alabama—Coosa Rivers Navigation Channel, AL and GA. **SUMMARY:** EPA has prononuced environmental concerns about the amount of bottomland hardwoods which we believe are being unnecessarily impacted/sacrificed to achieve project objectives, but feel there are feasible alternative to lessen these impacts within acceptable standards. EPA is currently assessing various changes to the current disposal plan, together with appropriate mitigation, for the unavoidable losses occasioned by spoil deposition.

ERP No. D–COE–H32007–MO, Rating EC2, Southeast Missouri Port Facility Construction, Mississippi R., MO. **SUMMARY:** EPA requested the scope of the economic assessment to be broadened to include the recommended action's impact on existing port facilities and the impact that three other planned port facilities will have on the viability of the recommended action. EPA also asked for additional information related to the location of public recreation facilities, agricultural practices and water quality impacts in the event of a hazardous material spill.

ERP No. D–COE–K36083–CA, Rating LO, Guadalupe R. Flood Control Plan, Improvements, CA **SUMMARY:** EPA had no comments on the DEIS.

ERP No. D–FHW–L40145–OR, Rating EC1, Lester Ave./I–205 Interchange Construction and Improvements, Between Sunnyside Road and Foster Road Interchanges, OR. **SUMMARY:** EPA reviewed the DEIS and had some concerns related to noise impacts. It

was suggested that the FEIS discuss special mitigation measures for residences for which more typical measures such as sound walls are infeasible or inadequate.

ERP No. D–SCS–E36153–00, Rating LO, Wolf and Loosahatchie R. Basins Multipurpose Water Mgmt., TN and MS. **SUMMARY:** EPA believes that the proposed work described in the DEIS will not result in any significant and/or long term environmental degradation. EPA has no objections to the facility and no additional information is requested.

ERP No. D–UAF–K11025–CA, Rating EC2, 146th Tactical Airlift Wing of the California Air Nat'l Guard, Relocation, to Point Mugu Naval Air Station, Norton Air Force Base or Air Force Plant No. 42, CA. **SUMMARY:** EPA requested that the FEIS contain additional analysis on: 1) compliance with wetlands protection Guidelines due to impacts on a wetland Marsh, 2) compliance with RCRA regulations concerning hazardous waste generation, and 3) development of air quality mitigation measures.

FINAL EISs

ERP No. FS–COE–D30001–VA, Virginia Beach, Erosion Control and Hurricane Protection, Virginia Beach, VA. **SUMMARY:** EPA reviewed the proposed erosion control and hurricane activities and found no objections to the structural modifications to the seaward areas. The secondary activities involving inland impoundments were reviewed by the COE and deleted from the FEIS.

ERP No. F–FHW–G40108–AR, N. Belt Freeway Construction, I–440/I–40 Interchange to US 67/167, AR. **SUMMARY:** EPA has not identified any issues of concern with regard to the proposed action.

ERP No. F–FHW–K40117–CA, I–5 Improvement, Construction, Lakehead Undercrossing to Shotgun Creek, CA. **SUMMARY:** The FEIS adequately addressed EPA's earlier comments.

ERP No. F–FHW–L40137–OR, S. Slough (Charleston) Bridge Replacement, Cape Arago Hwy., OR. **SUMMARY:** EPA made no formal comments. EPA found the FEIS to be responsive to EPA comments made on the DEIS.

ERP No. F–OSM–E01005–TN, Tennessee Federal Program Surface Coal Mining Operations Comprehensive Impacts, Permits. **SUMMARY:** EPA believes that the FEIS is an improvement over the DEIS and generally addresses many of the concerns in our comment letter for the DEIS. Although we recognize that the DEIS/FEIS is generic rather than site-specific, we remain concerned with the general descriptions of underground disposal of mine wastes, off-site-generated impacts that are coal-mining-related, historic and cultural resources relative to permitting and field surveys, water quality degradation of private water wells relative to SMCRA regulations, effluent limitation guidelines, and wetland and floodplain delineation and impacts. EPA expects that these topice will be more specifically addressed in mine site-specific Environmental Assessments and possible subsequent NEPA documents

Regulations

ERP No. R–MAR–A86219–00, MARAD procedures for Considering Environmental Impacts, Implementing NEPA, Maritime Admin. Order MA 0600–1 (50 FR 11606). **SUMMARY:** EPA supports MARAD's efforts to promulgate procedures for implementing NEPA. EPA suggests some minor changes to clarify which actions are Categorical Exclusions and of those, which are exceptions and will require NEPA documentation.

Amended Notice

The following review was completed during Week of April 8 through 12, 1985 and should have appeared in the FR Notice published on April 26, 1985.

ERP No. FS–AFS–A82112–00, 1985 Gypsy Moth Suppression and eradication in the U.S. **SUMMARY:** EPA expressed no objections to the program as proposed.

Dated: May 1, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85–10870 Filed 5–2–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1512]

Petitions for Reconsideration of Action in Rulemaking Proceedings

April 29, 1985.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b) Table of Allotments, FM Broadcast Stations. (Oak Beach and Bay Shore, New York). (MM Docket No. 84–293, RM–4611)

Filed by:

David Tillotson, Attorney for All Shores Radio d/b/a Long Island Radio Company, (WBAB-FM) on 4–17–85.

John Wells King, Attorney for Doubleday Broadcasting of New York, Inc., (WAPP-FM) on 4–18–85.

William J. Tricario,

Secretary, Federal Communications Commission.

[FR Doc. 85–10816 Filed 5–2–85; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–008054–021.

Title: South and East Africa/U.S.A. Conference Agreement.

Parties:

The Bank Line, Limited

Lykes Bros. Steamship Co., Inc.

South African Marine Corp. Ltd.

United States Lines (S.A.), Inc.

Synopsis: The proposed amendment would modify the agreement to provide for intermodal authority and to include all United States ports within the scope. It would also restate the agreement to confirm with the Commission's format, organization and content requirements. The parties have requested a waiver of the format requirements of the Commission's regulations and a shortened review period.

Agreement No.: 217–010751.

Title: Costa-Lykes Space Charter and Equipment Rationalization Agreement.

Parties:

Costa Armartori S.P.A.

Lykes Bros. Steamship Co., Inc.

Synopsis: The proposed agreement would permit the parties to charter space on each others vessels for the carriage of cargo in the trade between United States Atlantic and Gulf ports, and inland points via such ports, and ports and inland points in Spain, Italy and France.

Dated: April 30, 1985.

By the order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-10835 Filed 5-2-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

The Chase Manhattan 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 May 23, 1985.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

1. *The Chase Manhattan Corporation*, New York, New York to engage *de novo* through its subsidiary, Chase Manhattan National Corporation, New York, New York, in providing as agent or broker credit life, accident, health and credit related involuntary unemployment insurance.

Board of Governors of the Federal Reserve System, April 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10772 Filed 5-2-85; 8:45 am]

BILLING CODE 6120-01-M

Norwest Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 17, 1985.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to acquire certain insurance agency assets from O.K., Inc., Kearney, Nebraska, pursuant to section 4(c)(8)(G) of the Bank Holding Company Act of 1956, as amended.

Board of Governors of the Federal Reserve System, April 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10773 Filed 5-2-85; 8:45 am]

BILLING CODE 6210-01-M

Water Tower Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 28, 1985.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Water Tower Bancrop, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of

Water Tower Trust and Savings Bank, Chicago, Illinois.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *FT. Elliott Bancshares, Inc.*, Mobeetie, Texas; to become a bank holding company by acquiring 86.4 percent of the voting shares of The First State Bank of Mobeetie, Mobeetie, Texas.

Board of Governors of the Federal Reserve System, April 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10771 Filed 5-2-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 26, 1985.

Social Security Administration

Subject: Quarterly Application for Grant Award—OCSE-65—Extension (0960-0239)
Respondents: State/local governments
Subject: Grantee Survey of Low Income Home Energy Assistance Program—SSA-283/284—Extension—(0960-0330)
Respondents: States, Indian tribes and tribal organizations
Subject: Quarterly Performance Report (ORR-6)—Extension (0960-317)
Respondents: States
OMB Desk Officer: Judy A. McIntosh

Health Care Financing Administration

Subject: Information Requirement Relating to Regulation BPP-504—Medical Program Contracts with HMO's and Prepaid Health Plans—(HCFA-R-27)—Extension—(0938-0326)
Respondents: State/local governments, businesses or other for profit organizations
Subject: Information Collection Requirements in 42 CFR Part 405.1413; 1414 and 1416-Conditions of Participation for Portable X-ray Supplies—Extension—(HCFA-R-43) (0938-0338)
Respondents: Businesses or other for profit, small businesses or organizations
Subject: Information Collection Requirements in BERC 504F Medicaid Contracts with Health Maintenance Organizations and Prepaid Health Plans—Extension—(HCFA-R-28) (0938-0326)
Respondents: State/local governments, small businesses or organizations
Subject: Preclearance for: Prospective Payment and Analytical Support Studies (#002)-(HCFA-490)—New
Respondents: Individuals or households, businesses or other for profit, small businesses or organizations
Subject: Application for Health Insurance Benefit Under Medicare for Individuals with Chronic Renal Disease—(HCFA-43)—Revision-(0938-0080)
Respondents: Individuals or households
Subject: Information Collection Requirements in 42 CFR Parts 405.1722, 1725, 1736 Conditions of Participation for Outpatient Clinics-405.1716, 1717, 1720, 1721—Extension—(HCFA-R-44) (0938-0336)
Respondents: Businesses or other for profit, small businesses or organizations
OMB Desk Officer: Fay S. Iudicello

Public Health Service

Centers for Disease Control

Subject: Employee Vital Status Letter—Extension (0920-0035)
Respondents: Individuals

National Institutes of Health

Subject: National Academy of Sciences-National Research Council—Twin Registry: Followup Questionnaire—New
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Human Development Services

Subject: Final Rule for the Child Abuse and Neglect Prevention and Treatment Program-45 CFR 1340.15-Revision (0980-0165)
Respondents: States
OMB Desk Officer: Judy A. McIntosh

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: April 29, 1985.

Harry A. Hadd,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85-10775 Filed 5-2-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 83V-0399]

Availability of Approved Variance for UPC Laser Scanners

Correction

In FR Doc. 85-9570 appearing on page 15785 in the issue of Monday, April 22, 1985, make the following correction:

In the second column nine lines from the bottom, insert the following after the word "applicable":

"to the product. The amended variance also reflects an alternate".

BILLING CODE 1505-01-M

Consumer Participation; Open Meetings

Correction

In FR Doc. 85-9686 beginning on page 15980 in the issue of Tuesday, April 23, 1985, make the following correction:

On page 15981, second column, sixth line, "602" should read "601".

BILLING CODE 1505-01-M

National Institutes of Health

Advisory Committee to the Director; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee to the Director, NIH, on June 24-25, 1985, at the National Institutes of Health, Bethesda, Maryland 20205. The meeting will take place from 9:00 a.m. to approximately 5:00 p.m. in Building 31, Conference Room 10, C Wing. The meeting will be open to the public.

The meeting will address the topic "The NIH Role in Fostering the Nation's Leadership in Biotechnology."

The Acting Executive Secretary, Kurt Habel, National Institutes of Health, Building 1, Room 137, Bethesda, Maryland, 301-496-3152, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information.

Dated: April 25, 1985.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 85-10757 Filed 5-2-85; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Resources; National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), June 6-7, 1985, Conference Room 6, Building 31-C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, at approximately 9:00 a.m.

This meeting will be open to the public on June 6 from 9:00 a.m. until 5:15 p.m., and on June 7 from 9:00 a.m. until 10:00 a.m. to discuss administrative details such as budget and legislative updates, new program initiatives such as the Research Centers in Minority Institutions Program, and to provide information on various program activities, including new animal welfare policy. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 7 from 10:00 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. The applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, DRR, Building 31, Room 5B10, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and a roster of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, Building 31, Room 5B03, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6023, will furnish substantive program information upon request, and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Research Support, National Institutes of Health)

Dated: April 19, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85-10760 Filed 5-2-85; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute, Meeting

Notice is hereby given of the workshop on "Elastase Inhibitors for Treatment of Emphysema-Approaches to Synthesis and Biological Evaluation" sponsored by the Division of Lung Diseases of the National Heart, Lung, and Blood Institute on June 10-11, 1985, from 8 a.m. to 5 p.m., Sheraton Potomac, I-270 at Shady Grove, Rockville, MD 20850, (301) 840-0200.

The entire meeting will be open to the public. The topic areas to be discussed include synthesis of serine protease inhibitors in general and elastase inhibitors in particular; nature of the active site of elastase; naturally occurring elastase inhibitors and their modified analogues; and animal models for evaluation of elastase inhibitors for the treatment of emphysema. A major goal of the workshop will be to develop recommendations for future research in this important area. Attendance by the public will be limited to space available.

Those interested in participating in the workshop should contact: Zakir H. Bengali, Ph.D., Airways Diseases Branch, Division of Lung Diases, NHLBI, NIH, Westwood Building, Room 6A15, Bethesda, MD 20205, (301) 496-7332.

Dated April 26, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85-10762 Filed 5-2-85; 8:45 am]

BILLING CODE 4140-01-M

National Library of Medicine; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Library of Medicine, July 17 and July 18, 1985, in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 4:00 p.m. on July 17, 1985, and from 9:00 a.m. to 12:00 Noon on July 18, 1985, for the review of research and development programs of the Lister Hill National Center for Biomedical Communications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 17, 1985, from approximately 4:00 p.m. to 5:00 p.m. for the consideration of personnel qualifications and performance of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Mr. Earl Henderson, Acting Director, Lister Hill National Center for Biomedical Communications, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone (301) 496-4441, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: April 19, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85-10761 Filed 5-2-85; 8:45 am]

BILLING CODE 4140-01-M

National Library of Medicine; Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee on June 19-20, 1985, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on June 20, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on June 18 from 2:00 p.m. to 5:00 p.m. in the 5th-Floor Conference Room of the Lister Hill Center Building.

The meeting on June 19 will be open to the public from 8:30 to 11:00 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d), of Pub. L. 92-463, the regular meeting and the subcommitee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications as follows: The regular meeting on June 19, from 11:00 a.m. to 5:00 p.m., and on June 20, from 8:30 a.m. to adjournment; and the subcommittee meeting on June 18 from 2:00 p.m. to 5:00 p.m. These

applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: April 19, 1985.

Betty J. Beveridge,

NIH Committee Managment Officer.

[FR Doc. 85–10759 Filed 5–2–85; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Sickle Cell Disease Advisory Committee; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, June 21, 1985. The meeting will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, Building 31, Conference Room 8, C-Wing. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A21, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 25, 1985.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 85–10758 Filed 5–2–85; 8:45 am]

BILLING CODE 414–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–85–1528]

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendments to existing systems of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act systems of records: (1) HUD/DEPT–2, Accounting Records; (2) HUD/DEPT–28, Property Improvement and Manufactured (Mobile) Home Loans—Default; (3) HUD/DEPT–29, Rehabilitation Grants and Loans Files; (4) HUD/DEPT–32, Delinquent/Default/Assigned/Temporary Mortgage Assistance Payments (TMAP) Program; (5) HUD/DEPT–62, Claims Collection Records; (6) HUD/CPD–1, Rehabilitation Loans-Delinquent/Default; and (7) HUD/H–8, Property Rental Files.

EFFECTIVE DATE: The amendments shall become effective without further notice in 30 calendar days, June 3, 1985, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Arthur L. Stokes, Departmental Privacy Act Officer, Telephone: (202) 755–6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department proposes to amend each system listed by adding a routine use. The new routine use will be the referral of data, for tax purposes, to the Internal Revenue Service on those individuals whose indebtedness has been discharged as a result of compromise or because of applicable statutes of limitations. The debt generally becomes taxable income at the time the debt is discharged. The requirement to report discharged indebtedness is contained in Section 6(a)(12) of the Internal Revenue Code.

The new routine use is consistent with the purposes for which the systems of records were established. The descriptions of the systems are published below in their entirety, as amended, with minor editorial changes.

The prefatory statement, containing General Routine Uses applicable to most of the Department's systems of records, and Appendix A, which lists the addresses of HUD's Field Offices, were published in the "**Federal Register** Privacy Act Issuance 1982/83 Compilation, Volume II."

Authority: 5 U.S.C. 552(a), 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., April 26, 1985.

Judith L. Tardy,

Assistant Secretary for Administration.

HUD/DEPT–2

SYSTEM NAME:

Accounting Records.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; individuals within Disaster Assistance Programs; builders, developers, contractors, and appraisers; individuals writing to the Department; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagors and purchasers of HUD-owned properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease and loan collection register; schedules of payments receivable and received; premiums due; claim files and fee billing statements; escrow and Certificates of Deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund: Field managers' accounting records; restitution, maintenance, and market expenses; distributive shares records; salary; savings bonds; bills of lading; vouchers; invoices; receipts; cancelled checks; mortgages, builders and contractors financial statements, records and audit reports; requests for termination of home mortgage insurance; deposit and receipt records; detailed accounting reports concerning diversified payments, disbursements, and cancelled checks; repurchases of mortgages; adjustments from recoveries, manual adjustments, and defaults; acquired home property records; sales closing papers; statements of accounts; tax records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

See 113 of the Budget and Accountig Act of 1950 31 U.S.C. 66a. (Pub. L. 81–784).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Users paragraphs in prefatory statement. Other routine uses: U.S. Treasury—for disbursements and adjustments thereof; Internal Revenue Service—for reporting of sales commissions, for reporting of discharged indebtedness, and to obtain current mailing address; General Accounting Office, General Services Administration, Department of Labor, Labor housing authorities, and taxing authorities—for audit, accounting and financial reference purposes; mortgagee lenders—for accounting and financial reference purposes; HUD contractor—for mortgage note servicing; to other Federal agencies for the purpose of collecting debts owed to the Federal Government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Desks; safes; locked filing cabinets; central files; book cases; ledger trays and binders; tables; magnetic tape/disc/drum.

RETRIEVABILITY:

By Social Security number; name; case file number; schedule number; audit number; control number; receipt number; voucher number; contract number; address.

SAFEGUARDS:

Security checks, limited authorization and access, security guards; computer records are maintained in secure areas with access limited to authorized personnel and technical restraints employed with regard to accessing the records.

RETENTION AND DISPOSAL:

GSA schedules of retention and disposal; destruction after six months; transfer to either a Federal Records Center or Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Finance and Accounting, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURES:

For information assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURE:

The Department's rule for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Department Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451, Seventh Street SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD; Federal and non-federal governmental agencies; HUD personnel.

HUD/DEPT-28

SYSTEM NAME:

Property Improvement and Manufactured (Mobile) Home Loans—Default.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, credit applications, Social Secuirty Number where available, case histories of borrowers; records of payment; fiancing statements; notes; mortgages and other evidences of indebtedness; delinquent and defaulted loan records and account cards; collection and field reports; records of claims and chargeoffs; creditor requests for collection assistance; justifications for closing collection action; related correspondence and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I Sec. 2, National Housing act, 12 U.S.C. 1703; Federal Claims Collection Act of 1966 (Sec. 1, Pub. L. 89-506).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Use paragraphs in prefatory statement. Other routine uses: Department of Justice—for prosecution of fraud revealed in the course of claims collection afforts and for the institution of suit or other proceedings to effect collection of claims; FBI—investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for audit purposes; private employers and Federal agencies—to facilitate collection of claims against employees; Office of Personnel Management—for offsetting retirement payments; consumer reporting and commercial credit agencies—to facilitate claims collection consistent with Federal Claims Collection Standards, 4 CFR 102.4; to financial institutions that originated or serviced loans—to give notice of disposition of claims; to title insurance companies—for payment of liens, to local recording offices—for filing assignments of legal documents, satisfactions, etc.; to bankruptcy courts—for filing of proofs of claim; to HUD Contractor—for debt servicing; to state motor vehicle agencies and Internal Revenue Service—to obtain current addresss of debtors; to Internal Revenue Service— for reporting of discharged indebtedness; to other Federal agencies for the purpose of collecting debts owed to the Federal Government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(B)(12). Pursuant to 5 U.S.C. 552a(B)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1698a(f) or the Federal Claims Collection Act of 1966 31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Claim number, name or other identification number.

SAFEGUARDS:

Manual files are kept in lockable cabinets or rooms; automated records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

RETENTION AND DISPOSAL:

Files are partly active and partly historical and are disposed of in accordance with HUD Handbook 2225.6, Records Disposition Management: HUD Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Title I Insured Loans, HSI, Department of Housing and Urban Development 451 Seventh Street, SW, Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in appendix A.

RECORD ACCESS PROCEDURE:

The Deparetment's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410

RECORD SOURCE CATEGORIES:

Subject individual; current and previous employers; credit bureaus; financial institutions; business firms; federal and non-federal agencies; law enforcement agencies; title companies and abstractors; bankruptcy courts.

HUD/DEPT-29

SYSTEM NAME:

Rehabilitation Grants and Loans Files.

SYSTEM LOCATION:

Field offices; for a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aplicants who have applied for rehabilitation grants and loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of borrowers, builders, dealers and contractors; loan and grant applications and eligibility information; loan and grant documents; payment records; registration records; collection records; complaint records; related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 312, Housing Act of 1964, as amended (Pub. L. 88-560), 42 U.S.C. 1452(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: to local agencies—for monitoring and carrying out the program; to financial institutions—for providing supplemental rehabilitation funds; to creidt reporting agencies, employers, financial institutions, and retail consumer credit grantors—for verification of employment and financial status; to Federal National Mortgage Association and loan servicers—for loan servicing; and to Internal Revenue Service—for reporting of discharged indebtedness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders and/or on magnetic tape/disc/drum.

RETRIEVABILITY:

By name, property address and case file number of individual covered.

SAFEGUARDS:

Records stored in lockable file cabinets and technical restraints are employed with regard to accessing computer files.

RETENTION AND DISPOSAL:

Records are primarily active with some historical information; disposal is in accordance with HUD Handbook.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Rehabilitation Management Division, Office of Urban Rehabilitation and Community Reinvestment, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURE:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (1) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Financial institutions; subject and other individuals; federal and non-federal agencies; firms, current and previous employers; law enforcement agencies; credit reporting agencies.

HUD/DEPT-32

SYSTEM NAME:

Delinquent/Default-Assigned/Temporary Mortgage Assistance Payments (TMAP) Progam.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses see Appendix A. Office of

HUD TMAP contractor will maintain some records on TMAP cases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors with HUD/FHA insured single-family mortgages that are delinquent or in default; mortgagors seeking assistance of prevent foreclosures; and mortgagors whose mortgages are held by HUD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notices of delinquent mortgages; requests for forebearance or assignment; forebearances or assignment reviews include date on mortgage amount and payments made, employment and income, debts and expenses, reasons for delinquency, recommendations and actions on requests; credit reports; forebearance agreements; deeds of trust; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

See 114(a), Housig Act of 1959, (Pub. L. 86–372), 12 U.S.C. 1702 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: to FHA—for insurance investigations; to IRS and GAO—for investigations; to IRS—for reporting of discharged indebtedness; to state banking agencies to aid in processing mortgagor complaints; to state housing and redevelopment agencies—for follow-up servicing; to mortgagees—to check on this status of cases and referrals of compliants; to counseling agencies—for counseling; to Legal Aid—to assist mortgagors; to HUD TMAP contractor—for processing TMAP; to other Federal agencies for the purposes of collecting debts owed to the Federal Government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders and on magentic tapes, drums, and discs.

RETRIEVABILITY:

Name; case file number, property address

SAFEGUARDS:

Records maintained in desks and lockable file cabinents; access to automated systems is by passwords and code identification cards access limited to authorized personnel.

RETENTION AND DISPOSAL:

Obsolete records destroyed or shipped to Federal Records Center in compliance with HUD Handbook.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Single Family Servicing Division, HSSI, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individual; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; Federal Government agencies; non-federal government (including foreign, state and local) agencies; law enforcement agencies.

HUD/DEPT-62

SYSTEM NAME:

Claims Collection Records.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; builders; developers, contractors, and appraisers; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagors and purchasers of HUD-owned properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease and loan collection register; schedules of payments receivable and received; premiums due; claim files; fee billing statements; escrow and Certificates of Deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund; area managers' accounting records; restitution, maintenance, and market expenses; bills lading; vouchers; invoices; receipts mortgagors, builder's and contractor's financial statements, records and audit reports; deposit and receipt records; disbursements and cancelled checks; repurchases of mortgages; adjustments from recoveries, defaults, acquired home property records; sales closing papers; statemets of accounts; tax records certifications and applications for assistance; and notice of court action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claims Collection Act of 1966 (Section 1, Pub. L. 89–508).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Users paragraphs in prefatory statement. Other routine uses: Justice Department—for prosecution of fraud revealed in the course of claims collection efforts, and for the institution of foreclosure or other proceedings to effect collection of claims; FBI—for investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for the institution of proceedings to effect collection of claims; other Federal Agencies—to facilitate collection of claims against Federal employees; Office of Personnel Management—for offsetting retirement payments; to commercial credit bureaus—to facilitate claims collection consistent with Federal Claims Collection Standards, 4 CFR 102.4; to other Federal agencies for the purpose of collecting debts owed to

the Federal Government by administrative or salary offset; to IRS for reporting of discharged indebteness.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966; 31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Desks; safes; locked file cabinets.

RETRIEVABILITY:

Name, Social Security Number, Project Name and Number, and Contract Number.

SAFEGUARDS:

Locked files; limited access by authorized individuals.

RETENTION AND DISPOSAL:

GSA schedules of retention and disposal; destruction one year after statute of limitation expiration.

SYSTEM MANAGER AND ADDRESS:

Department Claims Officer, Officer of Finance and Accounting, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, Contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. (ii) in relation to appeals of initial denials, the HUD Department Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD; Federal and non-Federal government agencies; HUD personnel.

HUD/CDP-1

SYSTEM NAME:

Rehabilitation Loans-delinquent/ Default.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Rehabilitation loan debtors who are delinquent or in default on their loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names credit applications; Social Security Number where available, loan and grant documents, including promissory note, mortgage, deed of trust, title evidence; HUD Section 312 forms and documents; statement of account; sales contract; assumption agreements; compromise agreements; subordination agreements; repayment agreements; collection history, including correspondence with borrower, servicer, and LPA; credit reports; financing statements; records of foreclosures; charge-offs; judgments on the note and deficiency judgments; creditor requests for collection assistance; insurance documents; bankruptcy records and documents; property appraisals; rehabilitation contracts; corresponsence with the LPA's and related correspondence and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. Sec. 1452b, Housing Act of 1964.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine use paragraphs in prefatory statement. Other routine uses: Department of Justice—for prosecution of fraud revealed in the course of claims collection efforts and for the institution of suit or other proceedings to effect collection of claims; FBI—for investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for audit purposes; private employers and Federal agencies—to facilitate collection of claims against employees; Office of Personnel Management—for offsetting retirement payments; consumer reporting and commercial credit agencies—to facilitate claims collection conistent with Federal Claims Collection Standards, 4 CFR 102.4; to financial institutions that serviced loans—to give notice of disposition of claims; to title insurance companies—for payment of liens; to local recording offices—for filing assignments of legal documents, satisfaction, etc.; to bankruptcy courts—for filing of proofs of claims; to local agencies that service HUD Section 312 (Rehabilitation) loans—to aid in the collection of delinquent loans, to counseling agencies—to provide counseling and assistance in the collection of delinquent Section 312 loans in accordance with HUD/DEPT-32 to state motor vehicle agencies and Internal Revenue Service—to obtain addresses of debtors; to Internal Revenue Service for reporting of discharged indebtedness; to other Federal agencies for the purpose of collecting debts owed to the Federal Government by administrative or salary offset.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1968 31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and on magnetic tape/ disc/drum.

RETRIEVABILITY:

Case file (Claim) number, name or other identification number.

SAFEGUARDS:

Manual files are kept in lockable cabinets or rooms; automated records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are primarily active with some historical information; disposal is in accordance with HUD Handbook 2225.6, Appendix 66.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Rehabilitation Management Division, CRM, Office of Urban Rehabilitation, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned, appear in CFR Part 16. If additional information or assistance is needed, it may be obtained by contracting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; current and previous employers; credit bureau; financial institutions; business firms; federal and non-federal agencies; law enforcement agencies; title companies and abstractors; bankruptcy courts.

HUD/H-8

SYSTEM NAME:

Property Rental Files.

SYSTEM LOCATION:

HUD field offices and HUD Area Management Brokers (AMBs) under the jurisdiction of the HUD field offices. For a complete listing of HUD field offices with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Occupants (prospective, current and former) of the one to four-family properties which HUD expects to acquire, generally as a result of foreclosure, or has acquired or of which HUD expects to or has taken possession.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files consist of documents pertaining to request for continued occupancy, rental applications, and rent payment. The documents will include leases and rental information if the properties are being conveyed or transferred to HUD subject to occupancy; individuals' names, addresses, telephone numbers, identifying numbers such as Social Security Numbers, (if available) income, circumstances of employment, expenses, liabilities, and personal and credit references, and records of rents paid and owned while tenants of HUD, and related correspondence. Also, pursuant to 24 CFR 203.670, where individuals seek to qualify for continued occupancy of a property to be conveyed to HUD because of an illness or injury, certain documentation pertaining to the validity of the individuals' claims will be maintained in these files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act of 1937 as amended (Pub. L. 75-412).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine uses paragraph in prefatory statement. Other routine uses: Consumer reporting and commercial credit agencies—to facilitate claims collection consistent with Federal claims collection standards, 4 CFR 102.4, to State motor vehicle agencies and Internal Revenue Service—to obtain current addresses of debtors, to Internal Revenue Service—for reporting of discharged indebtedness, to attorneys hired by the Department in connection with eviction related activities—to facilitate eviction related activities, to collection agencies hired by the Department—to collect delinquent rent, to prospective purchasers of tenant occupied properties—to provide them rent rolls and income and expenses data, and to HUD's Area Management Brokers (AMBs)—to permit them to perform their property management responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Case file number, property address, and name of tenant.

SAFEGUARDS:

Desk, file cabinets kept in a secured area. Access restricted to authorized individuals.

RETENTION AND DISPOSAL:

Obsolete records are destroyed or sent to storage facility in accordance with HUD Handbook 2225.6, Records Disposition Management; HUD Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Single Family Property Disposition Division, HSSP, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existance of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned apear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Office at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals, other individuals, current or previous employers credit bureaus, financial institutions, other corporations or firms, Federal government agencies; non-Federal (including foreign, State and local) government agencies, real estate brokers and agents.

[FR Doc. 85-10634 Filed 5-2-85; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 868]

California; Termination of Proposed Withdrawal and Reservation of Land

Correction

In FR Doc. 85–8951 appearing on page 14775 in the issue of Monday, April 15, 1985, make the following correction: In the second column, in the first line under "Mount Diablo Meridian," "T. 16 W.," Should read "T. 16 N.,".

BILLING CODE 1505–01–M

Prineville District Advisory Council; Meeting

Notice is hereby given of a meeting of the Prineville District Advisory Council to be held on June 14 and 15, 1985. The meeting will be in the form of a field tour of public lands within the Two Rivers Planning Area.

Agenda items to be discussed by the council include the Draft Two Rivers Resource Management Plan/ Environmental Impact Statement and the Statewide Wilderness Environmental Impact Statement as it pertains to the five wilderness study areas within the Two Rivers Planning Area.

The tour will leave the BLM District Office located at 185 East Fourth Street in Prineville at 9:00 a.m. on June 14 and return by 4:00 p.m. on June 15. The public is invited, however, no transportation or accommodations will be provided.

Anyone wishing to attend the tour or address the council should contact the Prineville BLM District Manager at the above address by June 7, 1985.

Dated April 26, 1985.

James L. Hancock,

Associate District Manager.

[FR Doc. 85–10763 Filed 5–2–85; 8:45 am]

BILLING CODE 4310–33–M

National Park Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Service clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202–395–7340.

Title: The 1985–86 Public Area Recreation Visitor Survey (PARVS).

Abstract: The proposed collection is a detailed on-site and mailback survey of a representative sample of recreation visitors to Federal lands. Visitors are asked about their activities, experiences and expenditures; and invited to suggest improvements. The results are reported to Congress and used in planning.

Service Form No.: (none)

Frequency: On occasion

Description of Respondents: Individuals visiting Federal and State lands for recreation purposes.

Annual Responses: 10,150

Annual Burden Hours: 5,075

Service clearance officer: Russell K. Olsen, 202–523–5133

Russell K. Olsen,

Chief, Administrative Services Division.

[FR Doc. 85–10833 Filed 5–2–85; 8:45 am]

BILLING CODE 4310–70–M

Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisons of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202–395–7313

Title: Concessioner Annual Financial Report, 16 USC 1

Abstract: Respondents supply selected financial information with respect to their latest fiscal year. This information allows the National Park Service to determine whether the financial provisions of Pub. L 89–249 are being met.

Bureau Form Number: 10–356 and 10–356A

Frequency: Annually

Description of Respondents: Concessioners operating in National Park Service areas

Annual Responses: 500

Annual Burden Hours: 3,800

Bureau Clearance Officer: Russell K. Olsen 523–5133

Russell K. Olsen,

Chief, Administrative Service Division.

[FR Doc. 85–10834 Filed 5–2–85; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transformation for Certain Members

Dated: April 30, 1985.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, non-exempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Mid-America Farm Lines, Inc.

(2) 420 North Nettleton, Springfield, MO 65802

(3) 420 North Nettelton, Springfield MO 65802

(4) Gary Hanman, 800 West Tampa, Springfield, MO 65805.

(1) Tennessee Farmers Cooperative

(2) P.O. Box 3003, LaVergne, TN 37086

(3) P.O. Box 3003, LaVergne, TN 37086

(4) Joe L. Wright, P.O. Box 3003, La Vergne, TN 37086.

James H. Bayne,

Secretary.

[FR Doc. 85-10810 Filed 5-2-85; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporation intends to provide or to use compensated intercorporate hauling as authorized in 49 U.S.C. 10524(b).

1—Parent corporation and address of office: Turner Furniture Companies, Inc., a Delaware Corp., 220 East First Avenue, P.O. Box 907, Lexington, North Carolina 28293-0907.

2—Wholly-owned subsidiary which will participate in the hauling or operation, and address of it's respective principal offices. All companies listed below are incorporated in Delaware:

Jamestown Sterling, P.O. Box 610, Allen Street Extension, Jamestown, New York 17402-0610

DeVille Furniture, P.O. Box 2246, 915 Hwy. 321, North, Hickory, North Carolina 28601

Williams Furniture, P.O. Box 1489, 602 Fulton Street, Sumter, South Carolina 29501

Union Furniture, 122 West George Street, Batesville, Indiana 47006

State of Newburgh, 1-17 Wisner Avenue, Newburgh, New York 12550

United Globe, P.O. Box 907, Lexington, N.C. 27292

Turner Furniture Transports, Inc., 220 East First Ave., P.O. Box 907, Lexington, N.C. 27293-0907

James H. Bayne,

Secretary.

[FR Doc. 85-10809 Filed 5-2-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-247X]

Alabama Southern Railroad Company; Abandonment; Between York and Lilita, AL; Corrected Notice of Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 10.3-mile line of railroad between milepost SR MP YL 0.0 near York and milepost SR MP YL 10.3 near Lilita, AL.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective May 24, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by May 6, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by May 14, 1985 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles H. White, Jr., 1000 Potomac Street, NW, Suite 501, Washington, DC 20007.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: April 18, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-10811 Filed 5-2-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6; Sub-257X]

Burlington Northern Railroad Company; Abandonment; In Mills and Pottawattamie Counties, IA; Exemption

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* (Regulations) to abandon its 14.0-mile line of railroad between milepost 475.01 near Pacific Junction and milepost 489.01 near Council Bluff in Mills and Pottawattamie Counties, IA.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

By letter filed April 22, 1985, the Pottawattamie County Conservation Board (Board) has submitted an "application" under the National Trails System Act, 16 U.S.C. 1247(d)(NTSA), to use, for trail purposes, the right-of-way underlying the entire line. The Board, a political body of the State of Iowa, indicates that it is supported by property taxes, by donations of land, and by volunteer organizations, and is in a position to develop, maintain, and manage the right-of-way. It is willing to assume the taxes for which it might be held liable, and to relieve BN of its liability responsibility. The Board urges the Commission to deny BN's "abandonment application".

NTSA was enacted to provide States, political subdivisions, and qualified private organizations with the opportunity to make interim trails use of railroad rights-of-way which otherwise would be abandoned. In Ex Parte No. 274 (Sub-No. 13), *Rail Abandonments—Use of Rights-of-Way as Trails*, served February 20, 1985, and published in the **Federal Register** on February 21, 1985 (50 FR 7200), the Commission issued a notice of proposed rulemaking (NPR) to consider the impact of NTSA on the abandonment process. The NPR reaches a preliminary conclusion that NTSA is applicable to abandonments and abandonment exemptions and that a condition could be imposed in these proceedings requiring the railroad to make the right-of-way available for trails use for as long as the user meets its obligations. Until this issue has been finally determined, however, NTSA proposals must be considered on an *ad hoc* basis. *Compare* Docket No. AB-1 (Sub-No. 159), *Chicago and North Western Transp. Co.—Abandonment—Iowa and Missouri* (not printed), served September 12, 1984.

Although the Board has generally indicated its willingness and ability to comply with NTSA obligations, it has not submitted any evidence of its managerial or financial ability to do so. Therefore, I must deny its NTSA request. Moreover, the Board has not established a basis for denial of the abandonment exemption sought by BN. Rule 1152.50(a) of the Regulations.

supra, states that a proposed abandonment of railroad lines is exempt when the abandoning railroad makes certain certifications relative to the line and otherwise satisfies the criteria of the Regulations. BN has met the prescribed requirements. Therefore, under Rule 1152.50(d)(3), a notice reflecting the abandonment exemption must be published in the **Federal Register**, after which petitions for reconsideration may be filed by any interested person. If the Board wishes to file an appeal, it should submit specific evidence of its ability to meet the financial and management obligations that it prospectively would incur under NTSA.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective June 2, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by May 13, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by May 23, 1985 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to BN's representative: Peter M. Lee, Assistant General Solicitor, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental, public use, or other conditions.

Decided: April 29, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-10812 Filed 5-2-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30614]

Wisconsin and Southern Railroad Co.; Exemption From 49 U.S.C. 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Wisconsin & Southern Railroad Company from 49 U.S.C. 11301 in connection with the issuance of a $1,690,000 subordinated promissory note.

DATES: This exemption will be effective on May 3, 1985. Petitions to reopen must be filed by May 23, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30614 to:

(1) Office of the Secretary; Case Control Branch; Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Ronald M. Johnson; Suite 400, 1333 New Hampshire Avenue NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 19, 1985.

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

James H. Bayne,

Secretary.

[FR Doc. 85-10814 Filed 5-2-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 84-14]

Granting of Application; Scott J. Loman, D.D.S.

On April 23, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Scott J. Loman, D.D.S. of 450 Sutter Street, Suite 1814, San Francisco, California 94108 (Respondent) proposing to deny his application, executed on December 12, 1983, for registration with DEA as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the proposed action was Respondent's conviction of multiple violations of Articles 81, 91, 121 and 134 of the Uniform Code of Military Justice, felony offenses relating to controlled substances. By letter dated May 14, 1984, Respondent requested a hearing on the issues raised by the Order to Show Cause.

The hearing in this matter was held in San Francisco, California on September 11, 1984. Administrative Law Judge Francis L. Young presided. On January 29, 1985, Judge Young issued his report and recommendations. No exceptions were filed and, on February 26, 1985, Judge Young transmitted the record of these proceedings to the then Administrator. The Acting Administrator has considered this record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that Respondent was a Lieutenant in the Dental Corps, U.S. Naval Reserve, on extended active duty in the Republic of the Philippines (R.P.). While serving in such capacity, Respondent prescribed Schedule II controlled substances to a female friend on three occasions. One prescription was for Demerol and two were for Percodan. There was no legitimate medical justification for the issuance of these prescriptions. The woman had the prescriptions filled and she and Respondent used the controlled substances for their own enjoyment. Respondent had also abused nitrous oxide with the same woman and by himself. Respondent has twice been caught inhaling nitrous oxide by other hospital personnel.

Based on the aforementioned incidents, on December 14, 1982, Lt. Loman was convicted by General Court-Martial at Subic Bay, R.P. of multiple violations of Articles 81, 91, 121 and 134 of the Uniform Code of Military Justice. The charges of which Respondent was convicted are felony offenses. Therefore, there is a lawful basis for denying Respondent's application for registration. 21 U.S.C. 824(a)(2). *See, Serling Drug Co.*, Docket No. 74-12, 40 FR 11918 (1975); *Thomas W. Moore, Jr., M.D.*, Docket No. 79-13, 45 FR 40743 (1980); *Gilbert Miller, M.D.*, [No Docket No.], 49 FR 37863 (1984).

The Administrative Law Judge further found that prior to those convictions, Respondent, while stationed in San Diego, California in December 1980, was found to be in possession of marijuana, a Schedule I controlled substance. That incident was dismissed with a warning at an Admiral's Mast, a form of non-judicial procedure.

Respondent is now a civilian dentist practing oral surgery in California. He has a valid dental license in the State of California. Respondent has not been previously licensed by any state licensing authority and he has not been previously registered with DEA. A DEA registration is not required of a dentist serving in the armed forces.

The Administrative Law Judge stated that it appears that Respondent has

undergone a religious conversion since his court-martial. This has resulted in a positive change in Respondent's life-style. Judge Young also concluded that Respondent is highly regarded as a dentist by fellow professionals in a position to know the quality of his work.

Without a DEA registration, Respondent's ability to practice oral surgery would be serverly hindered. At the present, Respondent depends on other dentists who have such a DEA registration to prescribe and administer controlled substances to his patients. Respondent hopes to move to a small community to open a practice. Such a practice would be very restricted because other dentists would not be as readily available to prescribe the necessary drugs needed for the practice of oral surgery.

Given the foregoing reasons and further given the opportunity to observe Respondent at the hearing, the Administrative Law Judge concluded that there is little likelihood that Dr. Loman will ever again abuse controlled substances or participate in the diversion of controlled substances. Based on a proposal submitted by Government counsel, Judge Young recommended that Respondent's applications be granted, subject to the following conditions:

(1) Respondent be required to make a written report semi-annually, on July 1, and on January 1, beginning July 1, 1985, to the DEA Special Agent in Charge in San Francisco, California, or his designee, in a form prescribed by the latter, of all the controlled substances Respondent has prescribed, administered or dispensed—initially, since receiving his DEA registration; thereafter, since the last preceding report.

(2) The filing of these semi-annual reports will continue until the Special Agent in Charge in San Francisco, or his designee, notifies Respondent that they are no longer required.

(3) Any future misconduct by Respondent involving controlled substances will result in the immediate initiation by DEA of proceeding to revoke Respondent's DEA registration as provided by law.

The Acting Administrator adopts the Administrative Law Judge's findings of fact, conclusions of law and recommendations in their entirety. Accordingly, the Acting Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that the application of Scott J. Loman, D.D.S., executed on December 12, 1983, for registration under the Controlled Substances Act be, and it hereby is, granted subject to the conditions outlined above.

Date: April 29, 1985.

John C. Lawn,

Acting Administrator.

[FR Doc. 85-10803 Filed 5-2-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Acme Boot Co., Inc., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 13, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C., 20213.

Signed at Washington, D.C. this 22nd day of April 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Acme Boot Co., Inc. (URW)	Clarksville, TN	4/17/85	4/12/85	TA-W-15,926	Boots and shoes.
Acme Boot Co., Inc. (URW)	Waverly, TN	4/17/85	4/12/85	TA-W-15,927	Men's and women's boots.
Acme Boot Co., Inc. (URW)	Ashland, TN	4/17/85	4/12/85	TA-W-15,928	Men's and women's boots.
Acme Boot Co., Inc. (URW)	Cookeville, TN	4/17/85	4/12/85	TA-W-15,929	Ladies' and children's boots.
Arno Moccosin (workers)	Lewiston, ME	3/27/85	2/28/85	TA-W-15,930	Moccasins, slippers and loafers men and women.
D&F Shirt Co. (ACTWU)	Salisbury, MD	4/03/85	3/28/85	TA-W-15,931	Men's shirts.
Laranne Sportswear, Inc. (ILGWU)	Brooklyn, NY	3/18/85	3/14/85	TA-W-15,932	Sportswear, ladies', contractor.
Lawrence Shoe (workers)	Lewiston, ME	2/28/85	2/07/85	TA-W-15,933	Contractor handsewn shoes.
Mirro Corporation (USWA)	Manitowoc, WI	4/17/85	4/10/85	TA-W-15,934	Housewares (pots and pans, baking, cooking).
New Coat Factory (company)	Highland Park, NJ	4/16/85	3/18/85	TA-W-15,935	Ladies' jackets and children's coats (contractor).
Park Iron & Welding Co. (Ironworkers)	Cleveland, OH	4/09/85	3/25/85	TA-W-15,936	Fabricated metals; steel and aluminum.
United Merchants & Manufacturers, Inc., Bath Mill Div. (wkrs).	Bath, SC	4/16/85	4/10/85	TA-W-15,937	Textiles (woven apparel cloth and yarns).
Wire Components, Inc. (United Furniture Wkrs)	Memphis, TN	4/16/85	4/11/85	TA-W-15,938	Electrical wire harnesses.
Abex Corporation (Molders & Allied Workers)	Elyria, OH	4/16/85	4/03/85	TA-W-15,939	Alloy and non-ferros metals sand and centrifugal castings.
Arrow Shirt Co., Distribution Center (ACTWU)	Elysburg, PA	4/16/85	4/12/85	TA-W-15,940	Distribution of men's shirts.
Blake Drilling & Exploration (wkrs)	Midland, TX	3/12/85	3/04/85	TA-W-15,941	Oil, gas drilling.
Colorado Westmoreland, Inc. (wkrs)	Paonia, CO	4/16/85	4/12/85	TA-W-15,942	Mine and ship coal.
Cooperative Metro Politana de Consumo (workers)	Bayamon, PR	3/22/85	3/18/85	TA-W-15,943	Food store.
Kayser-Roth Hosiery Inc., Footwear Div. (company)	Marietta, GA	4/16/85	4/09/85	TA-W-15,944	Washable slippers.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Kellwood Company (workers)	Alamo, TN	4/16/85	4/08/85	TA-W-15,945	Lingerie, activewear, swimwear.
Levi Strauss & Co. (company)	Star City, AR	4/16/85	4/09/85	TA-W-15,946	Men's slacks.
Northern Heel Cork (workers)	Lewiston, ME	3/27/85	3/01/85	TA-W-15,947	Finished heels; plastic, wood, leather.
Stride Rite (workers)	Auburn, ME	3/27/85	2/28/85	TA-W-15,948	Men's, women's and children's shoes.
U.S. Steel Mining Co., Inc. Everson Central Shop (UMWA)	Everson, PA	4/17/85	4/12/85	TA-W-15,949	Overhaul of mine maintenance machinery.
U.S. Steel Mining Co., Inc.; Filbert Central Shop (UMWA)	Filbert, PA	4/17/85	4/12/85	TA-W-15,950	Overhaul of mine maintenance machinery.
Harman-Motive (workers)	Martinsville, IN	4/12/85	4/05/85	TA-W-15,951	Speakers—auto radio.
Lolere Forge & Machine Company (UAW)	Jackson, MI	4/15/85	4/09/85	TA-W-15,952	Commercial steel forgings, carbon and alloy.
Soft Images, Inc. (workers)	Kingston, NY	4/16/85	4/09/85	TA-W-15,953	Fabric wall decor and stuffed mobiles.
J&K Values, Inc. (ILGWU)	Newark, NJ	4/17/85	4/11/85	TA-W-15,954	Raincoats, coats and car coats—ladies'.

[FR Doc. 85-10859 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-85-23-C]

Emery Mining Corp.; Petition for Modification of Application of Mandatory Safety Standard

Emery Mining Corporation, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Beehive Mine (I.D. No. 42-00082) located in Emery County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. The east return entry in the Main North section is used in parallel with a second return entry on the west side to ventilate old return seals. Together, they course return air through the Main North section of the mine. The east return entry had deteriorated due to a squeeze condition. Part of this return entry is now impassable because of roof falls, rib sloughage, and bad top, even though the area has been extensively cribbed.

3. Petitioner states that rehabilitation of this area would expose miners to hazardous working conditions.

4. As an alternate method, petitioner proposes to establish an air monitoring station at crosscut 34 in the east return. This section will be maintained in safe condition at all times. The quality, quantity, and direction of air flow and methane content will be determined at the monitoring station by a certified person on a weekly basis.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 3, 1985. Copies of the petition are available for inspection at that address.

Dated: April 25, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 10861 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-85-20-C]

Quarto Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Quarto Mining Company, P.O. Box 231, Clarington, Ohio 43915 has filed a petition to modify the application of 30 CFR 75.1100-2(b) and (c) (quantity and location of firefighting equipment) to its Powhatan No. 4 Mine (I.D. No. 33-01157) located in Monroe County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be installed parallel to the entire length of belt conveyors and parallel to all haulage tracks using mechanized equipment in the track or adjacent entry.

2. As an alternate method, petitioner proposes to install a dry pipe fire protection system which can be charged electrically or manually along the entire length of the slope conveyor belt. In support of this proposed alternate method, petitioner states that:

a. The slope is comprised of two compartments, separated by a concrete and steel partition. The conveyor belt is located in the upper compartment and the track in the lower;

b. A four-inch water line is installed parallel to the conveyor belt with firehose outlets at 300-foot intervals. Additional firehose outlets will be installed, extending through the concrete partition into the track compartment at 500-foot intervals.

c. Firehose will be placed at strategic locations along the belt and track;

d. The electric valve will be activated by the automatic fire sensor system installed pursuant to § 75.1103;

e. A manual activating valve will be installed;

f. Limit and alignment switches are installed on the slope belt to reduce the possibility of fire due to friction;

g. Installation of this system will eliminate freezing problems that occur with the present system;

h. A weekly inspection of the components of this system will be made, and a record kept at the mine site; and

i. An annual functional test of the system will be conducted, which will include charging of the dry pipe by activation of the automatic fire sensor system. A record of the test will be kept at the mine site.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 3, 1985. Copies of the petition are available for inspection at that address.

Dated: April 25, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-10862 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-85-16-C]

Saginaw Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Saginaw Mining Company, P.O. Box 275, St. Clairsville, Ohio 43940 has filed a petition to modify the application of 30 CFR 75.516-1 (installed insulators) to its Saginaw Mine (I.D. No. 33-00941) located in Belmont County, Ohio. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that power wires be supported on well-insulated insulators and not contact combustible material, roof, or ribs; insulated J-hooks may be used to suspend insulated power cables for temporary installation not exceeding 6 months and for permanent installation of control cables used along belt conveyors.

2. As an alternate method, petitioner proposes to use insulated tie wire to support control cables along the belt conveyors and to support insulated power cables for temporary installation because the insulated tie wire has more insulated surface area than an insulated J-hook.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 3, 1985. Copies of the petition are available for inspection at that address.

Dated: April 25, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-10863 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-85-18-C]

Surefire Coals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Surefire Coals, Inc., Box 249, Stanville, Kentucky 41659 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. A-4 Mine (I.D. No. 15-14977) located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine has a coal height of 40 to 48 inches; the floor is fireclay and the roof has rolls and bumps causing a very uneven area.

3. Petitioner states that canopies cause the equipment to contact the roof and shear off the head and plate of roof bolts installed, causing the haulage route to be unsafe. In addition, equipment operators are forced to lean out from the canopies to see, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 30, 1985. Copies of the petition are available for inspection at that address.

Dated: April 29, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-10864 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-85-22-C]

Booker Fork Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Booker Fork Coal Corporation, Box 190, Dorton, Kentucky 41520 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine (I.D. No. 15-13730) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the No. 2 Elkhorn seam and ranges from 42 to 50 inches in height, with consistent ascending and descending grades creating dips in the coalbed.

3. Petitioner states that the canopies can strike and dislodge roof support, increasing the chances of an accident. The canopies also limit the equipment operator's visibility and restrict the operator's seating position, creating a potential hazard.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 3, 1985. Copies of the petition are available for inspection at that address.

Date: April 25, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-10860 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-85-26-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 373, St. Louis, Missouri 63166 has filed a petition to modify the application of 30 CFR 75.327-1 (velocity of air) to its Camp No. 1 Mine (I.D. No. 15-02709) located in Union County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that the velocity of the air current in the trolley haulage entries be limited to not more than 250 feet a minute.

2. As an alternate method, petitioner proposes that a velocity of 1,000 feet a minute be allowed in the 1 East belt and track, 2 East belt and track, 1 North belt and track, 1 North Piggyback belt and track, and the 4 Main belt and track. In support of this request, petitioner states that:

a. The miners will have two separate escapeways;

b. The entries requested for modification are not being used as intake air entries;

c. The air on these entries will be directed to the return entry;

d. The return entry is not a designated escapeway; and

e. If methane would occur, it would be diluted and rendered harmless by the increased air flow.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 3, 1985. Copies of the petition are available for inspection at that address.

Dated: April 25, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 10865 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-79; Exemption Application No. D-4732 et al.]

Grant of Individual Exemptions; Maritime 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.

Maritime Association-I.L.A. Pension Fund (the Plan)

[Prohibited Transaction Exemption 85-79; Exemption Application No. D-4732]

Exemption

The restrictions of section 406(a) 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 past loan by the Plan of $2 million to Crow-Southpoint #1, Ltd. (Crow), a party in interest with respect to the Plan; and the restrictions of section 406(a) and 406(b)(1) of the Act and 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 receipt by Crow of lease commissions paid by a joint venture that exists between the Plan and Crow, provided that the terms and conditions of the transactions are not less favorable to the Plan than those obtainable in similar transactions with an unrelated party.

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 February 19, 1985 at 50 FR 7014.

Effective Date: The effective date of this exemption is October 27, 1982.

For Further Information Contact: Mr. David Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Broman and Woolley Profit Sharing Plan (the Plan) Located in Salt Lake City, Utah

[Prohibited Transaction Exemption 85-80; Exemption Application No. D-5272]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2), and 407(a) 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, effective July 1, 1984, to (1) a lease of certain real property by the Plan to Broman and Woolley, P.C., the sponsor of the Plan; (2) a lease of certain real property by the Plan to Wallace E. Beck, D.D.S., a party in interest with respect to the Plan; and (3) an extension of credit to the Plan by Crown Enterprises, a partnership which is a party in interest with respect to the Plan; provided that all terms of such transactions are at least equivalent to those which the Plan could obtain in dealing at arm's length with unrelated parties.

For a more complete statement of the facts and representation supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 26, 1985 at 50 FR 7853.

Effective date: This exemption is effective July 1, 1984.

For Further Information Contact: Mr. Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Retail Clerk's Local 919 Health and Welfare Trust Fund (Non-Food) (the Non-Food Welfare Plan); Retail Employees' Union Local 919 and Subscribing Employers' Health and Welfare Fund (Food); Retail Employees' Union Local 919 Pension Trust Fund (Non-Food); Retail Employees' Union Local 919 (UFCW) and Contributing Employers' Food Pension Fund (the Food Pension Plan); Retail Employees' Union Local 919 (UFCW) and

Contributing Employers' (Non-Food) Legal Services Trust Fund (the Non-Food Legal Plan); and Retail Employees' Union Local 919 and Subscribing Employers' Legal Services Trust Fund (Food) (the Food Legal Plan, collectively, the Plans) Located in Hartford, Connecticut

[Prohibited Transaction Exemption 85–81; Exemption Application Nos. L–5434 and L–5435]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to: 1) the past lease by the Food Pension Plan, the Non-Food Legal Plan and the Food Legal Plan (the New Plans) of certain real property (the Old Office Space Lease) from Retail Employees' Union Local 919, UFCW (the Union); 2) the past lease by the New Plans of data processing time (the Old Computer Time Lease) from the Union; 3) the new lease by the Non-Food Welfare Plan, acting as lead Plan, of office space (the New Office Space Lease) from the Union; 4) the new lease by all of the Plans, with the Non-Food Welfare Plan acting as lead Plan, of data processing time (the New Computer Time Lease) from the Union; and 5) any future extension or renewal by the Plans of the New Office Space Lease and the New Computer Time Lease (the New Leases), provided that the terms and conditions of past and future transactions were and will be at least as favorable to the Plans as the Plans could obtain in arm's -length transactions with an unrelated party.

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 March 1, 1985 at 50 FR 8414.

Effective Date: The effective date of this exemption is February 1, 1984, until June 30, 1984, with respect to the Old Office Space Lease; October 5, 1983, until March 1, 1984, with respect to the Old Computer Time Lease; March 1, 1984, with respect to the New Computer Lease Time; July 1, 1984, with respect to the New Office Space Lease; and the date of grant of this exemption as to any extensions or renewals of the New Leases.

For Further Information Contact: Mr. David Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Northern New England Benefit Trust (the Plan) Located in Manchester, New Hampshire

[Prohibited Transaction Exemption 85–82; Exemption Application No. D–5469]

Exemption

The restrictions of section 406(a) of the Act shall not apply to the leasing of office space by the Plan to Bruce Wadsworth, Inc., under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

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 February 19, 1985 at 50 FR 7011.

For Further Information Contact: Mr. Gary Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Coulter Affiliates Employees' Retirement Plan and Trust (the Plan) Located in Phoenix, Arizona

[Prohibited Transaction Exemption 85–83; Exemption Application No. D–5562]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) and 407(a) 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 ground lease of certain unimproved real property (the Real Property) between the Plan and Coulter Cadillac, Inc. (the Employer); and the exercise by the Plan of a put option requiring the Employer to acquire the Real Property for cash, provided that the terms of the transactions are no less favorable to the Plan than those available in arm's length transactions with an unrelated party.

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 February 19, 1985 at 50 FR 7012.

Effective Date: This exemption is effective December 1, 1984.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

W. Stephen Kopala, Inc. Employees' Retirement Plan and Trust (the Plan) Located in Wheeling, Illinois

[Prohibited Transaction Exemption 85–84; Exemption Application No. D–5695]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(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 loan by the Plan of $190,000 (the Loan) to the 300 North Wolfe Road Joint Venture, a party in interest with respect to the Plan, provided the terms of the Loan are not less favorable to the Plan than those obtainable by the Plan in a similar transaction with an unrelated third party.

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 February 19, 1985 at 50 FR 7013.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8882. (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 30th day of April, 1985.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-10855 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-5543 et al.]

Proposed Exemptions; Sherman Clay & Co. 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, NW., 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 Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington D.C. 20216.

Notice to 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 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: 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.

Sherman Clay & Co., Defined Benefit Pension Plan (the Plan) Located in San Bruno, California

[Application No. D-5543]

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 406(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 certain past sales by the Plan of Federal Home Loan Bank Bonds bearing an interest rate of 14.2 percent due June 27, 1983, (the Bonds) for cash in the amount of $543,975 to Parker Pace Corp. (Parker Pace) and Ashuelot Paper Company (Ashuelot), parties in interest with respect to the Plan, provided that the amount the Plan received in such sales was at least equal to what it could have received in similar transactions with an unrelated party. Sherman Clay & Co. (Sherman Clay), the sponsor of the Plan, and Ashuelot are wholly owned subsidiaries of Parker Pace.

Effective Date: If the proposed exemption is granted, the effective date will be September 17, 1982.

Summary of Facts and Representations

1. The Plan is a defined benefit plan established November 11, 1947, and amended January 1, 1983, which is administered by a retirement plan committee (the Committee) consisting of three members appointed by the Board of Directors of Sherman Clay. Mr. Fred W. Concklin (Mr. Concklin), president and chief executive officer of Sherman Clay is the Committee member primarily responsible for making the Plan's investment decisions. The Committee is assisted in its investment duties, by Bartco, Inc. (Bartco) an investment advisor. Bartco's duties for the Plan include investment counseling, making specific investment recommendations, execution of certain investment orders, and the purchase or sale of government bonds, and other designated investments without specific authorization from or notice to Sherman Clay.

Bartco has provided investment counseling services to the Plan for the past nine years. During that same time, it also managed investment portfolios for Parker Pace and Ashuelot and provided continuing investment management for Parker Pace, Ashuelot, the Schwartz Trust, and Schwartz Foudnation, organizations affiliated with Sherman Clay.

Bartco is wholly owned by Mr. Alan Bartlett (Mr. Bartlett). Mr. Bartlett does not own any stock in Sherman Clay or any of its affiliates. Mr. Bartlett represents that he receives a flat fee in advance per month from Sherman Clay for all investment advice and actions, without compensation for success or failure, for volume produced, or for favoring one investment account over another and that such fee represents less than 10 percent of his personal income from all sources. He further represents that he receives no outside remuneration from dealers. Mr. Bartlett's professional investment experience extends over 55 years, including affiliations with institutions such as Citibank of New York, California Municipal Statistics, Inc., and the Bank of America's Bond Investment Department in San Francisco. Mr. Bartlett is a chartered financial analyst and an associate member of the Municipal Analysts Society of the U.S. In addition, the applicant represents that

Bartco's recommendation to sell the Bonds, for which it received no benefit other than its normal fee, was based on Bartco's professional analysis of the Plan's portfolio and of objective market conditions.

2. As a part of its assets in September, 1982, the Plan owned the Bonds which it had acquired at a cost of $530,000. The applicant represents that in the fall of 1982, during a period of rapidly declining interest rates and a corresponding rise in the over-the-counter bond market, Bartco advised the Plan to sell the Bonds so that the proceeds from the sales could be used to buy at a total cost of $552,079 Bank of America notes, Wells Fargo notes, and Homes Savings and Loan mortgage certificates with longer terms and at interest rates of 13.25 percent, 13.25 percent, and a variable interest rate respectively. Based on the recommendation by Bartco, Mr. Concklin approved the sale of the Bonds prior to the maturity date of the Bonds.

3. After deciding on the sale of the Bonds, Bartco advised that in order to avoid commissions and maximize the proceeds of the sales for the Plan, the Plan should directly sell the Bonds to Parker Pace and Ashuelot, since Parker Pace and Ashuelot were interested in receiving the short term yield on the Bonds. Subsequently, in four separate transactions, the Bonds were either sold to Parker Pace or to Ashuelot for cash totaling the amount of $543,975. The price for the sales of the Bonds was determined by Mr. Bartlett who was responsible for choosing the date of quotation for sale of the Bonds as well as determining the price the Plan actually received by using as a guide the bid and asked prices for the same government bonds as published in the Wall Street Journal on or for the day chosen as the date of quotation for sale. For each Bond sold, the Plan received the amount of the price for the same government bonds traded in "round lots" of one million dollars or more. No commissions were paid on the transactions.

4. The applicant represents that at the time the transactions were conceived and implemented, neither Bartco nor any of the parties to the transactions realized that the sales of the Bonds to corporations related to Sherman Clay would involve prohibited transactions.

Mr. Bartlett asserts that his representations of both the Plan as seller of the Bonds and Parker Pace and Ashuelot as buyers of the Bonds were fair, objective, without bias, and mutually advantageous for the following reasons:

(a) The price for the Bonds was obtained from quotations published daily in the Wall Street Journal;

(b) The transactions provided the Plan with longer term high yield securities in a declining interest market while at the same time supplied liquidity and a good short term yield to Parker Pace and Ashuelot;

(c) The Plan saved an estimated $1,750 in the private sale by eliminating commissions and the usual $\frac{1}{32}$ of one point penalty applicable to an odd lot trade;

(d) By not holding the Bonds and selling them eight months prior to the maturity date and by buying longer term but lower yield bonds with the sale proceeds, the Plan realized a net gain of $9,975.

5. In summary, the applicant represents that the past sales of the Bonds satisfied the criteria of section 408(a) of the Act as follows: (1) the sales were conceived and implemented by the Plan's investment advisor; (2) the price of the sales was determined by using published price quotations; and (3) the Plan did not have to pay commissions or an odd lot differential on the sales.

For Further Information Contact: Ms. Angelena C. Le Blanc of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

George L. Nadler, D.D.S., P.C. Defined Benefit Pension Plan (the Plan) Located in Tucson, AZ

[Application No. D-5949]

Proposed Exemption

The Department if 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 406(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 of a certain parcel of unimproved real property (the Property) located in Tucson, Arizona to George L. Nadler, D.D.S. (Dr. Nadler), the sole shareholder of George L. Nadler, D.D.S., P.C. (the Employer), and the Plan trustee, for $100,000 in cash, provided that such price is not less than the fair market value of the property as of the date of sale.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan. As of October 26, 1984 there were six participants, and as of February 8, 1985 it had assets of $705,634.

2. The Property is an unimproved lot of approximately .78 acres located at the southeast corner of Park Avenue and Fair Street, Tucson, Pima County, Arizona, approximately 10 miles from the Employer's place of business. The Property was purchased by the George L. Nadler, D.D.S., P.C., Money Purchase Pension Plan (the Money Purchase Plan) on November 3, 1980 from Thomas G. Beaham, III, an unrelated third party, for $72,000 plus the assessments. The Money Purchase Plan was terminated effective September 1, 1981 and it assets, including the Property, were transferred as a qualified rollover to the Plan.

3. Since the purchase, the Plan has paid $18,658 in interest, $5,008 for assessments and interest on the assessments, and $1,174 in property taxes. Final payment on the Property was made on April 30, 1984. The total expenditures by the Plan in connection with the acquisition and holding of the Property through October 16, 1984 are $96,840.

4. The Property was appraised on September 21, 1984 by Robert J. Dempsey, M.A.I. (Mr. Dempsey), an independent real estate appraiser in Tucson, Arizona, as having a fair market value of $100,000, which represents 14.2% of the Plan's assets. Mr. Dempsey states in his appraisal report that "all of the economic indications are that the area will continue to grow. As the population and economic growth of the area continues, the demand for most all types of property will continue to improve."

5. The applicant, however, represents that, "there is reason to believe the Property will appreciate significantly in value over the next five years, and that the combination of growth and cash outlay for expenseses will likely result in a net-loss for the Plan during this period." The applicant also represents that the Plan's rate of return will be improved if it is allowed to sell the Property and change its investment mix.

6. Dr. Nadler proposes to buy the Property from the Plan for its appraised value of $100,000 in cash. The Plan will pay no expenses, commissions, or fees in connection with the sale.

7. In summary, the applicant represents that the transaction satisfies the criteria of section 408(a) of the Act because: (a) The transaction will be one time transaction for cash; (b) the Plan will receive the fair market value for the Property as determined by an independent, qualified appraiser; and (c)

Dr. Nadler, as the Plan trustee, has determined that is in the Plan's best interest to sell the Property because of its cash drain and projected slow growth in value.

For Further Information Contact: Mr. David Lurie of the Department, telephone (202) 523-8884. (This is not a toll-free number.)

Columbia Mortgage Company-Orbanco Real Estate Services Co. (ORESCO) Located in Portland, Oregon

[Application No. D-5964]

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) as follows:

(I) The restrictions of section 406(a) 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 proposed sale, exchange or transfer between ORESCO and certain employee benefit plans (the Plans) of participation interests (the Participation Interests) in individual multi-family residential and commercial mortgage loans (the Mortgages), or in pools of Mortgages which are originated by ORESCO provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of ORESCO who has authority to manage or control those Plan assets being invested in the Participation Interests;

B. The terms of all transactions between the Plans and ORESCO involving the Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to ORESCO with regard to such sale, exchange or transfer;

D. The decision to invest in a Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of ORESCO, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan; and

E. ORESCO shall maintain for the duration of any Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records mentioned above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

(II) The restrictions of section 406(a) 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 transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virture of providing services to the Plan (or who has a relationship to such service provider of the Act) described in section 3(14) (F), (G), (H), or (I) solely because of the ownership of a Participation Interest by such Plan.

Summary of Facts and Representations

1. ORESCO, formerly known as Columbia Mortgage Company, is a wholly owned subsidiary of Orbanco Financial Services Corp., a diversified bank holding company with automonous subsidiaries engaged in mortgage loans, commercial banking, commercial finance, and computer services. The fair market value of ORESCO's assets as of December 31, 1984 was $11,051,322. Its principal business is originating, selling, and servicing loans secured by first mortgages on improved real estate. ORESCO presently services approximately $368,000,000 in residential and commercial loans in Oregon, Washington, Idaho and Hawaii. Institutional investors using ORESCO's services include FNMA, GNMA, insurance companies, savings and loan institutions and public employee retirement funds. In addition, ORESCO services loans it has sold to certain private Plans. However, it has not engaged in subsequent loan sales or other prohibited transactions with these Plans.

ORESCO proposes to offer for sale Participation Interests in individual Mortgages or pools of Mortgages to the Plans and other institutional investors. The Mortgages will consist of multi-family residential or commercial permanent first mortgage loans originated by ORESCO in the ordinary course of its business.

2. ORESCO will sell a Plan a Participation Interest in an individual or pooled mortgage but it will not retain any interest in the Mortgage. ORESCO had no pre-existing relationships with any of the Plans which initially purchased the Participation Interests. However, by virtue of ORESCO servicing the Participation Interests, it became a party in interest with respect to the Plans so that any subsequent sale of a Participation Interest would constitute a prohibited transaction under section 406(a) of the Act. The applicant represents that the transactions will not involve a conflict of interest or present a situation where advantage can be taken of the Plans or the trustees of the Plans because all decisions regarding investment in the Participation Interests will be made by Plan fiduciaries who are independent of ORSECO.[1]

3. ORESCO typically initiates a Mortgage by reviewing a loan application from a potential mortagor which includes a mortgage proposal consisting of a summary of facts relating to the loan, setting forth such matters as the terms of the Mortgage, a description of the property securing the Mortage and an appraisal of the property from a qualified appraiser. ORESCO has imposed strict underwriting guidelines concerning the applicant's credit worthiness and the value of the collateral which must be satisfied before any decision is made to fund a Mortgage. Once assembled and verified, a mortgage package is presented to ORESCO's senior loan committee which determines whether the Mortgage is a good risk and should be approved. Thereafter, the mortgage package is presented to investors, typically savings and loan institutions, insurance companies, pension plans,[2] or other

[1] While stating affirmatively that ORESCO will not make investment decisions regarding the Participation Interests, the exemption application is silent about who will make such decisions. In some situations, it is possible that investment decisions will be made by trustees of the Plans. The Department notes that where the construction on the Property which secures the Mortgage is by a contributing employer to the Plan and a principal of such employer exercises fiduciary authority in approving the Plan's investment in the Mortgage, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction will not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[2] The Department notes that the application does not address the separate prohibited transactions under section 406(a)(1)(B) of the Act which would exist should any of the Mortgages originated by ORESCO and subsequently purchased by the Plans involve loans to any party in interest with respect to the purchasing Plan. Accordingly, no relief is afforded by this proposed exemption for such transactions. However, ORESCO will request from the date of the grant of this exemption potential borrowers to list in their loan applications their relationship to any pension plan in an effort to assist a potential purchasing plan in determining whether the borrower may be a party in interest.

financial institutions or federal agencies such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

4. Generally, ORESCO will lend up to 90 percent of the cost of a new project and 75 to 85 percent of the fair market value of completed projects. Commercial loan insurance will be obtained on loans exceeding these guidelines.

Although ORESCO has made no subsequent sales of the Participation Interests to the Plans, it has sold and serviced loans for other institutional investors. These loans have had excellent payment histories. Any necessary foreclosures have been adequately secured and no investors have experienced any losses.

5. The Plans will pay no investment management, investment advisory, sales commission or similar fee to ORESCO with respect to the acquisition or sale of the Participation Interests. The applicant represents that the Plans will pay no more for the Participation Interests than have been or would be paid by an unrelated party in an arms' length transaction.

6. All transactions relating to the Participation Interests will be controlled by a servicing agreement (the Servicing Agreement) which ORESCO represents is typical of bank servicing agreements.[3] The Servicing Agreement, which will be submitted to Plan fiduciaries for their review prior to the Plan's purchase of a Participation Interest, requires ORESCO to represent and warrant the following for each Participation Interest: (a) That the Mortgage is a valid first lien on fee simple absolute title to the mortgaged property; (b) that an American Land Title Association form of mortgagee's title insurance policy for the benefit of the Plan to the extent of the Plan's interest has been obtained; (c) that all revelant security agreements are valid, enforceable and perfected; (d) that ORESCO has inspected the mortgaged property and all representations as to its value and quality are true; (e) that insurance policies providing coverage for fire and other hazards are maintained on the mortgaged property to the extent of the Plan's Participation Interest; (f) that with respect to those Mortgages which are insured in part by commercial mortgage insurance, ORESCO agrees to keep such insurance in effect until mutually terminated by the Plan and ORESCO.

[3] No exemption from section 406 of the Act is being granted for transactions pursuant to the Servicing Agreement beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

7. ORESCO's duties under the Servicing Agreement include the following: (a) to collect all payments under the Participation Interests as they become due; (b) to deposit all funds received on behalf of each Participation Interest in a separate account on behalf of the relevant Plan and to apply all sums collected by it on account of each such Participation Interest for principal and interest, taxes, assessements, other public charges, repairs and maintenance and hazard, fire and mortgage insurance premiums; (c) to submit to the relevant Plan at least annually an audit of the balances in each Plan's account together with a certificate providing that all disbursements were made for proper purposes and to make any Participation Interest records available for inspection by the relevant Plan; (d) to retain physical possession of the mortgage instruments and policies of insurance; (e) upon default on a Mortgage to give prompt notice of default to the Plan, to foreclose upon the Property, or purchase the mortgaged property at a foreclosure or trustee's sale and, if necessary, manage, maintain or dispose of the property so acquired.[4] However, decisions regarding foreclosure options and determinations as to property management are to be made by Plan fiduciaries independent of ORESCO.

8. ORESCO's compensation for servicing the Participation Interests will be agreed to by the Plans at the time each Participation Interest is accepted by the Plan. The applicant represents that ORESCO's servicing fee is determined on the same basis as are the fees charged investors other than the Plans who similarly invest in similar Participation Interests. Also, ORESCO's fee is consistent with servicing fees charged throughout the United States for similar services.

9. It is understood by the parties to the Servicing Agreement that the sale of a Participation Interest shall be without recourse. However, the Servicing Agreement will provide that in the event of a default on any Mortgage, ORESCO may repurchase from the Plan a Participation Interest by paying an amount equal to the unpaid balance of the Participation Interest plus interest to the date of such repurchase.

[4] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the Plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a Plan. Moreover, if the party in interest under such lease is an employer of employees covered by the Plan, the acquisition of real property by the Plan would result in the acquisition of employer real property which may violate the provisions of section 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

10. ORESCO represents that as a result of being a party in interest with respect to a Plan by virtue of servicing the Participation Interests, it would be prohibited from engaging in other commerical transactions with a Plan, such as the making of loans, which have nothing to do with the Participation Interests held by the Plan. The Department has considered ORESCO's request for relief for such transactions and has decided that because the servicing relationship is established as a necessary result of the purchase of a Participation Interest by a Plan, susequent transactions between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined it would be appropriate to propose the relief from section 406(a) contained in Part II of the proposed exemption.

11. In summary, the applicant represents that the transactions will satisfy the statutory criteria of section 408(a) of the Act because: (a) the transactions, which will be between the Plans and ORESCO, are transactions typically made in the regular course of ORESCO's business; (b) all Plan decisions to invest in the Participation Interests will be made by Plan fiduciaries who are independent of ORESCO; (c) the Plans will pay no more for the Participation Interests than would be paid by an unrelated party in an arm's length transaction; (d) ORESCO's servicing fee will be similar to fees charged other investors in Participation Interests an it will be consistent with that charged in the open market; (e) the Mortgages will be first liens on commerical and multi-family residential property; (f) the warranties and representations made by ORESCO regarding the Participation Interests are standard for these type transactions; and (g) the Participation Interests which have been sold by ORESCO to other institutional investors have had a long-term history of successful repayment.

Notice to Interested Persons

In addition to the notice requirement outlined in the general provisions of this notice, ORESCO agrees to provide a copy of the notice of proposed exemption and any subsequent grant of such exemption to all employee benefit plans with whom ORESCO has sold Participation Interests or may contract in the future to provide services as described herein. Such notification will be provided prior to ORESCO entering into a contract to provide such services.

For Further Information Contact: Ms. Ian D. Broady of the Department, telephone (202) 523-8971. (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 30th day of April 1985.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-10856 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the Advisory Committee on Preservation will meet on Wednesday, May 22, 1985, from 9:00 a.m. to 4:00 p.m. in Room 105 of the National Archives Building, Washington, DC.

The agenda for the meeting will be:

1. Committee procedures.
2. Efficacy of shrink-packaging and encapsulation.

The meeting will be open to the public. For further information, call Alan Calmes on 202-523-3616.

Dated: April 22, 1985.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 85-10832 Filed 5-2-85; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Interdisciplinary Arts Activities Section) to the National Council on the Arts will be held on May 22-24, 1985 from 9:00 am-5:30 pm in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on May 22, 1985 from 9:00-10:30 am to discuss introductions and program review.

The remaining sessions of this meeting on May 22, 1985 from 10:30-5:00 pm and on May 23-24, 1985 from 9:00 am-5:30 pm are for the purpose of Panel review, discussion, evaluation, and recommendation on application for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 30, 1985.

[FR Doc. 85-10776 Filed 5-2-85; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Section) to the National Council on the Arts will be held on May 21-23, 1985, from 9:00 am-5:30 pm in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on May 22, 1985 from 2:00-4:30 pm to discuss policy and guidelines.

The remaining sessions of this meeting on May 21, 1985 from 9:00 am-5:00 pm, on May 22, 1985 from 9:00 am-2:00 pm and 4:30-5:30 pm, and on May 23, 1985 from 9:00 am-5:30 pm are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and

9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

April 30, 1985.

[FR Doc. 85-10778 Filed 5-2-85; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Office for Partnership Panel (Locals Test Program Section) to the National Council on the Arts will be held on May 20, 1985 from 9:00 am—5:00 pm and on May 21, 1985 from 9:00 am—2:00 pm in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on May 20, 1985 from 9:00 am—5:00 pm to discuss reports on Round I and II, policy discussion including a category of support "Services to the Field" and guidelines.

The remaining sessions of this meeting on May 21, 1985 from 9:00 am—2:00 pm are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 30, 1985.

[FR Doc. 85-10777 Filed 5-2-85; 8:45 am]

BILLING CODE 7537-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21992; File No. SR-MCC-85-3]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corporation Relating to MCC's Correspondent Delivery and Collection Service (CDCS)

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 6, 1985, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. Amendments to the proposal, filed on April 10, 1985 and April 22, 1985, are reflected in Items I, II and III below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is the MST Administrative Bulletin regarding CDCS. The Bulletin sets forth MCC's policy regarding the recovery from Participants using CDCS of interests costs incurred in deliveries to non-Participants who fail to pay MCC on day of delivery.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

MCC is amending its procedures governing its Correspondent Delivery and Collection Service (CDCS). By the Administrative Bulletin attached to the filing as Exhibit A, MCC is clarifying its present policy of recovering interest costs arising where MCC experiences a delay in receiving payment from a non-Participant to whom securities have been delivered on a Participant's behalf.

Under CDCS, MCC may deliver a Participant's securities to a non-Participant, against payment. In accordance with industry custom, MCC will deliver securities to non-Participants, and credit Participants' accounts, prior to receiving payment from the non-Participants. This industry custom is the acceptance of delivered securities subject to verification and count.

However, in some instances, non-Participants have failed to pay MCC on the day of delivery. Since MCC has already credited Participants, this payment delay results in an interest expense to MCC: MCC is exposed from the time it credits Participants to the time it actually receives payment. This interest expense is not covered by the nominal fee MCC charges its Participants for processing a CDCS transaction, and must necessarily be recovered from Participants' positions.

MCC wishes to continue offering the CDCS service, while insuring that lost interest expense will be minimized. As a result, MCC is clarifying its policy of recovering interest expense in the Administrative Bulletin. For CDCS deliveries less than $50,000, MCC will continue to credit delivering Participants on day of delivery to non-Participants prior to receiving payment. If the receiving party is a non-Participant who fails to pay MCC on the day of delivery, and MCC incurs an interest expense until payment is later received, MCC will pass on this interest expense to the Participant initiating the CDCS movement. If the CDCS movement is $50,000 or more, MCC will not credit the delivering Participant until payment is received from the non-Participant.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 in that it provides an efficient procedure for settling securities transactions and collecting funds, consistent with section 17A(a)(1) of the Act. Further, as required by section 17A(a)(3), the proposed rule change equitably allocates fees and expenses associated with this service among the Participants whose CDCS activities result in such expense.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 23, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 26, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-10848 Filed 5-2-85; 8:45 am]

BILLING CODE 8010-10-M

[Release No. IC-14490; File No. 812-6042]

Collateralized Mortgage Securities Corporation; Notice of Application

Notice is hereby given that Collateralized Mortgage Securities Corporation ("Applicant"), Park Avenue Plaza, New York, New York, 10055, filed an application on February 7, 1985, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the information and representations contained therein, which are summarized below, and to the Act for the text of all applicable provisions thereof.

According to the application, Applicant was organized for the limited purpose of acquiring, owning, holding and pledging mortgages and mortgage-backed securities ("Mortgage Collateral"), including GNMA Certificates, issuing and selling series of bonds secured by GNMA Certificates (the "GNMA Secured Bonds"), as well as series of bonds secured by GNMA Certificates and/or other Mortgage Collateral (the "Other Bonds"), and engaging in activities incidental thereto. Each series of GNMA Secured Bonds will be separately secured by collateral consisting of mortgage pass-through certificates ("GNMA Certificates") which are fully guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA"). The GNMA Certificates pledged to secure a series of GNMA Secured Bonds may or may not represent the entire beneficial interest in the related mortgage pools. Applicant states that the Mortgage Collateral securing the Other Bonds it proppses to issue will consist of mortgages and/or mortgage-backed securities which represent "interests in real estate" within the meaning of section 3(c)(5)(C) of the Act ("Whole Pool Collateral") in such aggregate principal amount as required to otherwise except Applicant from the definition of an investment company by reason of the provisions of that Section.

Applicant states that each series of Bonds will be separately secured by Mortgage Collateral and will be issued pursuant to an indenture between Applicant and an independent trustee ("Trustee"), as supplemented by a supplemental indenture for each such series ("Indenture"). Each series of Bonds will be registered under the Securities Act of 1933, unless an appropriate exemption is available from such registration, and sold pursuant to a prospectus or private placement memorandum containing all material disclosures required by the terms of that Act. Indentures for each public offering will be qualified under the provisions of the Trust Indenture Act of 1939.

Each series of GNMA Secured Bonds will be structured so that it will receive one of the two highest ratings from one or more nationally recognized rating agencies. The only Mortgage Collateral for each series of GNMA Secured Bonds will be GNMA Certificates, which will be assigned to and held by the Trustee. Until such GNMA Secured Bonds are paid, Applicant will not be permitted to add any GNMA Certificates to, or substitute other GNMA Certificates for, the original GNMA Certificates pledged to secure a series of GNMA Secured Bonds. At the time of issuance of a series of GNMA Secured Bonds, the cash flow guaranteed by GNMA on the GNMA Certificates, plus the reinvestment earnings thereon at the assumed reinvestment rate specified in the related supplemental indenture, together with the other collateral pledged to secure such bonds, will be sufficient to pay the principal of and interest on the GNMA Secured Bonds when due to bondholders. It is anticipated that the outstanding principal amount of the GNMA Certificates securing a series of GNMA Secured Bonds will be at least equal to the unpaid principal amount of such Bonds on their issue date.

In the event that principal payments on the Bonds are made other than on a monthly basis, the Bonds may provide for mandatory redemptions to the extent that principal payments on the Mortgage Collateral cannot be invested at a rate which will provide sufficient income to pay interest on the Bonds. The Bonds may also provide for redemptions at the options of bondholders, but only to the extent that payments received on the Mortgage Collateral are available for such redemptions. Under no circumstances will bondholders be entitled to compel the liquidation of the Mortgage Collateral in order to redeem the Bonds prior to maturity. The assumed reinvestment rate of interest for a series of Bonds will be no greater than the maximum rate permitted by the nationally recognized statistical rating agency or agencies rating such series of Bonds as a condition to its or their ratings.

The other collateral pledged to secure the Bonds, including the GNMA Secured Bonds, will include a separate collection account ("Collection Account") for each series of Bonds and may include a debt

service reserve fund ("Debt Service Reserve Fund") or other reserve fund ("Reserve Fund"), and payments made under any minimum principal payment agreement. A Debt Service Reserve Fund would consist of cash, a letter of credit or eligible investments in an amount which, together with reinvestment earnings thereon, would be sufficient to cover any potential cash flow shortfall relating to any GNMA Certificates which were backed by graduated payment mortgage loans. Any other Reserve Fund would provide additional security for the related series and might be funded by a deposit of cash, a letter of credit, or eligible investments or by the application over time of all or a portion of the excess cash flow relating to the series. The Collection Account for each series will be established by the Trustee for receipt of all monthly principal and interest distributions on the GNMA Certificates securing the series, payments from any Debt Service Reserve Fund or other Reserve Fund, reinvesting income thereon and any initial deposit required by the prospectus supplement.

Amounts in the Collection Account will be invested by the Trustee in eligible investments, which include, among other investments, obligations of the United States or any agency thereof backed by the full faith and credit of the United States, federal funds, certificates of deposit, time deposits and bankers' acceptances sold by eligible commercial banks, other demand or time deposits or certificates of deposit fully insured by the FDIC or the FSLIC and certain repurchase agreements of United States government securities. The Trustee will hold any such securities which are subject to repurchase agreements. Such Collection Account investment will mature on or prior to the next payment date for the series, and will thus be available to make required payments on the Bonds of such series.

Applicant submits that (1) its acquisition of the GNMA Certificates and issuance of GNMA Secured Bonds, and its acquisition of Mortgage Collateral and issuance of Other Bonds secured by Whole Pool Collateral, are not the types of activities intended to be regulated by athe Act, (2) the safeguards afforded to purchasers of the GNMA Secured Bonds fully protect investors in a manner comparable to those protections provided to purchasers of the GNMA-collateralized bonds issued in reliance upon no-action letters under section 3(c)(5)(C) of the Act or exemptions granted under section 6(c) of the Act, and (3) its activities will promote the public interest by expanding the market for mortgage securities, thereby increasing the pool of funds available for mortgage loans and increasing the capacity of mortgage lenders to meet the housing finance needs of the nation.

Applicant represents that to the extent practicable, it will attempt to purchase newly-issued GNMA Certificates as collateral for each series of GNMA Secured Bonds. There has, however, developed an extensive secondary market, aggregating in the billions of dollars, for mortgage-backed securities guaranteed by GNMA. Applicant believes it must retain the flexibility to purchase GNMA Certificates in the secondary market to the extent that such instruments are required to collateralize series of GNMA Secured Bonds Applicant proposes to sell.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 20, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Dated: April 26, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-10849 Filed 5-2-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

April 26, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

General Homes Corporation
Common Stock, $.01 Par Value (File No. 7-8396)

American President Companies
Common Stock, $.01 Par Value (File No. 7-8397)

First Nationwide Financial Corporation
Common Stock, $.10 Par Value (File No. 7-8398)

BDM International
Class A Common Stock, 2½ Par Value (File No. 7-8399)

Avalon Corporation
Common Stock, $1.00 Par Value (File No. 7-8400)

Pulte Home Corporation (Michigan)
$.10 Par Value, (File No. 7-8401)

CRI Insured Mortgage Investment
Limited Partnership Beneficial Assignments of Limited Partnership Interest, (File No. 7-8402)

HealthAmerica Corporation
Common Stock, $.01 Par Value, (File No. 7-8403)

Sierra Health Services
Common Stock, $.01 Par Value, (File No. 7-8404)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 17, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-10851 Filed 5-2-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14491; File No. 812-6060]

Salomon Capital Access Corporation; Notice of Application

Notice is hereby given that Salomon Capital Access Corporation ("Applicant"), RepublicBank Dallas

Tower, Suite 4110, Dallas, Texas 75201, filed an application on February 13, 1985, and an amendment thereto on April 26, 1985, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act for the complete text of the provisions referred to herein and in the application.

According to the application, Applicant is wholly owned by Salomon Capital Access for Savings Institutions Inc. which is an indirect wholly-owned subsidiary of Phibro-Salomon Inc. The Applicant was organized for the limited purposes of investing in mortgage loans and mortgage-backed securities and providing, through the issuance of mortgage backed securities ("Bonds"), a source of funds to depository institutions that are engaged in real estate and mortgage finance and whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Under its Articles of Incorporation, the Applicant is authorized only to to issue and deliver Bonds, to make loans out of the proceeds therefrom pursuant to funding agreements, to purchase or to obtain pledges of certain eligible mortgage-related collateral to secure the Bonds and to engage in activities incidental to and necessary to accomplish the foregoing. The Applicant is not otherwise authorized to trade or deal in securities or engage in any other activity.

Applicant proposes to issue one or more series of Bonds ("Series") rated in the highest bond rating category by at least two nationally recognized statistical rating organizations. Each Series will be secured by collateral pledged to secure only that Series ("Bond Collateral"). Each Series will consist of one or more classes of Bonds and will be issued pursuant to an indenture between the Applicant and an independent trustee ("Trustee"), as supplemented by a supplemental indenture for each Series ("Indenture").

Applicant states that the Bond Collateral will consist primarily of interests in some combination of the following (collectively, "Mortgage Collateral"): (a) Funding agreements together with related promissory notes evidencing loans made by the Applicant to limited purpose financial subsidiaries ("Financial Affiliates") of depository institutions, which notes are secured by Mortgage Certificates and/or Pledged Loans (both as defined below) and (b) fully modified pass-through certificates guaranteed as to timely payment of principal and interest by the Government National Mortgage Association, mortgage pass-through securities guaranteed as to timely payment of principal and interest by the Federal National Mortgage Association, or mortgage participation certificates guaranteed as to timely payment of interest and ultimate collection of principal by the Federal Home Loan Mortgage Corporation (collectively, "Guaranteed Mortgage Certificates"), (c) other pass-through certificates evidencing an undivided interest in pools of mortgage loans secured by first liens on single family residences (together with Guaranteed Mortgage Certificates "Mortgage Certificates") or (d) mortgage loans secured by first liens on single family (one- to four-family) residences ("Pledged Loans"), together with payments that may become due under certain related mortgage insurance and hazard insurance policies. Bond Collateral may also include certain reserve funds and other credit supports such as various types of insurance policies.

Applicant represents that the Mortgage Collateral for each Series of Bonds will have a scheduled cash flow sufficient, together with reinvestment income thereon at assumed rates acceptable to the rating agencies that initially rate the Bonds, to make payment on the Bonds of such series in accordance with their terms. The Bond Collateral securing each series of Bonds, including the Mortgage Certificates and/or Pledged Loans securing the Notes, will be held by the Trustee.

Substantially all the Mortgage Collateral, and in no event less than 80% in principal amount at the time of issuance of the Bonds, will be pledged to the Applicant by Financial Affiliates. Pursuant to funding agreements between the Applicant and each Financial Affiliate participating in the issuance of a Series of Bonds ("Funding Agreements"), (i) the Applicant will make a loan out of the net proceeds of the sale of such Bond Series to each participating Financial Affiliate, such loan to be evidenced by one or more promissory notes ("Notes"); (ii) each such Financial Affiliate will pledge Mortgage Collateral to the Applicant as security for its loan; and (iii) each such Financial Affiliate will be obligated to repay its loan by causing payments on the Mortgage Collateral that secures its Notes to be made directly to the Trustee. The Applicant will in turn pledge its entire right, title and interest in such Funding Agreements (except as provided in the Indenture), and in the related Notes and Mortgage Collateral to the Trustee as security for such Series of Bonds. Each Financial Affiliate will distribute its loan proceeds to its related depository institution, which in turn is expected to use some or all of such proceeds to invest in mortgage loans and mortgage related securities. Under certain limited circumstances, the Applicant will have the right to sell Notes securing a Series of Bonds, the Proceeds of any such sale to be applied to the payment of such Series of Bonds.

Each Financial Affiliate will have the limited right to substitute Mortgage Collateral ("Substitute Collateral") in place of up to a specified principal amount of Mortgage Collateral initially pledged as security for its Notes so long as such Substitute Collateral will have payment terms similar to, and in no event cash flows less than, those of the Mortgage Collateral it replaces. After giving effect to any such substitution, the scheduled cash flows on the Mortgage Collateral, together with the Reinvestment Income thereon, will be sufficient, according to the application, to make payments on the Bonds in accordance with their terms and to retire each class of Bonds not later than its stated maturity. In no event will a Financial Affiliate be permitted to substitute Private Mortgage Certificates or Pledged Loans in place of Guaranteed Mortgage Certificates. Applicant represents that it will be a further condition of any such substitution that the outstanding ratings of the Bonds not be affected by such substitution. The rights of substitution will be within the sole discretion of each Financial Affiliate. The Applicant will not exercise control over any Financial Affiliate generally or with respect to the timing or substance of any such substitution. The Applicant will not have the right to substitute Mortgage Collateral in place of any Mortgage Collateral owned by it and initially pledged to secure any Bond Series.

The Bonds will not be redeemable at the option of the Bondholders but may be subject to redemption by the Applicant under circumstances set forth in the prospectus supplement for each Series. Unless an event of default on a Series has occurred and is continuing, Bondholders will not be entitled to accelerate payment of the Bonds of that Series or otherwise to compel the liquidation of the related Bond Collateral. There will be no defeasance provisions for the Bonds.

Each Series will be sold to institutional or retail investors through one or more investment banking firms, which may include affiliates of the Applicant. It is contemplated that each Series will be registered under the Securities Act of 1933, unless an appropriate exemption is available from such registration, and sold pursuant to a prospectus or private placement memorandum all material disclosures requires by that Act. Indentures for each public offering will be qualified under the Trust Indenture Act of 1939, unless an appropriate exemption is available.

Applicant further submits that there are strong public policy reasons for granting the Applicant an exemptive order. The loan proceeds received by each Financial Affiliate will be distributed to its related depositary institution, each of which is subject to a comprehensive regulatory scheme designed to encourage the investment of substantially all of its assets in mortgage loans and mortgage related securities. Consequently, the Applicant's activities will supply capital to depository institutions engaged in the real estate and mortgage markets and thereby facilitate the financing of housing, filling a critical national need. According to Applicant, a number of depository institutions have been able to raise funds by issuing mortgage related securities directly or through subsidiaries in reliance on section 3(c)(5)(C) of the Act. Applicant submits that there is no public policy reason to require it to register under the Act merely because it proposes to make it possible for a number of smaller depository institutions to achieve the same economies of scale in their financing efforts as have larger depository institutions. It is asserted that the issuance of the Bonds by the Applicant will permit regular bond issuances in principal amounts large enough to ensure economically efficient bond execution despite fluctuations in the volume of Mortgage Certificates and/or Pledged Loans available from depository institutions. As a result, smaller depository institutions can command higher bond proceeds regardless of when they originate their mortgage loans or the size of their mortgage loan portfolios.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 21, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon requests or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Dated: April 29, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-10852 Filed 5-2-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23674; 70-6975]

Conesville Coal Preparation Company et al.; Notice of Proposed Transactions Regarding Leased Coal Mining Equipment and Other Equipment by Subsidiaries

April 26, 1985.

Conesville Coal Preparation Company ("CCPC"), Central Ohio Coal Company ("COCCo"), Southern Ohio Coal Company ("SOCCo"), Windsor Power House Coal Company ("Windsor"), and Simco, Inc. ("Simco"), 1 Riverside Plaza, Columbus, Ohio 43215, which are indirect subsidiaries of American Electric Power Company, Inc. ("AEP"), a registered holding company, and which are sometimes referred to collectively herein as the "Applicants," have filed with this Commission a post-effective amendment to the application in this proceeding pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

COCCo, SOCCo, and Windsor are wholly owned, coal mining subsidiaries of Ohio Power Company ("Ohio Power"); CCPC, a coal preparation company, and Simco, a coal mining company, are wholly owned subsidiaries of Columbus and Southern Ohio Electric Company ("C&SOE"); and Ohio Power and C&SOE are electric utility subsidiaries of AEP. Pursuant to an order in this proceeding dated May 25, 1984, (HCAR No. 23313), all of the Applicants, except CCPC, have entered into substantially identical Master Leasing Agreements with BLC Corporation, an affiliate of Bankers Leasing Corporation of San Mateo, California ("BLC") under which the Applicants, except for CCPC, are currently leasing new and used office furniture and equipment, communications equipment, automotive equipment, and certain mining equipment. The Applicants, except for CCPC, have been authorized to lease up to an aggregate of $10 million of mining equipment under these leases.

CCPC now proposes to enter into a Master Leasing Agreement with BLC which is substantially identical in form to those Master Leasing Agreements referred to above. Each Applicant also proposes to enter into an amendment to these Master Leasing Agreements under which Master Leasing Agreements, as so amended, BLC will commit to lease to the Applicants additional mining equipment with a total aggregate acquisition cost not exceeding $20,000,000 and certain other equipment. Rental payments will be paid monthly in an amount sufficient to amortize the Acquisition Cost of the equipment in equal amounts on a straight-line basis plus a monthly interest factor on the unamortized Acquisition Cost, as described in the application. After the expiration of the Amortization Period of any equipment, the lessee may purchase such equipment for $1.00.

The amended application and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 20, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as now amended or as it may further amended, may be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-10850 Filed 5-2-85; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments; Proposed Modification of Duty-Free Treatment of Certain Hearing Aids Pursuant to Section 166 of Educational, Scientific, and Cultural Materials Importation Act of 1982

Notice is hereby given that the Trade Policy Staff Committee (TPSC) has initiated a review of applications under section 166 of the Educational, Scientific, and Cultural Materials Importation Act of 1982 (96 Stat. 2348) for the narrowing of the scope of, or the placing of conditions upon, the duty-free treatment of conventional (non-custom) hearing aids now provided for in item 960.15 of the Tariff Schedules of the United States. This review is initiated persuant to applications from Beltone Electronics Corporation and Qualitone Corporation, which state that the proportion of the U.S. market supplied by imported conventional hearing aids has increased considerably over the past five years. The application alleges that domestic manufacturers have been damaged by the duty-free treatment, without identifiable benefit to the hearing handicaped.

Comments submitted pursuant to this notice shall contain the following information:

1. The name of the person submitting the comments, the person, firm or asociation represented by that person, and a brief description of interests affected by the application;

2. An identification of the product or products of interest to the persons submitting the comments, both by description and, if relevant, by item numbers of the Tariff Schedules of the United States; and

3. A description of any action desired, together with a statement of the reasons therefor and supporting information.

Interested parties are requested to provide written comments in twenty copies to the Secretary, Trade Policy Staff Committee, Room 500, 600 17th Street, NW., Washington, D.C. 20506 not later than June 29, 1985. A public hearing on the proposed modification will not be scheduled unless specifically requested by an interested party no later than May 30, 1985.

Information submitted in connection with the proposed modification will be subject to public inspection by appointment, except for information granted "business confidential" status. Parties submitting briefs or statement containing business confidential information must indicate clearly on the cover page of each of the twenty copies submitted and each page within the document, where appropriate, that the confidential materials are included. Non-confidential summaries of all confidential materials must be submitted in twenty copies at the same time that the confidential submissions are filed.

For further information call Sandra J. Kristoff at (202) 395–3063.

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 85–10563 Filed 5–2–85; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Academy of Sciences Committee on Airline Cabin Air Quality; Public Meeting

The National Research Council (NRC) is conducting a study at the request of Federal Aviation Administration into certain safety features and the quality of the air inside airline cabins. A public meeting on the subject will take place on June 12–13, 1985, at the National Academy of Sciences, located at 2101 Constitution Avenue, NW., Auditorium, Washington, D.C. 20418.

The NRC committee is seeking scientific data and views from occupational, industrial, and other interest groups on health and safety aspects of the airline cabin environment, including the amount of fresh air per occupant, humidification, availability of emergency breathing equipment, capabilities for detecting and extinguishing fires and removing smoke and toxic fumes, pressurization, safety procedures, and passenger information. This information will assist the committee in assessing current cabin air quality for the crew and passengers and in formulating recommendations on legislative, regulatory, and industry actions to promote health and safety.

The meeting will take place at the National Academy of Sciences, 2100 C Street, NW., at 9:30 a.m. each day. Individuals wishing to speak or submit written material should notify Dr. Andrew M. Pope at (202) 334–2536. Deadline for written comments is May 31.

Issue in Washington, D.C., April 26, 1985.

Philip J. Akers,

Designated Officer.

[FR Doc. 85–10718 Filed 5–2–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 565]

Appointments of Individuals To Serve as Members of the Performance Review Board; Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that the appointment and changes in the membership of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the Bureau of Alcohol, Tobacco and Firearms (AFT) for the rating year beginning July 1, 1984, and ending June 30, 1985. This notice effects changes in the membership of the ATF Performance Review Board previously appointed May 10, 1984 (49 FR 21136).

Name and Title

Edward T. Stevenson—Deputy Assistant Secretary (Operations), Department of the Treasury

David D. Queen—Deputy Assistant Secretary (Enforcement), Department of the Treasury

John W. Mangels—Director, Office of Operations, Department of the Treasury

Henry C. DeSeguirant—Assistant Director of Personnel (Executive Manpower and Employment), Department of the Treasury

Marvin J. Dessler—Chief Counsel, Bureau of Alcohol, Tobacco and Firearms

Chester C. Bryant—Comptroller, Bureau of Alcohol, Tobacco and Firearms

Phillip C. McGuire—Deputy Director, Bureau of Alcohol, Tobacco and Firearms

William T. Drake—Deputy Director, Bureau of Alcohol, Tobacco and Firearms

For further information contact: Daniel F. O'Leary, Personnel Division Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, (202–566–7321).

Signed: April 29, 1985.

Stephen E. Higgins,

Director.

[FR Doc. 85–10805 Filed 5–2–85; 8:45 am]

BILLING CODE 4810–31–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Patricia Viers, Agency Clearance Office (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 29, 1985.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits
2. Transfer of Ownership Data-Portfolio Loan
3. VA Form 26-8792
4. On occasion
5. Individuals or households
6. 2,400 responses
7. 200 hours
8. Not applicable

[FR Doc. 85-10774 Filed 5-2-85; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 29, 1985, at 2:00 p.m., the Lincoln, Nebraska Regional Office Station Committee on Educational Allowances shall at Room Number 497 of the Robert V. Denney Federal Building and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska conduct a hearing to determine whether approval should be reinstated for K&K Transportation Company of Omaha, Nebraska's Tractor-Trailer Driver Job Training Program as provided in 38 CFR 21.4624. Approval was withdrawn because of an alleged false certification by the employer. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 26, 1985.

James C. Smith,

Director, VA Regional Office Lincoln, Nebraska.

[FR Doc. 85-10764 Filed 5-2-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 86
Friday, May 3, 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

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 p.m. on Friday, April 26, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to adopt:

(A) A resolution making funds available for the payment of insured deposits made in Peoples State Bank, Odebolt, Iowa, which was closed by the Superintendent of Banking for the State of Iowa on Friday, April 26, 1985; and

(B) A resolution making funds available for the payment of insured deposits made in First Enterprise Bank, Oakland, California, which was closed by the Superintendent of Banks for the State of California on Friday, April 26, 1985.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 30, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-10925 Filed 5-1-85; 3:09 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:17 p.m. on Saturday, April 27, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Peoples State Bank, Odebolt, Iowa, which was closed by the Superintendent of Banking for the State of Iowa on Friday, April 26, 1985; (2) accept the bid for the transaction submitted by Peoples Savings Bank, Odebolt, Iowa, a newly-chartered State nonmember bank; (3) approve the applications of Peoples Savings Bank, Odebolt, Iowa, for Federal deposit insurance, for consent to purchase certain assets of and to assume the liability to pay deposits made in Peoples State Bank, Odebolt, Iowa, and for consent to establish the sole branch of Peoples State Bank as a branch of Peoples Savings Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At that same meeting, the Board also discussed procedures relating to the payment of insured deposits in First Enterprise Bank, Oakland, California, which was closed by the Superintendent of Banks for the State of California on Friday, April 26, 1985.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. Michael A. Mancusi, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open on public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 30, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-10926 Filed 5-1-85; 3:09 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, April 30, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum and resolution re: Proposed amendments to Part 332 of the Corporation's rules and regulations, entitled "Powers Inconsistent with Purposes of Federal Deposit Insurance Law," which amendments will govern insured banks' direct and indirect involvement in insurance, real estate, and guarantor or surety activities.

Memorandum and resolution re: Petition for public hearing on proposed amendments to Part 332.

Memorandum and resolution re: Issuance of a Statement of Policy Regarding Disclosure by the FDIC of Statutory Enforcement Actions which policy provides for disclosure and publication of all final orders issued by the Corporation under its statutory enforcement authority.

The Board further determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of

the Currency), that Corporation business required the addition to the agenda for consideration at this meeting, on less than seven days' notice to the public, of the following matters:

Application of United Penn Bank, Wilkes-Barre, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with Security Bank and Trust Company, Stroudsburg, Pennsylvania, and to establish the eleven offices of Security Bank and Trust Company as branches of the resultant bank.

Application of Victory Savings Bank, Columbia, South Carolina, for consent to relocate its main office from 919 Washington Street to 1545 Sumter Street, within Columbia, South Carolina.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

The Board further determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, of the following matter:

Application of SouthTrust Bank of Coosa County, Goodwater, Alabama, an insured State nonmember bank, for consent to merge, under its charter and with the title "SouthTrust Bank of Central Alabama," with Alexander City Bank, Alexander City, Alabama, to establish the four offices of Alexander City Bank as branches of the resultant bank, and to redesignate the present main office of Alexander City Bank as the main office of the resultant bank.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: May 1, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-10927 Filed 5-1-85; 3:09 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, April 30, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13 of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(9)(A)(i), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(9)(A)(i), and (c)(9)(B)).

Dated: May 1, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-10928 Filed 5-1-85; 3:09 pm]

BILLING CODE 6714-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, May 8, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment of proposed amendment to Regulation Z (Truth in Lending) regarding variable rate mortgage loan disclosures.

2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 30, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10857 Filed 4-30-85; 4:41 pm]

BILLING CODE 6210-01-M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, May 8, 1985, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of a telephone system within the Federal Reserve System. (This item was originally announced for a closed meeting on May 6, 1985.)

2. Personnel actions (appintments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 425-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 30, 1985.

James MacAfee,

Associate Secretary of the Board.

[FR Doc. 85-10858 Filed 4-30-85; 8:41 pm]

BILLING CODE 6210-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION

Change in Subject of Meeting

The National Credit Union Administration Board determined that its business required that the previously announced closed meeting on April 17, 1985 include an additional item, which was closed to public observation: Conservatorship. Closed pursuant to exemptions (8) and (9)(A)(ii).

The Board unanimously voted to add this item to the closed agenda.

The previously announced items were:

1. Approval of Minutes of Previous Closed Meetings.
2. Special Assistance to Prevent Liquidation under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Personnel Actions. Closed pursuant to exemptions (2) and (6).

The meeting was held at 11:00 a.m., in the Williamsburg Hilton, Williamsburg, Virginia.

FOR MORE INFORMATION CONTACT:
Rosemary Brady, Secretary of the Board, Telephone (202) 357–1100.

Rosemary Brady,
Secretary of the Board.

[FR Doc. 85–10890 Filed 5–1–85; 11:22 am]

BILLING CODE 7535-01-M

Federal Register

Friday
May 3, 1985

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA84–5022	Oct. 5, 1984.
Connecticut: CT84–3016	June 8, 1984.
Georgia: GA85–3022	Apr. 19, 1985.
Iowa: IA82–4044	Aug. 27, 1982.
Louisiana: LA84–4055	Sept. 28, 1984.
Oregon: OR84–5020	June 22, 1984.
Texas: TX85–4003	Feb. 22, 1985.
Wisconsin: WI84–5028	Dec. 21, 1984.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Virginia: VA81–3015 (VA85–3025)	Mar. 6, 1981.

Signed at Washington, D.C. this 26th day of April 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. CA84-5022 - MOD. #8
(49 FR 39416 - October 5, 1984)
Alameda, Alpine, Amador Counties, etc., California

OMIT:
Carpenters:
Area 6 (Residential)

CHANGE:
Carpenters:
Area 5 (Residential):
Carpenters
Hardwood Floor - layers; Shinglers; Power Saw Operator; Steel Scaffold Erector and Steel Shoring Erectors; Saw Filers

Change Area Description to read:
Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties

	Basic Hourly Rates	Fringe Benefits
	$19.67	$6.455
	19.82	6.455

DECISION #IA82-4044-MOD.#2
(47 FR 38032-Aug. 27, 1982)
WEBSTER COUNTY, IOWA

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians	$13.77	$2.70+ 3.75%
Plumbers	15.74	3.15
Sheet Metal Workers	16.13	2.44

DECISION NO. CT84-3016 - MOD. #14
(49 FR 23980 - June 8, 1984)
STATEWIDE, CONNECTICUT

CHANGE:

BRICKLAYERS; CEMENT MASONS; CEMENT FINISHERS; MARBLE MASONS; PLASTERERS; STONE MASONS; TERRAZZO WORKERS; TILE SETTERS:
BUILDING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits
Area 4	17.60	3.25+a
HEAVY & HIGHWAY:		
Area 1	14.30	2.10
Area 2	14.57	2.58
Area 3	13.80	2.70
Area 4	14.30	2.35

DECISION #TX85-4003-MOD.#2
(50 FR 7544-Feb. 22, 1985)

Bell, Coryell, and McLennan Counties, Texas

CHANGE:

Plumbers and Pipefitters:
McLennan County:
Over 45 miles from McLennan County Courthouse

	Basic Hourly Rates	Fringe Benefits
	$15.61	$1.54

DECISION NO. GA85-3022-MOD. #1
(50 FR 15692-April 19,1985)
CLAYTON, DEKALB, & FULTON COUNTIES, GEORGIA

CHANGE:
ELECTRICIANS (FULTON & DE KALB COUNTIES, ONLY)
ADD:
FOOTNOTES:
a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day
b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service or 6% for employees with 6 months to 5 years of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits
	$15.40	21%

DECISION NUMBER NJ84-5028-
(49 FR 49827-December 21, 1984)
Ashland, Bayfield and Douglas Counties, Wisconsin

OMIT:
Ashland County from decision as originally issued

DECISION #LA84-4055-MOD.#3
(49 FR 38445-Sept. 28,1984)
STATEWIDE, LOUISIANA

CHANGE:

Line Construction (All Zones)

	Basic Hourly Rates	Fringe Benefits
Lineman	$12.10	$1.25+ 3.75%
Groundman	5.85	1.25+ 3.75%
Winch Truck Operator and Tractor Driver	8.72	1.25+ 3.75%
Hole Digger Operator	10.47	1.25+ 3.75%

Plumbers & Pipefitters:
Zone 3

	Basic Hourly Rates	Fringe Benefits
When contract price of air conditioning is $150,000 or less or where the contract price of plumbing is less than $100,000.	11.35	1.65
When contract price of air conditioning is in excess of $150,000 or where the contract price of plumbing is in excess of $100,000.	13.35	1.65

MODIFICATIONS P. 9

DECISION NO. OR84-5020 - Mod#13 (49 FR 25821 - June 22, 1984) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS & PIPEFITTERS		
Area 1	$16.79	$4.31
Area 2	19.43	7.23
Area 3	17.75	3.97
Area 4		
Pipefitters	20.48	3.70
Plumbers:		
Where cost of plumbing is (labor+material) is greater than $50,000	20.48	3.70
Where cost of plumbing (labor+material) is less than $50,000	16.00	3.70
Area 5:		
Pipefitters	20.36	3.56
Plumbers:		
Where cost of plumbing (labor + material) is greater than $50,000	19.54	3.56
Where cost of plumbing (labor + material) is less than $50,000	16.00	2.06
Area 6:		
Where cost of plumbing & pipefitting (labor + material) is greater than $250,000	19.58	4.15
Where cost of plumbing & pipefitting (labor + material) is less than $250,000	17.50	4.15
Area 7	20.48	3.15
Area 8	20.48	3.15

Basic Hourly Rates	Fringe Benefits

[FR Doc. 85-10609 Filed 5-2-85; 8:45 am]

BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: Radford Army Ammunition Plant

DECISION NO.: VA85-3025

DATE: Date of Publication

Supersedes Decision No. VA81-3015 dated March 6, 1981 in 46 FR 15666

DESCRIPTION OF WORK: Building Construction, (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	11.93	1.86
BOILERMAKERS	15.80	3.115
BRICKLAYERS	10.00	.30
CARPENTERS	11.75	1.17
CEMENT MASONS	5.95	
ELECTRICIANS	13.60	1.00+ 3%
IRONWORKERS:		
Structural & Reinforcing	13.25	2.73
LABORERS:		
Common Laborers	7.60	1.10
Mason Tenders	7.70	1.10
Mortarmen & Hod Carriers	7.85	1.10
Electric or Air Tool Opr.	7.85	1.10
Power Saw Operator	7.85	1.10
Motorized Buggy Operator	7.85	1.10
Pipelayers	7.85	1.10
Scaffold Builder	7.85	1.10
Vibrator Operator	7.85	1.10
Burners	8.20	1.10
Wagon Drill Operator	8.05	1.10
Caisson Worker-Topman	7.75	1.10
Caisson Worker-Bottom Man	8.25	1.10
LATHERS	11.75	1.17
LEAD BURNERS	17.35	2.76
MILLWRIGHTS	15.80	.97
PAINTERS		
Brush	10.15	1.15
Spray	10.55	1.15
PLUMBERS & PIPEFITTERS	13.65	2.97
SHEET METAL WORKERS	13.30	1.97
SPRINKLER FITTERS	11.79	2.13
POWER EQUIPMENT OPERATORS:		
Backhoe Operators	7.29	
Bulldozer Operators	12.27	1.03+a
Crane Operators	12.27	1.03+a
Oilers	4.88	
Rollers	9.18	1.03+a
Piledrivers	6.32	

WELDERS - Receive rate prescribed for craft to which welding is incidental.

Unlisted classifications for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses 29 CFR 5.5(a)(1)(ii)).

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Labor Day; Independence Day; Thanksgiving Day and Christmas Day provided employee works the regularly scheduled work day before and after the holiday.

federal register

Friday
May 3, 1985

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Least Bell's Vireo

DEPARTMENT OF THE INTERIOR

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Least Bell's Vireo

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the least Bell's vireo *(Vireo bellii pusillus)* to be an endangered species. This action is being taken because loss of habitat has greatly restricted the vireo's breeding range, and nest parasitism by the brown-headed cowbird (*Molothrus ater*) has greatly reduced nesting success within much of its remaining breeding habitat. The action is based on a petition received by the Service November 8, 1979. The least Bell's vireo largely occurs in southwestern California and northwestern Baja California, Mexico, an area including only a fraction of its former range. Critical habitat is included with this proposed rule. The proposed rule would provide protection to all populations of this bird. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by July 2, 1985. Public hearing requests must be received by June 17, 1985.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The least Bell's vireo is a small, gray, migratory songbird that feeds mainly on insects. The nest is usually low in thickets along willow-dominated riparian habitats. The normal clutch is four eggs. Eggs are incubated about 14 days, the young remain in the nest approximately 10–12 days. The least Bell's vireo arrives in its breeding habitat in mid-March to early April, and departs in late August and September for its wintering range, which is unknown but possibly includes southern Baja California.

Three other subspecies of Bell's vireo are recognized by the American Ornithologists' Union (1957): *Vireo bellii bellii* of the midwestern United States; *V. b. medius* of Texas; and *V. b. arizonae* of the southwestern United States and northern Mexico. While all are fairly similar in behavior and life history, all the subspecies are geographically separated on their breeding ranges (Hamilton, 1962). All Bell's vireos winter in Mexico.

Least Bell's vireo also occupies a more restricted nesting habitat than the other subspecies. It only inhabits dense, willow-dominated riparian habitats with lush understory vegetation, which is limited in its range to the immediate vicinity of water courses. The other subspecies may inhabit upland areas such as desert scrub. Thus, the limited habitat of the least Bell's vireo has rendered it more susceptible to major population reductions than the other subspecies.

No other passerine species in California has declined as dramatically as least Bell's vireo in historical times. It presently nests in small, remnant segments of willow-dominated riparian habitats and usually in populations of less than five breeding pairs. Once widespread and abundant throughout the Central Valley and other low-elevation riverine valleys, its historical breeding range extended from interior northern California (near Red Bluff, Tehama County) to northwestern Baja California, Mexico. In the last several decades it apparently has been totally extirpated from the Sacramento and San Joaquin Valleys, which once were at the center of its breeding range. Its current breeding range is restricted to two localities in the Salinas River Valley (Monterey and San Benito Counties), one locality along the Amargosa River (Inyo County), and numerous small populations in southern California south of the Tehachapi Mountains and in northwestern Baja California, Mexico.

The decline of least Bell's vireo has resulted from the widespread loss of riparian habitats and from brood parasitism by the brown-headed cowbird (*Molothrus ater*). Destruction of riparian woodlands may have rendered the least Bell's vireo incapable of withstanding the spectacular increase in brown-headed cowbirds that began in the 1930's (Grinnell and Miller, 1944; Gaines, 1974). The population decline of the vireo has been well documented. In 1973, no least Bell's vireo were found during an intensive search in formerly occupied habitat between Red Bluff, Tehama County, and Stockton, San Joaquin County (Gaines, 1974). In 1977, the USFWS reviewed the literature, examined museum material, and contacted numerous National Audubon Society chapters and knowledgeable field observers for information on the status of the least Bell's vireo.

Since then, several intensive vireo surveys of virtually all potential breeding habitat in California have been conducted (Gaines, 1977; Goldwasser, 1978; Goldwasser *et al.*, 1980; unpublished Fish and Wildlife Service data). In total, least Bell's vireos have been reported from only 45 of over 150 former localities surveyed in the U.S. from 1977 through 1983. Based on this information, the present breeding population status of least Bell's vireo per county in California is as follows:

County	Sites[a]	Pairs[b]
San Benito	1	1
Monterey	1	1
Inyo	1	2
San Bernardino	2	4
Santa Barbara	5	65
Ventura	2	12
Los Angeles	2	3
Riverside	9	39
San Diego	22	158
Total	45	285

[a] Number of different known breeding localities.
[b] Number of known breeding pairs.

On November 8, 1979, the Service accepted a petition from James M. Greaves to list the least Bell's vireo as endangered. A notice of acceptance of the petition and status review was published on February 6, 1980 (45 FR 8030). Based on the best scientific and commercial data available and other comments submitted during the status review, the Service found that the petitioned action was warranted on October 13, 1983 (49 FR 2485, January 20, 1984); however, action was precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Section 4(b)(3)(B)(iii) recycles such petitions resulting in a new finding deadline of October 13, 1984. A finding was made October 12, 1984, that this action was still warranted. Publication of that finding is expected shortly in the **Federal Register.** Publication of this proposed rule fulfills the deadline requirements imposed by section 4(b)(3)(B)(ii) of the Act.

The Service's response to the petition indicated a decision would be forthcoming subsequent to the evaluation of the latest breeding season data. Based on surveys conducted from 1977–1983, the Service estimates that approximately 300 breeding pairs of least Bell's vireos occur in California

(Fish and Wildlife Service, unpublished data). Preliminary surveys in Baja, California resulted in the location of a number of small populations, but suitable habitat is declining and not abundant. There are probably several hundred breeding pairs in Baja, California (Wilbur, 1980).

Information generated from the February 6, 1980, Notice of Status Review indicates that the Arizona Bell's vireo *(Vireo bellii arizonae)* is relatively common and widely distributed in a variety of habitats in Arizona, New Mexico, and Mexico. It is not restricted to early riparian successional stages as is *V. b. pusillus*. Although density estimates of *V.b. arizonae* along the Colorado River and adjacent areas are very low, the subspecies appears to be doing well throughout most of its geogrpahical range. In view of this, the Service does not believe it appropriate to recommend listing *V. b. arizonae* as endangered or threatened. Hence, this proposal is only for the least Bell's vireo *(V. b. pusillus)*.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Act and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; revision published October 1, 1984; 49 FR 38900–38912) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to *Vireo bellii pusillus* are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The least Bell's vireo is largely restricted to dense, riparian habitat on its breeding range in California and northwestern Baja, California. Over 95 percent of historic riparian habitat has been lost throughout its former breeding range in the Central Valley of California, which may have accounted for 60–80% of the original population. Similar habitat losses have also occurred throughout its remaining stronghold in southern California, and habitats are currently declining in Baja, California as well. These widespread losses are mainly attributable to agricultural development, livestock grazing, urban development resulting from rapidly expanding human populations, and flood control and water development projects. Despite growing concern at all levels of government, substantial amounts of riparian habitat continue to be lost each year.

In summary, with about 65 percent of the remaining U.S. population threatened by at least four major construction projects (see factor E below, and the remaining 35 percent restricted to small, isolated habitats vulnerable to a variety of imminent threats, the least Bell's vireo is becoming increasingly threatened by extinction.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable.

C. *Disease or predation.* As with other song birds (passerines), least Bell's vireo has always been subject to nest predation. Unlike many other passerines, however, least Bell's vireos typically build their nests within 1 meter of the ground, where they are accessible to a variety of terrestrial predators that prey on eggs or young. Male vireos often sing while on the nest, thereby potentially increasing predation rates by attracting predators. With the introduction of house pets and feral cats and with the surrounding of remnant breeding habitats by encroaching urban development, abnormally high predator densities sometimes occur. In such situations, vireos undoubtedly face greater predation pressure than in larger, more natural habitats.

Recent multi-year studies by Greaves and Gray (unpublished reports) and Salata (1981, 1983) quantified predation rates at the Santa Ynez River and Santa Margarita River populations, respectively. They found that about 40 percent of all nesting attempts along the Santa Ynez River failed because of predation in recent years and that about 30 percent failed because of predation along the Santa Margarita River. Because these two sites represent the largest and most natural habitats remaining throughout the breeding range of least Bell's vireo, predation rates here may actually be lower than at smaller, more degraded breeding areas, especially those adjacent to residential areas.

D. *The inadequacy of existing regulatory mechanisms.* The least Bell's vireo is protected by both State of California and Federal laws. However, its habitat is not presently protected under those laws and is being incrementally destroyed and degraded. The Endangered Species Act offers additional possibilities for protection and management of this species' habitat.

E. *Other natural or manmade factors affecting its continued existence.* The effect of nest parasitism by the brown-headed cowbird has been greatly enhanced by manmade factors, which have increased the cowbird's habitat and range and decreased vireo habitat. The brown-headed cowbird was rare in California prior to 1900, but expanded tremendously in both range and numbers as irrigated agriculture and animal husbandry increased. Cowbirds parasitize the nests of other bird species (i.e., lay their eggs in the nests of other species), usually to the detriment of the host birds' own eggs or young. The first record of nest parasitism on the least Bell's vireo was in 1907, after which reported incidences increased rapidly. The cowbird is not dependent upon the vireo, as it can use a large number of other species as hosts for its eggs. Vireo nests appear to be among the easiest to locate and may be favored, if present.

Recent studies by Greaves and Gray (unpublished reports) and Salata (1981, 1983) have documented parasitism rates of between 20 and 47 percent from 1980–1982 along the Santa Ynez and Santa Margarita Rivers. Although the results of these studies do not indicate inordinately high parasitism rates compared to those of other common host species of brown-headed cowbirds, they do support the hypothesis that cowbird parasitism is significantly reducing least Bell's vireo reproductive success. Rates higher and lower than these would be expected at other breeding locales of least Bell's vireo, depending on an array of environmental factors. Considering the present widespread abundance of cowbirds throughout the historic range of the vireo, it appears that cowbird parasitism may greatly increase the probabilities of localized extinction to many of the small, vulnerable breeding populations. Further, depressed nesting productivity in the larger vireo breeding populations may limit the opportunities for population dispersal into unoccupied habitats or to augment smaller populations and may prevent founding pairs from successfully producing enough young to establish a new local population.

The widespread habitat losses described above have fragmented remaining breeding populations into small, disjunct, widely dispersed subpopulations. Of the 45 localities know to have supported breeding populations since 1977, 35 localities support 4 breeding pairs or less and only seven sites support more than 10 breeding pairs. The four largest remaining populations the Sweetwater River (34 pairs), Prado Basin-Santa Ana River (25 pairs), Santa Margarita River (69 pairs) and Santa Ynez River (60 pairs), represent about 65 percent of the extant U.S. population; each is imminently threatened by major urban development and water control projects planned in the near future (see list under

Critical Habitat section below). Many of the smaller subpopulations are similarly threatened by a variety of projects associated with the increasing human population throughout the range of the vireo.

Biogeographic theories suggest that the 41 small, remnant populations (accounting for about 35 percent of the total population) are more vulnerable to extirpation than several larger populations would be. In short, the smaller and more isolated a given local population, the more likely its chances of extinction. Given the high mortality rates of small migratory song birds and the significant threat posed by brown-headed cowbird parasitism (see above), localized extinctions represent a high probability even without natural or man-caused disasters to local habitats.

In many instances, there may be no other vireo populations close enough or there may not be sufficient population recruitment at other breeding areas to repopulate extirpated populations in later years. Also, if local habitats are destroyed (e.g., by construction projects such as occurred in southern California in 1978 and 1980), there may be no nearby habitat available to which vireos can disperse until destroyed riparian habitat regenerates. In this case, vireos may be forced into habitats less suitable to their nesting and foraging requirements, resulting in heightened mortality and reduced reproductive success.

The Service has carefully assessed the best scientific information available, regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the least Bell's vireo as endangered. Its greatly reduced distribution and small population size, loss of habitat, and substantial potential for habitat modification or loss from future development projects, indicate the species warrants endangered rather than threatened status. The bird is clearly in danger of becoming extinct throughout its range in the foreseeable future. The reasons for designating critical habitat are given in the following section. A decision to take no action would exclude the least Bell's vireo from needed protection available under the Endangered Species Act. Therefore, no action or listing as threatened would be contrary to the Act's intent.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being proposed for the least Bell's vireo to include 10 areas of approximately 43,000 acres in Santa Barbara, Ventura, Los Angeles, Riverside, San Bernardino and San Diego Counties, California. These 10 areas contain about 75% of the known U.S. population. Critical habitat lies in the Prado Basin-Santa Ana River (Riverside County), and Santa Ynez River (Santa Barbara County), the Santa Clara River (Ventura and Los Angeles Counties), and Sweetwater River, Tijuana River, Coyote Creek, Jamul-Dulzura Creeks, San Luis Rey River, Santa Margarita River, and San Diego River (San Diego County).

Within these areas, floodplains with appurtenant riparian vegetation and associated upland habitats represent primary constituent elements. Vireos obtain all their survial needs (food, cover, nest sites, nestling and fledgling protection) within the riparian zone. As additional information is obtained, other critical habitat areas may be recommended. In winter, they leave the United States. Limitations, if any, on the wintering areas are unknown at present.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation.

Actions that could adversely affect critical habitat for this species include: (1) removal or destruction or riparian vegetation, (2) thinning of riparian growth, particularly near ground level, or (3) increases in human-associated disturbance. Specific actions that could cause the above are stream channelization, water impounding, water diversion, livestock grazing, development of intensive recreation, or conversion of riparian areas to residential, agricultural, or commercial use. Complete or major destruction of riparian vegetation would result in elimination of least Bell's vireos from the affected area, which would in turn further endanger the species throughout the remainder of its range and preclude opportunities for recovery. Thinning of riparian growth would cause abandonment of the area by least Bell's vireos by depriving them of nesting and foraging sites, or could result in lowered reproductive success by forcing them into less suitable habitat. Increases in recreation could cause actual destruction of nests, or could disrupt nesting activities and in turn could lead to nest abandonment, lowered egg hatching, or lowered fledging of young as a result of parental inattention or from increased predation.

A variety of Federal agencies have jurisdiction and responsibilities within the proposed critical habitat, and Section 7 consultations might be required in a number of instances. At this point, known proposals that could require consultation include: modification of Gibraltar Reservoir on the Santa Ynez River (Army Corps of Engineers [CE], U.S. Forest Service), a flood control project on the Santa Ana River (CE), a flood control project (CE) and a highway construction project (Federal Highway Administration) along the San Luis Rey River, urban development in wetlands at the Sweetwater Reservoir (CE), and a water project on the Santa Margarita River (Bureau of Reclamation, U.S. Marine Corps). These projects have the potential for significant adverse effects on the least Bell's vireo. Section 7 consultations usually result in modification, rather than curtailment of such projects.

The Bureau of Reclamation and U.S. Marine Corps that coordinated with the Service concerning possible projects which may be authorized for the Santa Margarita River at Camp Pendleton. An interagency agreement has been established to provide a mechanism leading to the timely implementation of a conservation strategy for native flora and wildlife species of Camp Pendleton and their habitats in the Santa Margarita floodplain and estuary. This agreement has identified the least Bell's vireo and other listed species as important public trust resources to be conserved.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating or not designating a particular area as critical habitat. The Service will consider the critical habitat designation in light of all additional relevant information obtained at the time of final rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions, against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this Interagency Cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. When a species is listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund or carry out are not likely in jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. Federal involvement is expected in several water development projects (see list under Critical Habitat section above). Federal involvement is expected in several water development projects in wetlands as outlined in the Critical Habitat section of this rule. An interagency agreement involving the conservation of the least Bell's vireo and its habitat has also been identified and explained in this section.

The proposed rule would also bring Sections 5 and 6 of the Endangered Species Act into effect with respect to the least Bell's vireo. Section 5 authorizes the acquisition of lands for the purpose of conserving endangered and threatened species. Pursuant to Section 6, the Fish and Wildlife Service would be able to grant funds (should they become available) to the State of California for management actions aiding the protection and recovery of the vireo.

Listing the least Bell's vireo as endangered would allow for development of a recovery plan for this bird. Such a plan would draw together the State and Federal agencies having responsibility for conservation of the vireo. The recovery plan would establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate in their conservation efforts. The plan would set recovery priorities and estimate the cost of various tasks necessary to accomplish them. It would assign appropriate functions to each agency and a time frame within which to complete them.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered fish or wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, or to enhance the propagation or surivial of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

The least Bell's vireo is not used for economic purposes, is not a commercial species, and is not legally hunted, sold, or traded. Only a few requests for permits are anticipated. Therefore, there should be no significant impacts as a result of the above prohibitions. This bird is presently protected under 50 CFR Part 10 as a migratory bird.

If this species is listed under the Act, the Service will review it to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8(A)(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or lack thereof) to the least Bell's vireo;

(2) The location of any additional populations of least Bell's vireos and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this bird;

(4) Current or planned activities in the subject area and their possible impacts on the least Bell's vireo; and,

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Final promulgation of the regulations on the least Bell's vireo will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, 500 NE Multnomah Street, Suite 1692, Portland, Oregon 97232.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

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Grinnell, J., and A. Miller. 1944. The distribution of the birds of California. Pacific Coast Avifauna 27. 608 pp.
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Salata, L. 1983. Status of the least Bell's vireo on Camp Pendleton, California. U.S. Fish and Wildlife Service, Laguna Niguel, California. Unpublished report.
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Authors

The primary authors of this rule are Mr. Peter Sorensen and Dr. Kathleen E. Franzreb, Endangered Species Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95825, and Mr. Sanford R. Wilbur, formerly of the Endangered Species Office, U.S. Fish and Wildlife Service, 500 Multnomah Street, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under BIRDS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species							
Common name	Scientific name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Birds							
*	*	*	*	*	*	*	
Vireo, least Bell's	*Vireo bellii pusillus*	U.S.A. (CA) Mexico	Entire	E		17.95(b)	NA
*	*	*	*	*	*	*	

3. It is further proposed to amend § 17.95(b) by adding critical habitat of the least Bell's vireo in the same alphabetical sequence as the species occurs in § 17.11(h).

§ 17.95 Critical habitat—fish and wildlife.

(a) * * *

* * * * *

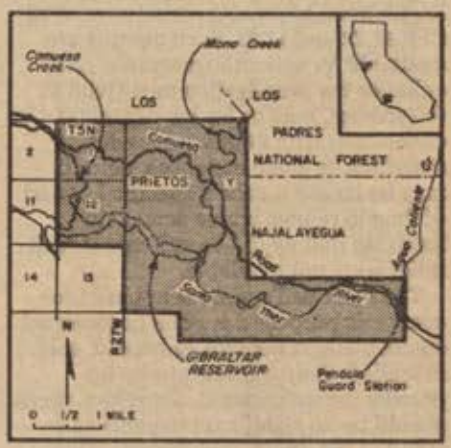
Least Bell's Vireo *(Vireo bellii pusillus)*
California *(San Bernardino Meridian)*



1. *Santa Ynez River, Santa Barbara County* (Index map location A).

T5N, R27W: Sec. 1 and 12.

Partially surveyed T5N, R26W: approximately Sec. 5, 6, 7, 8, 16 S½, 17, 18 N½, 21 N½.



2. *Santa Clara River, Los Angeles and Ventura Counties* (Index map location B).

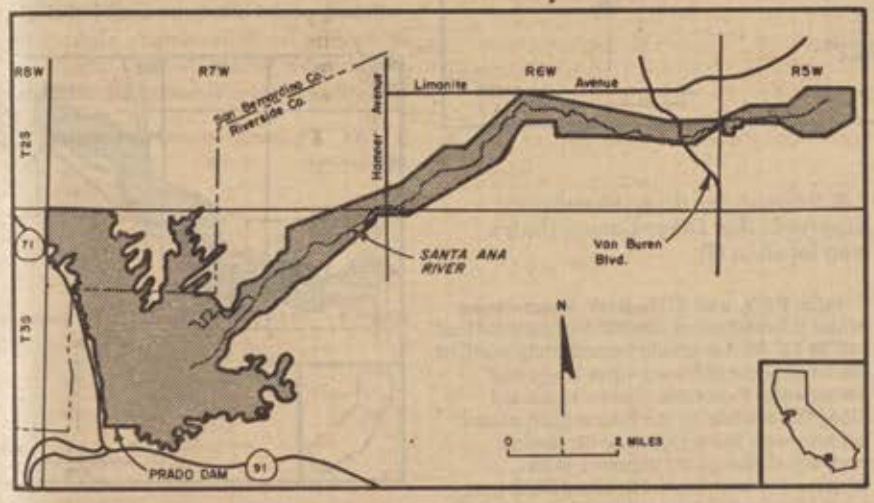
T4N, R18W, and T4N, R17W: all land within 3,500 feet perpendicularly and generally south or west of a line commencing at a point 100 yards west of BM740, a point about 2.3 miles east of the intersection of Main Street and State Highway 126 in Piru; thence east along State Highway 126 to its intersection with The Old Road at Castaic Junction; thence eastward and southward along The Old Road to its intersection with Rye Canyon Road.



3. *Prado Basin-Santa Ana River, Riverside and San Bernardino Counties* (Index map location C).

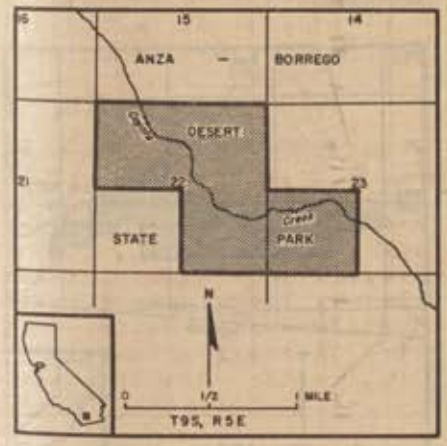
All lands below the 543-foot contour in partially surveyed T3S, R7W, within the Prado Flood Control Basin (upstream from Prado Dam). In addition, the following lands

above the 543-foot contour in the Santa Ana River bottoms and within the following boundaries: commencing at a point 0.1 mi E and 0.2 mi N of SW corner Sec. 2, T3S, R7W; thence N 0.4 mi; thence to a point 0.25 mi E and 0.4 mi N of SW corner Sec. 31, T2S, R6W; thence to NE corner Sec. 31, T2S, R6W; thence 0.35 mi E; thence to midpoint of south section line Sec. 21, T2S, R6W; thence to a point 0.6 mi S of NW corner of Sec. 25, T2S, R6W; thence 0.6 mi E; thence to a point 0.2 mi N of center Sec. 30, T2S, R5W; thence 0.7 mi E; thence to a point 0.6 mi E of SW corner Sec. 20, T2S, R5W; thence 0.8 mi E; thence 0.6 mi S; thence to a point 0.3 mi N of SW corner Sec. 28, T2S, R5W; thence to a point 0.45 mi N of SW corner Sec. 29, T2S, R5W; thence west and south along the Riverside Corporation Boundary (as shown on USGS Riverside Quadrangle, 1980) to its intersection with Van Buren Blvd.; thence to a point 0.2 mi E and 0.75 mi S of NW corner Sec. 27, T2S, R6W; thence 0.25 mi N; thence 0.7 mi W; thence to a point 0.85 mi N of SE corner Sec. 32, T2S, R6W; thence to a point 0.75 mi W and 0.1 mi S of NE corner Sec. 6, T3S, R6W; thence 0.5 mi W; thence to a point 0.3 mi W of SE corner Sec. 2, T3S, R7W.



4. *Coyote Creek, San Diego County* (Index map location D).

T9S, R5E: Sec. 22 N½, SE¼; 23 SW¼.



5. *Santa Margarita River-DeLuz Creek, San Diego County* (Index map location E).

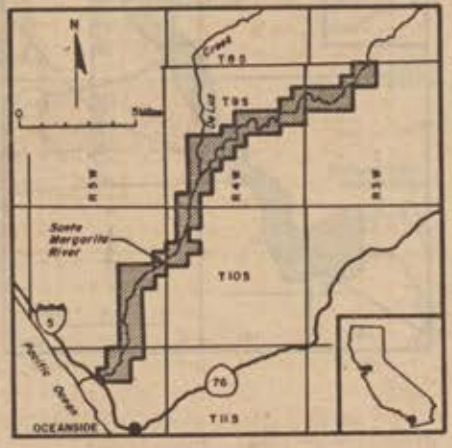
T9S, R3W: Sec. 4; 5 SE¼; 7; 8.

T9S, R4W: Sec. 12 S½, NE¼; 13 N½; 14; 15; SE¼; 20; 21; 22 NW¼; 28 NW¼; 29; 31 SE¼; 32 W½, NE¼.

T10S, R4W: Sec. 5 W½; 6 E½; 7 E½, SW¼; 8 SW¼; 18 N½.

T10S, R5W: Sec. 13 S½, NE¼; 14 S½; 23; 24 NW¼; 26; 35.

T11S, R5W: Sec. 2 N½, SW¼; 3 E½; 10 N½; 11 NW¼.



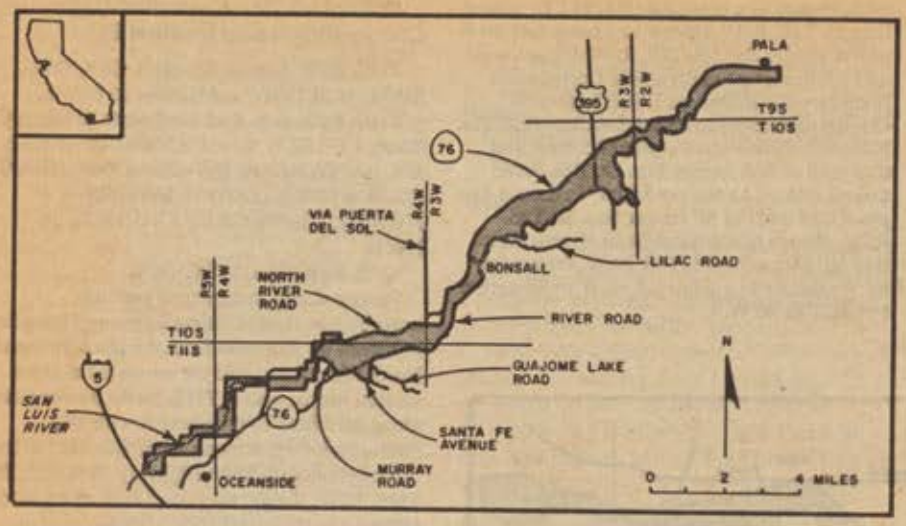
6. *San Luis Rey River, San Diego County* (Index map location F).

T11S, R5W: Sec. 13 S½NE¼, SE¼NW¼, SW¼; 14 SE¼SW¼, S½SE¼; 23 NW¼.

T11S, R4W: Sec. 3 all land north of Murray Road; 4 E½NE¼, E½SE¼SW¼, W½NE¼SE¼, E½NW¼SE¼, SW¼SE¼; 7 N½NE¼NE¼, NW¼NE¼, E½W½, SW¼SW¼; 8 N½NE¼, N½N½NW¼; 9 N½NW¼; 18 NW¼.

T10S, R4W: Sec. 34 S½SW¼.

Surveyed and unsurveyed portions according to the following metes and bounds: bordered on the north from the intersection of North River Road and the surveyed eastern section line of Sec. 3, T11S, R4W; thence east along said road to its junction with Via Puerta Del; thence along a line due east to its intersection with State Highway 76 in Sec. 31, T10S, R3W; thence north and east along said highway to its intersection with the eastern section line of Sec. 27, T9S, R2W; and bordered on the south from the intersection of Murray Road and the surveyed eastern section line of Sec. 3, T11S R4W; thence south and east along said road to its junction with State Highway 76; thence east and north along said highway to its junction with Santa Fe Avenue; thence southeast 3,000 feet along said avenue; thence northeast along a straight line to Guajome Lake Road at a point 800 feet from the junction of said road and State Highway 76; thence northwest along Guajome Lake Road to its junction with said highway; thence east along said highway to its junction with River Road in Sec. 31, T10S, R3W; thence north along said road to its intersection with the surveyed eastern section line of Sec. 20, T10S, R3W; thence north to and northeasterly along the 250-foot contour in Sec. 21 through partially surveyed Sec. 15, T10S, R3W; thence north to a point about 0.2 mi. S of the NW corner of Sec. 14, and continuing along the 300-foot contour from the west section line of Sec. 14 eastward through unsurveyed Sec. 11, surveyed Sec. 13 and 12, T10S, R3W; and surveyed Sec. 18, T10S, R2W; thence east to and along the 325-foot contour through Sec. 1, T10S, R3W; thence south to and along the 350-foot contour in Sec. 6 and 5, T10S, R2W, and Sec. 32 and 33, T9S, R2W, to the north section line of Sec. 33; thence east approximately 1.5 miles to SE corner of Sec. 27, T9S, R2W; and thence north about 0.4 miles to State Highway 76 in Pala.



7. *San Diego River, San Diego County* (Index map location G).

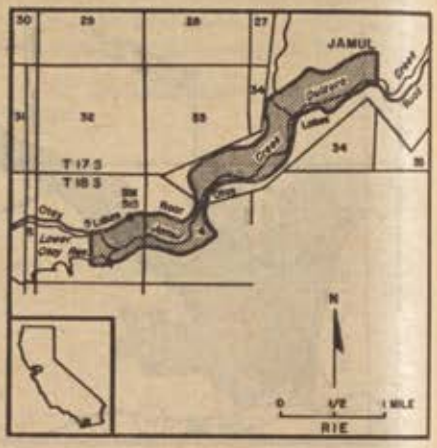
T15S, R1W, and T15S, R2W: commencing at the intersection of the Second San Diego Aqueduct and Mission Gorge Road thence eastward along said road to the western-most intersection with Father Junipero Serra Trail; thence northward and eastward along said trail to the eastern-most intersection of said trail and said road; thence eastward along Mission Gorge Road to its intersection with Big Rock Road; thence northward to the western-most intersection of Inverness Road and Carlton Oaks Drive; thence westward along said drive to its intersection with Mast Street; thence westward and southward along the 320-foot contour to its intersection with the Second San Diego Aqueduct on the north side of the San Diego River; thence southeast along said aqueduct to its intersection with Mission Gorge Road.

8. *Sweetwater River-Sweetwater Reservoir, San Diego County* (Index map location H).

T16S, R1W, and T17S, R1W: commencing at the intersection of the 320-foot contour and 116°58'14" W. Longitude immediately north of the confluence of Sweetwater River and Sweetwater Reservoir; thence eastward along the contour to the intersection of said contour with State Highway 94; thence northward along said highway to its intersection with State Highway 54; thence northeastward along said highway to the San Bernardino Meridian; thence south approximately 1,500 feet to the intersection with the 340-foot contour; thence west and south along said contour to the south end of the Steele Canyon Bridge on State Highway 94; thence directly south approximately 900 feet to the 340-foot contour; thence southwesterly along said contour to the intersection with 116°58'14" W. Longitude; thence north to starting point.

9. *Jamul-Dulzura Creeks, San Diego County* (Index map location I).

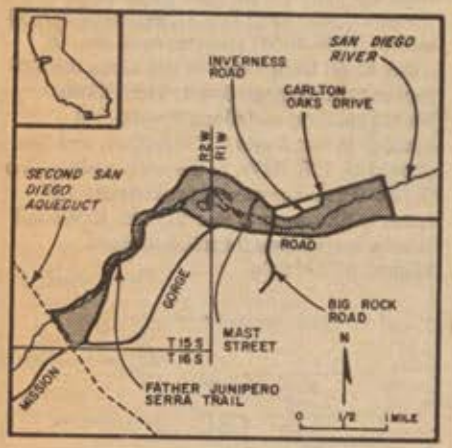
T17S, R1E, and T18S, R1E: commencing from a point approximately 2,200 feet west of BM 515 along Otay Lakes Road, in Sec. 5, T18S, R1E; thence east approximately one-mile to the intersection of said road and a bridge over Jamul Creek, including all land within 1,500 feet southward of Otay Lakes Road as measured perpendicularly from the road; thence eastward for about 2.35 miles along said road and including all lands within 1,500 feet northward of said road as measured perpendicularly from the road; and including all lands within 500 feet of said intersection not otherwise included above.

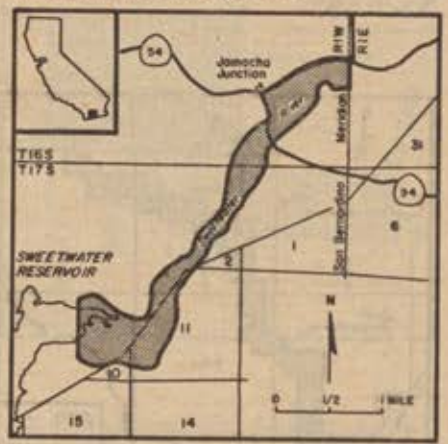


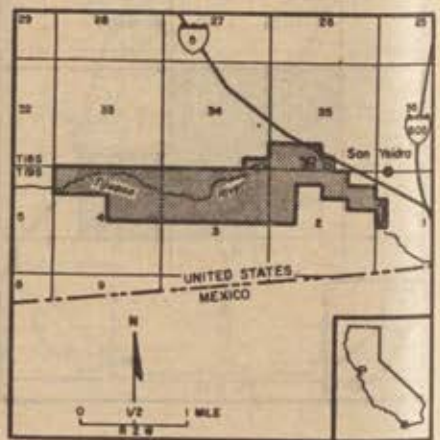
10. *Tijuana River, San Diego County* (Index map location J).

T18S, R2W: Sec. 34 S½SE¼SE¼; 35 S½SW¼, SW¼SW¼SE¼.

T19S, R2W: Sec. 1 W½SW¼NW¼; 2 S½NE¼NE¼, NW¼NE¼, N½SE¼NE¼, N½NE¼NW¼, W½NW¼; 3 N½; 4 NE¼, N½NW¼.







Constituent elements for the critical habitat of the least Bell's vireo include riverine and floodplain habitats, particularly associated willow- and cottonwood-dominated plant communities that provide for the nesting, foraging and other habitat requirements of least Bell's vireo within its breeding range.

Dated: March 21, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-10808 Filed 5-2-85; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
May 3, 1985

Part IV

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Limitation of Handling; Final Rule

Regulations

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 514, Lemon Regulation 513, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to the fresh market at 335,000 cartons during the period May 5–11, 1985, and increases the quantity of lemons that may be shipped to 325,000 cartons during the period April 28–May 4, 1985. Such action is needed to provide for orderly marketing of fresh lemons for such periods due to the marketing situation confronting the lemon industry.

DATES: The regulation (§ 910.814) becomes effective May 5, 1985, and the amendment (§ 910.813) is effective for the period April 28–May 4, 1985.

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

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

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on April 30, 1985, at San Bernardino, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports that lemon demand is good on all sizes of fruit.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. New § 910.814 is added to read as follows:

§ 910.814 Lemon Regulation 514.

The quantity of lemons grown in California and Arizona which may be handled during the period May 5, 1985, through May 11, 1985, is established at 335,000 cartons.

3. § 910.813 Lemon Regulation 513 is revised to read as follows:

§ 910.813 Lemon Regulation 513.

The quantity of lemons grown in California and Arizona which may be handled during the period April 28, 1985, through May 4, 1985, is established at 325,000 cartons.

Dated: May 1, 1985.

Thomas R. Clark,

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

[FR Doc. 85–10992 Filed 5–2–85; 11:45 am]

BILLING CODE 3410–02–M

federal register

Friday
May 3, 1985

Part V

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 682

Western Pacific Fishery Management Council; Pacific Billfish Management Plan; Public Hearing

Part V

Department of Commerce

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 682

Western Pacific Fishery Management Council; Pacific Billfish Public Hearing

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

ACTION: Notice of public hearing.

SUMMARY: The Western Pacific Fishery Management Council will hold a public hearing on the revised draft Billfish Fishery Management Plan. The draft plan proposes management measures and reporting requirements to regulate the taking of billfish, mahimahi, wahoo, and oceanic sharks by foreign fishing vessels in the fishery conservation zone surrounding Hawaii, Guam, American Samoa, and U.S. island possessions in the Pacific Ocean.

DATE: The hearing will be held on May 6, 1985, at 7:30 p.m.

ADDRESS: The hearing will be held at the Hilton International Guam, Marianas Ballroom II, Agana, Guam. Copies of the proposals are available at the Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, Hawaii 96813, telephone 808–523–1368 or FTS 808–546–8923.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 808–523–1368.

Dated: May 2, 1985

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85–10996 Filed 5–2–85; 11:48 am]

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H.J. Res. 331 / Pub. L. 99-30

Designating the month of May 1985, as "National Child Safety Awareness Month". (Apr. 30, 1985; 99 stat. 59) Price $1.00