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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-ASW-38; Amdt. 39-4948]

Airworthiness Directives; Robinson Model R-22 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Robinson Model R-22 series helicopters by individual letter. The AD requires repetitive inspection and eventual modification of the main rotor gearbox on certain Robinson Model R-22 series helicopters. This AD is prompted by reports of ring gear bolt failures in the main rotor transmission which could result in transmission failure and possible loss of the helicopter.

EFFECTIVE DATE: November 8, 1984, as to all persons except those persons to whom it was made immediately effective by priority letter AD-84-18-04, issued September 6, 1984, which contained this amendment.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrance, California 90505.

A copy of the service bulletin is contained in the Rules Docket of the Office of Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Henry Burwash, Aerospace Engineer, ANM-174W, FAA, Western Aircraft Certification Office, P.O. Box 92007, Hawthorne, California 90009-2007, telephone (213) 536-6128.

SUPPLEMENTARY INFORMATION: On September 6, 1984, priority letter AD 84-18-04 was issued and made effective immediately as to all known U.S. owners and operators of certain Robinson Model R-22 series helicopters. The AD requires repetitive inspection and eventual modification of certain main rotor gearboxes. The AD is prompted by reports that ring gear bolt failures have been found in the main rotor gearboxes of three Model R-22 helicopters. Fragments of bolts caused internal damage to the transmission. This condition may cause eventual transmission failure and compel an emergency landing.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual priority letter issued September 6, 1984, to all known U.S. owners and operators of certain Robinson Model R-22 helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The FAA has determined that this proposed regulation involves a cost for parts and labor of $650 per helicopter. For a fleet of 428 helicopters the total cost is $278,200. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if 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 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

Robinson Helicopter Company: Applies to Model R-22 series helicopters certificated in all categories having main rotor gearbox Part Number A006-1, Revision A through V, installed.

Compliance is required as indicated unless already accomplished.

To prevent main rotor gearbox failure, accomplish the following:

(a) Within the next 15 hours' time in service after the effective date of this AD, unless already accomplished within the last 35 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection:

(1) Remove the oil level sight glass from the main rotor gearbox.

Note.—To prevent oil loss the right skid may be elevated.

(2) Manually rotate the drive system and visually inspect all 12 bolt heads located on underside of ring gear using suitable illumination.

(3) If any bolt failure is observed (including head separation), replace the gearbox with a serviceable gearbox before further flight.

(4) If no indication of bolt failure is observed, reinstall sight glass in accordance with normal maintenance instructions.

(b) If the main rotor gearbox oil chip detector illuminates during ground or flight operation, in addition to normal maintenance procedures, comply with paragraph (a) before further flight.

(c) Within the next 200 hours' time in service after the effective date of this AD, modify the main rotor gearbox to include Robinson Kit No. KI-37 in accordance with Instructions No. KI-37 dated August 24, 1984. When this modification has been accomplished, the inspections required by paragraph (a) may be discontinued.

Note.—Robinson Service Bulletin No. 43, dated August 24, 1984, pertains to this subject.

(d) The helicopter may be flown under the provisions of FAR Sections 21.197 and 21.199 to a base where the inspections and modification of paragraphs (a) and (c) may be accomplished, provided the gearbox oil chip detector has not illuminated.

(e) Alternative means of compliance providing an equivalent level of safety with this AD may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain region.

This amendment becomes effective November 8, 1984, as to all persons except those persons to whom it was made immediately effective by priority letter AD 84-18-04 issued September 6, 1984, which contained this amendment.

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

Issued in Fort Worth, Texas, on October 26, 1984.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 84-29368 Filed 11-7-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

15 CFR Part 7

[Docket No. 40105-4124]

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Final rule; revision of procedures.

SUMMARY: The National Bureau of Standards announces a revision of the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Part 7, formerly designated 15 CFR Parts 7a, 7b, and 7c). This action simplifies the procedures for administering the program and updates accreditation criteria in light of recent work of national and international standards bodies.

EFFECTIVE DATE: December 10, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Peter S. Unger, Associate Manager, Laboratory Accreditation, 301-921-3431.

SUPPLEMENTARY INFORMATION:

Background

The National Bureau of Standards (NBS) published a proposed revision to the NVLAP procedures in the **Federal Register** on May 16, 1984 (49 FR 20723-20730). Public comments were due by July 16, 1984.

As cited in the proposed revision, there were four major reasons for revising the NVLAP procedures. First, the steps involved in establishing a laboratory accreditation program (LAP) and operating NVLAP needed to be streamlined to increase efficiency and to reduce costs. Budget constraints made this streamlining imperative. Second, large portions of Parts 7a, 7b, and 7c were repetitious. Consolidating the comparable sections of each Part into one section reduces the total amount of text and makes the NVLAP procedures easier to read and follow. Third, the accreditation criteria needed to be updated in light of the recent developments by national and international standards bodies, particularly as reflected in the International Organization for Standardization (ISO) document, ISO Guide 25 (revised), "General Requirements for the Technical Competence of Testing Laboratories," and ASTM E548, "Criteria for the Evaluation of Testing and Inspection Agencies." Fourth, since interaction with national laboratory accreditation systems of other countries is becoming increasingly important in fostering international trade, reciprocal recognition of accredited laboratories requires similar criteria and procedures.

Public Comments

Seven written comments were received in response to the request for comments on the proposed revision. All seven respondents either explicitly endorsed or had no objections to the overall objectives of the proposed revision. One respondent expressed concern with some provisions of the proposed revision. Several respondents provided useful editorial and substantive comments which prompted changes to the final text of the revised procedures.

The issues raised by the comments and the NBS reponse to each is detailed in a document entitled, "Summary and Analysis of Comments on the Proposed Revision of Procedures for the National Voluntary Laboratory Accreditation Program." The Summary and Analysis document can be reviewed and copied at the Department's Central Reference and Records Inspection Facility, Herbert C. Hoover Building, Room 6628, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230. The substantive changes made in response to the comments and after further internal review are described in the following paragraphs.

Description and Goal of NVLAP. In response to a comment, another goal under § 7.2(b) is added to read: "Provides laboratories with guidance from technical experts to aid them in reaching a higher level of performance resulting in the generation of improved engineering and product information."

User Information. To further simplify the procedures and reduce costs, the requirement for an annual report was deleted so that § 7.6 is retitled: "User Information" and § 7.6(a) now reads: "The Director of OPSP shall prepare and publish at least once each year a directory of accredited laboratories."

Requesting a LAP. In response to a comment, the statement of need for a LAP required in a LAP request letter has been revised under § 7.11(b)(3) to read: "A statement of need for the LAP including: (i) Technical and economic reasons why the LAP would benefit the public interest; (ii) Evidence of a national need to accredit testing laboratories for the specific scope beyond that served by an existing laboratory accreditation program in the public or private sector; (iii) An estimate of the number of laboratories that may seek accreditation; and (iv) An estimate of the number and nature of the users of such laboratories." In response to a comment, § 7.11(d) was revised to read: "Before determining the need for a LAP, the Director shall publish a Federal Register notice of the receipt of a LAP request if the request complies with section 7.11(b). The notice will: (1) Describe the scope of the requested LAP; (2) Indicate how to obtain a copy of the request; and (3) State that anyone may submit comments on the need for a LAP to the Director of OPSP within 60 days of the date of the notice."

Applying for Accreditation. In response to a comment, § 7.21(b)(3) was revised to read: "Confirm payment of fees before proceeding with the accreditation process;"

Application of Accreditation Conditions and Criteria. In response to a comment, § 7.31(d)(3) "Ask for or accept confidential business data, trade secrets, or other proprietary information." was deleted.

Conditions for Accreditation. In response to a comment, § 7.32(a)(7) was revised to read: "Limit all its test work or services for clients to those areas where competence and capacity are available." In response to a comment, § 7.32(a)(9) was revised to read: "Inform its clients that the laboratory's accreditation or any of its test reports in no way constitutes or implies product certification, approval, or endorsement by NBS." In response to a comment, § 7.32(a)(12) was revised to read: "Report to the Director of OPSP within 30 days any major changes involving the location, ownership, management structure, authorized representative, approved signatories, or facilities of the laboratory;" In response to a comment, § 7.32(b)(6) was revised to read: "Names or titles and qualifications of laboratory staff nominated to serve as approved signatories of test reports that reference NVLAP accreditation."

Criteria for Accreditation. In response to a comment, the first sentence of § 7.33(b)(6) was revised to read: "The laboratory shall have one or more signatories approved by the Director of OPSP to sign test reports that reference NVLAP accreditation." In response to a

comment, a new section 7.33(e)(2) is added to read: "Have data to prove that any departures from standard methods and/or procedures due to apparatus design or for other reasons do not detract from the expected or required precision of the measurement." Sections 7.33(e) (2), (3), (4), and (5) of the proposed revision were renumbered (3), (4), (5), and (6) respectively.

Classification

The NVLAP procedures are rules set out under title 15 of the Code of Federal Regulations (CFR) for administering this voluntary program. These procedures have been included in the CFR so that all interested parties will have a widely distributed public source for ascertaining how the program operates and for determining laboratory accreditation requirements. Users of accredited laboratories may then know the requirements that the laboratories have met in demonstrating competence.

This document is not a major rule requiring a regulatory impact analysis under Executive Order 12291. It does not have a significant economic effect on a substantial number of small entities requiring a flexibility analysis under the Regulatory Flexibility Act. It is not a major federal action requiring an environmental assessment or environmental impact statement under the National Environmental Policy Act. The information collection requirements contained in the NVLAP procedures have been approved by the Office of Management and Budget under the Paperwork Reduction Act and have been assigned OMB control number 0652-0003.

List of Subjects in 15 CFR Part 7

Accreditation, Laboratories, Testing.

Dated: November 2, 1984.

Raymond G. Kammer,

Acting Director, National Bureau of Standards.

For the reasons set out in the preamble, Parts 7a, 7b, and 7c of Title 15 of the Code of Federal Regulations have been redesignated as Part 7 and are revised as follows:

PART 7—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM PROCEDURES

Subpart A—General Information

Sec.

Subpart B—Establishing a LAP

Subpart C—Accrediting a Laboratory

Subpart D—Conditions and Criteria for Accreditation

Authority: Sec. 2, 31 Stat 1449 as amended (15 U.S.C. 272); Reorg. Plan No. 3 of 1946, Part VI.

Subpart A—General Information

§ 7.1 Purpose.

The purpose of Part 7 is to set out procedures under which the National Voluntary Laboratory Accreditation Program (NVLAP) will function.

§ 7.2 Description and goal of NVLAP.

(a) NVLAP is a system for accrediting testing laboratories found competent to perform specific tests or types of tests. Competence is defined as the ability of a laboratory to meet the NVLAP conditions (§ 7.32) and to conform to the criteria (§ 7.33) as tailored and interpreted for the test methods, types of test methods, products, services, or standards for which the laboratory seeks accreditation.

(b) NVLAP is a voluntary system which:

(1) Provides national recognition for competent laboratories;

(2) Provides laboratory management with a quality assurance check of the performance of their laboratories;

(3) Identifies competent laboratories for use by regulatory agencies, purchasing authorities, and product certification systems; and

(4) Provides laboratories with guidance from technical experts to aid them in reaching a higher level of performance resulting in the generation of improved engineering and product information.

(c) NVLAP is comprised of a series of laboratory accreditation programs (LAPs) which are established on the basis of requests and demonstrated need. The specific test methods, types of test methods, products, services, or standards to be included in a LAP must be requested. The Director of the National Bureau of Standards (NBS) does not unilaterally propose or decide the scope of a LAP. Communication with other laboratory accreditation systems is fostered to encourage development of common criteria and approaches to accreditation and to promote the domestic, foreign, and international acceptance of test data produced by the accredited laboratories.

(d) NVLAP is carried out to be compatible with and recognized by domestic, foreign, and international systems for laboratory accreditation so as to enhance the universal acceptance of test data produced by NVLAP-accredited laboratories.

§ 7.3 Layout of procedures.

Subpart A describes considerations which relate in general to all aspects of NVLAP. Subpart B describes how new LAPs are requested, developed and announced, and how LAPs are terminated. Subpart C describes procedures for accrediting laboratories. Subpart D sets out the conditions and criteria for NVLAP accreditation.

§ 7.4 Definitions.

Accreditation criteria means a set of requirements used by an accrediting body which a laboratory must meet to be accredited.

Advisory Committee means the National Laboratory Accreditation Advisory Committee.

Director of NBS means the Director of the National Bureau of Standards or designee.

Director of OPSP means the Director of the NBS Office of Product Standards Policy or designee.

Laboratory accreditation is a formal recognition that a testing laboratory is competent to carry out specific tests or types of tests.

Laboratory assessment means the on-site examination of a testing laboratory to evaluate its compliance with specified criteria.

LAP means a laboratory accreditation program established and administered under NVLAP.

NBS means the National Bureau of Standards.

NVLAP means the National Voluntary Laboratory Accreditation Program.

OPSP means the NBS Office of Product Standards Policy.

Person means associations, companies, corporations, educational

institutions, firms, government agencies at the federal, state and local level, partnerships, and societies—as well as divisions thereof—and individuals.

Product means a type or a category of manufactured goods, constructions, installations, and natural and processed materials, or those associated services whose characterization, classification, or functional performance is specified by standards or test methods.

Proficiency testing means methods of checking laboratory testing performance by means of interlaboratory tests.

Testing laboratory is a laboratory which measures, examines, tests, calibrates or otherwise determiens the characteristic or performance of products.

Traceability of the accuracy of measuring instruments is a documented chain of comparison connecting the accuracy of a measuring instrument to other measuring instruments of higher accuracy and ultimately to a primary standard.

§ 7.5 Establishment and functions of a National Laboratory Accreditation Advisory Committee.

(a) The Director of NBS shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) and appoint its chairperson and members following the filing of a charter setting forth the purpose and nature of the committee.

(b) The composition of the Advisory Committee will be approximately as follows:

(1) One-third from federal, state and local governments;

(2) One-third from testing laboratories (independent, corporate, and academic); and

(3) One-third from users of testing laboratories, academia, consultants, and consumers.

(c) The Advisory Committee will be governed by the Federal Advisory Committee Act (5 U.S.C. App. 2). Persons selected to serve on the Advisory Committee may be paid travel expenses and per diem.

(d) The Advisory Committee shall function solely in an advisory capacity with functions to include the following:

(1) Assessing the future and continuing role of NVLAP and laboratory accreditation in terms of the changing requirements of industry and commerce;

(2) Advising on the technical requirements of testing laboratories and those served by the laboratories;

(3) Advising on the necessity and implementation of proposed amendments to the criteria referenced in § 7.33;

(4) Evaluating the interaction of other laboratory accreditation systems with NVLAP; and

(5) Reviewing and giving recommendations on the development of international accreditation activities and assessing the impact of such activities on NVLAP.

(e) The Advisory Committee shall meet periodically as called upon by the Director of the NBS Office of Product Standards Policy (OPSP) or may be consulted through periodic mailings from the Director of OPSP.

§ 7.6 User information.

(a) The Director of OPSP shall prepare and publish at least once each year a directory of accredited laboratories.

(b) The Director of OPSP shall periodically prepare supplements to the directory of accredited laboratories covering new accreditation actions taken, including initial accreditations, renewals, suspensions, terminations, and revocations.

§ 7.7 Information collection requirements.

The information collection requirements contained in these NVLAP procedures have been approved by the Office of Management and Budget under the Paperwork Reduction Act and have been assigned OMB control number 0652-0003.

Subpart B—Establishing a LAP

§ 7.11 Requesting a LAP

(a) Any person may request the Director of NBS to establish a LAP.

(b) Each request must be in writing and must include:

(1) The scope of the LAP in terms of products or testing services proposed for inclusion;

(2) Specific identification of the applicable standards and test methods including appropriate designations, and the organizations or standards writing bodies having responsibility for them;

(3) A statement of need for the LAP including:

(i) Technical and economic reasons why the LAP would benefit the public interest;

(ii) Evidence of a national need to accredit testing laboratories for the specific scope beyond that served by an existing laboratory accreditation program in the public or private sector;

(iii) An estimate of the number of laboratories that may seek accreditation; and

(iv) An estimate of the number and nature of the users of such laboratories; and

(4) A statement of the extent to which the requestor is willing to support necessary developmental aspects of the LAP with funding and personnel.

(c) The Director of OPSP may request clarification of the information required by paragraph (b) of this section.

(d) Before determining the need for a LAP, the Director of NBS shall publish a **Federal Register** notice of the receipt of a LAP request if the request complies with § 7.11(b). The notice will:

(1) Describe the scope of the requested LAP;

(2) Indicate how to obtain a copy of the request; and

(3) State that anyone may submit comments on the need for a LAP to the Director of OPSP within 60 days of the date of the notice.

§ 7.12 LAP development decision.

(a) The Director of NBS shall establish all LAPs on the basis of need. Government agencies and private sector organizations may establish the need by using §§ 7.13 and 7.14.

(b) After receipt of the request, the Director of NBS shall analyze it to determine if a need exists for the requested LAP. In making this determination, the Director of NBS shall consider the following:

(1) The needs and scope of the LAP initially requested;

(2) The needs and scope of the user population;

(3) The nature and content of other relevant public and private sector laboratory accreditation programs;

(4) Compatibility with the criteria referenced in § 7.33;

(5) The importance of the requested LAP to commerce, consumer well-being, or the public health and safety;

(6) The economic and technical feasibility of accrediting testing laboratories for the test methods, types of test methods, products, services, or standards requested; and

(7) Recommendations from written comments for altering the scope of the requested LAP by adding or deleting test methods, types of test methods, products, services, or standards.

(c) If the Director of NBS decides that a need has been demonstrated, and if resources are available to develop a LAP, the Director of OPSP shall notify interested persons of the decision to proceed with development of a LAP.

(d) If the Director of NBS concludes that there is a need for a LAP but there are no resources for development, the Director of OPSP shall notify the requestor and other interested persons of the decision not to proceed until resources become available.

(e) If the Director of NBS decides that a need for a LAP has not been

demonstrated, the Director of OPSP shall notify the requestor and other interested persons of the decision and the reasons not to proceed with development of a LAP.

§ 7.13 Request from a government agency.

(a) Any federal, state or local agency responsible for regulatory or public service programs established under statute or code, which has determined a need to accredit testing laboratories within the context of its programs, may request the Director of NBS to establish a LAP.

(b) Each request must be in writing and must include the information required in § 7.11(b) and:

(1) A description of the procedures followed or a citation of the specific authority used to determine the need for a LAP; and

(2) For state and local government agencies, a statement of why the LAP should be of national scope.

(c) The Director of OPSP may request clarification of the information required by paragraph (b) of this section.

(d) Before deciding to proceed with the development of a LAP, the Director of NBS shall publish a **Federal Register** notice of the receipt of a LAP request. The notice will indicate how to obtain a copy of the request and will state that anyone may submit comments on the need for a LAP to the requesting government agency within 60 days of the date of the notice.

(e) The Director of OPSP shall notify interested persons of the decision to proceed or not to proceed with development of a LAP.

§ 7.14 Request from a private sector organization.

(a) Any private sector organization which has determined a need to accredit testing laboratories for specific products or testing services, may request the Director of NBS to establish a LAP if it uses procedures meeting the following conditions:

(1) Public notice of meetings and other activities including requests for LAPs is provided in a timely fashion and is distributed to reach the attention of interested persons;

(2) Meetings are open and participation in activities is available to interested persons;

(3) Decisions reached by the private sector organization in the development of a request for a LAP represent substantial agreement of the interested persons;

(4) Prompt consideration is given to the expressed views and concerns of interested persons;

(5) Adequate and impartial mechanisms for handling substantive and procedural complaints and appeals are in place; and

(6) Appropriate records of all meetings are maintained and the official procedures used by the private sector organization to make a formal request for a LAP are made available upon request to any interested person.

(b) Each request must be in writing and must include the information required in § 7.11(b) and a description of the way in which the organization has met the conditions specified in paragraph (a) of this section.

(c) The Director of OPSP may request clarification of the information required by paragraph (b) of this section.

(d) Before deciding to proceed with development of a LAP, the Director of NBS shall publish a **Federal Register** notice of the receipt of a LAP request. The notice will indicate how to obtain a copy of the request and will state that anyone may submit comments on the need for a LAP to the requesting private sector organization within 60 days of the date of the notice.

(e) The Director of OPSP shall notify interested persons of the decision to proceed or not to proceed with development of a LAP.

§ 7.15 Development of technical requirements.

(a) Technical requirements for accreditation are specific for each LAP. The requirements tailor the criteria referenced in § 7.33 to the test methods, types of test methods, products, services, or standards covered by the LAP.

(b) The Director of OPSP shall develop the technical requirements based on expert advice. This advice may be obtained through one or more informal public workshops or other suitable means.

(c) The Director of OPSP shall make every reasonable effort to ensure that the affected testing community within the scope of the LAP is informed of any planned workshop. Summary minutes of each workshop will be prepared. A copy of the mintues will be made available for inspection and copying at the NBS Records Inspection Facility.

§ 7.16 Coordination with federal agencies.

As a means of assuring effective and meaningful cooperation, input, and participation by those federal agencies that may have an interest in and may be affected by established LAPs, the Director of OPSP shall communicate and consult with appropriate officials within those agencies.

§ 7.17 Announcing the establishment of a LAP.

(a) When the Director of OPSP has completed the development of the technical requirements of the LAP and established a schedule of fees for accreditation, the Director of OPSP shall publish a notice in the **Federal Register** announcing the establishment of the LAP.

(b) The notice will:

(1) Identify the scope of the LAP; and

(2) Advise how to apply for accreditation.

(c) The Director of OPSP shall establish fees in amounts that will enable the LAP to be self-sufficient. The Director of OPSP shall revise the fees when necessary to maintain self-sufficiency.

§ 7.18 Adding to an established LAP.

Written requests will be considered from any person wishing to add specific standards, test methods, or types of test methods to an established or developing LAP. The Director of OPSP may choose to make them available for accreditation under a LAP when:

(a) The additional standards, test methods, or types of test methods requested are directly relevant to the LAP;

(b) It is feasible and practical to accredit testing laboratories for the additional standards, test methods, or types of test methods; and

(c) It is likely that laboratories will seek accreditation for the additional standards, test methods, or types of test methods.

§ 7.19 Termination of a LAP.

(a) The Director of NBS may terminate a LAP when the Director of NBS determines that a need no longer exists to accredit testing laboratories for the products or testing services covered under the scope of the LAP. In the event that the Director of NBS proposes to terminate a LAP, a notice will be published in the **Federal Register** setting forth the basis for that determination.

(b) The notice published under paragraph (a) of this section will provide a 60-day period for submitting written comments on the proposal to terminate the LAP. All written comments will be made available for public inspection and copying at the NBS Records Inspection Facility.

(c) After the comment period, the Director of NBS shall determine if public support exists for the continuation of the LAP. If public comments support the continuation of the LAP, the Director of NBS shall publish a **Federal Register** notice announcing the continuation of

the LAP. If public support does not exist for continuation, the LAP will be terminated effective 90 days after the date of the published notice of intent to terminate the LAP.

(d) If the LAP is terminated, the Director of OPSP shall no longer grant or renew accreditations following the effective date of termination. Accreditations previously granted will remain effective until their expiration date unless terminated voluntarily by the laboratory or revoked by the Director of OPSP.

Subpart C—Accrediting a Laboratory

§ 7.21 Applying for accreditation.

(a) Any laboratory may request an application for accreditation in any established LAPs in accordance with instructions provided in notices announcing the formal establishment of LAPs.

(b) Upon receipt of a laboratory's application, the Director of OPSP shall:

(1) Acknowledge receipt of the application;

(2) Request further information, if necessary;

(3) Confirm payment of fees before proceeding with the accreditation process; and

(4) Specify the next step(s) in the accreditation process.

(c) In accepting an application from a foreign-based laboratory, the Director of OPSP shall take into consideration the policy of the host government regarding the acceptance of test data from laboratories accredited by NVLAP or other foreign accreditation systems.

§ 7.22 Assessing and evaluating a laboratory.

(a) Information used to evaluate a laboratory's compliance with the conditions for accreditation set out in § 7.32, the criteria for accreditation set out in § 7.33, and the technical requirements established for each LAP will include:

(1) On-site assessment reports;

(2) Laboratory responses to identified deficiencies; and

(3) Laboratory performance on proficiency tests.

(b) The Director of OPSP shall arrange the assessment and evaluation of applicant laboratories by contract or other means in such a way as to minimize potential conflicts of interest.

(c) The Director of OPSP shall inform each applicant laboratory of any action(s) that the laboratory must take to complete the requirements for assessment and evaluation.

§ 7.23 Granting and renewing accreditation.

(a) The Director of OPSP, after reviewing an evaluation report, shall grant or renew, suspend, or propose to deny or revoke accreditation of an applicant laboratory, no later than 30 days following the date of submittal of the report. If accreditation action is not taken within this time limit, the Director of OPSP shall notify the laboratory stating the reasons for the delay.

(b) If accreditation is granted or renewed, the Director of OPSP shall:

(1) Provide a certificate of accreditation to the laboratory;

(2) Identify the scope and terms of the laboratory's accreditation;

(3) Provide guidance on referencing the laboratory's accredited status, and the use of the NVLAP logo by the laboratory and its clients, as needed; and

(4) Remind the laboratory that accreditation does not relieve it from complying with applicable federal, state, and local laws and regulations.

(c) The Director of OPSP shall notify an accredited laboratory at least 30 days before its accreditation expires advising of the action(s) the laboratory must take to renew its accreditation.

(d) If an accredited laboratory fails to complete the assessment and evaluation process for renewal before its accreditation expires, the Director of OPSP shall notify the laboratory stating that its accreditation has expired and reiterating the action(s) the laboratory must take to renew its accreditation.

§ 7.24 Denying, suspending, and revoking accreditation.

(a) If the Director of OPSP proposes to deny or revoke accreditation of a laboratory, the Director of OPSP shall inform the laboratory of the reasons for the proposed denial or revocation and the procedure for appealing such a decision.

(b) The laboratory will have 30 days from the date of receipt of the proposed denial or revocation letter to request a hearing under the provisions of 5 U.S.C. 556. If the laboratory requests a hearing, the proposed denial or revocation will be stayed pending the outcome of the hearing held under provisions of 5 U.S.C. 556. The proposed denial or revocation will become final through the issuance of a written decision to the laboratory in the event that the laboratory does not appeal the proposed denial or revocation within that 30-day period.

(c) If the Director of OPSP finds that an accredited laboratory has violated the terms of its accreditation or the provisions of these procedures, the Director of OPSP may, after consultation with the laboratory, suspend the laboratory's accreditation, or advise of his/her intent to revoke its accreditation. If accreditation is suspended, the Director of OPSP shall notify the laboratory of that action stating the reasons for and conditions of the suspension and specifying the action(s) the laboratory must take to have its accreditation reinstated. Conditions of suspension will include prohibiting the laboratory from using the NVLAP logo on its test reports during the suspension period. The determination of the Director of OPSP whether to suspend or to propose revocation of a laboratory's accreditation will depend on the nature of the violation(s) of the terms of its accreditation.

(d) A laboratory whose accreditation has been denied, revoked, terminated, or expired, or which has withdrawn its application before being accredited, may reapply and be accredited if the laboratory:

(1) Completes the assessment and evaluation process; and

(2) Meets the conditions and criteria for accreditation that are set out in Subpart D;

§ 7.25 Voluntary termination of accreditation.

A laboratory may at any time terminate its participation and responsibilities as an accredited laboratory by advising the Director of OPSP in writing of its desire to do so. The Director of OPSP shall terminate the laboratory's accreditation and shall notify the laboratory stating that its accreditation has been terminated in response to its request.

Subpart D—Conditions and Criteria for Accreditation

§ 7.31 Application of accreditation conditions and criteria.

(a) To become accredited and maintain accreditation, a laboratory must meet the conditions for accreditation set out in § 7.32 and the criteria set out in § 7.33 as tailored for specific LAPs.

(b) The conditions leading to accreditation include acceptance of the responsibilities of an accredited laboratory and requirements for information disclosure.

(c) The criteria are tailored and interpreted for the test methods, types of test methods, products, services or standards of the relevant LAP. These tailored criteria are the technical requirements for accreditation developed through the procedures of § 7.15.

(d) In applying the conditions, criteria, and technical requirements for accreditation, the Director of OPSP shall not:

(1) Prohibit accreditation solely on the basis of a laboratory's affiliation or nonaffiliation with manufacturing, distributing, or vending organizations, or because the laboratory is a foreign firm; or

(2) Develop, modify, or promulgate test methods, standards, or comparable administrative rules.

§ 7.32 Conditions for accreditation.

(a) To become accredited and maintain accreditation, a laboratory shall agree in writing to:

(1) Be assessed and evaluated initially and on a periodic basis;

(2) Demonstrate, on request, that it is able to perform the tests representative of those for which it is seeking accreditation;

(3) Pay all relevant fees;

(4) Participate in proficiency testing as required:

(5) Be capable of performing the tests for which it is accredited according to the latest version of the test method within one year after its publication or within another time limit specified by the Director of OPSP;

(6) Limit the representation of the scope of its accreditation to only those tests or services for which accreditation is granted;

(7) Limit all its test work or services for clients to those areas where competence and capacity are available;

(8) Limit advertising of its accredited status to letterheads, brochures, test reports, and professional, technical, trade or other laboratory services publications, and use the NVLAP logo under guidance provided by the Director of OPSP;

(9) Inform its clients that the laboratory's accreditation or any of its test reports in no way constitutes or implies product certification, approval, or endorsement by NBS;

(10) Maintain records of all actions taken in response to testing complaints for a minimum of one year;

(11) Maintain an independent decisional relationship between itself and its clients, affiliates, or other organizations so that the laboratory's capacity to render test reports objectively and without bias is not adversely affected;

(12) Report to the Director of OPSP within 30 days any major changes involving the location, ownership, management structure, authorized representative, approved signatories, or facilities of the laboratory; and

(13) Return to the Director of OPSP the certificate of accreditation for possible revision or other action should it:

(i) be requested to do so by the Director of OPSP;

(ii) voluntarily terminate its accredited status; or

(iii) become unable to conform to any of these conditions or the applicable criteria of § 7.33 and related technical requirements.

(b) To become accredited and maintain accreditation, a laboratory shall supply, upon request, the following information:

(1) Legal name and full address;

(2) Ownership of the laboratory;

(3) Organization chart defining relationships that are relevant to performing testing covered in the accreditation request;

(4) General description of the laboratory, including its facilities and scope of operation;

(5) Name and telephone number of the authorized representative of the laboratory;

(6) Names or titles and qualifications of laboratory staff nominated to serve as approved signatories of test reports that reference NVLAP accreditation; and

(7) Other information as may be needed for the specific LAP(s) in which accreditation is sought.

§ 7.33 Criteria for accreditation.

(a) *Quality System.* (1) The laboratory shall operate under an internal quality assurance program appropriate to the type, range, and volume of work performed. The quality assurance program must be designed to ensure the required degree of accuracy and precision of the laboratory's work and should include key elements of document control, sample control, data validation, and corrective action. The quality assurance program must be documented in a quality manual or equivalent (e.g., operations notebook) which is available for use by laboratory staff. A person(s) must be identified as having responsibility for maintaining the quality manual.

(2) The quality manual must include as appropriate:

(i) The laboratory's quality assurance policies including procedures for corrective action for detected test discrepancies;

(ii) Quality assurance responsibilities for each fuction of the laboratory;

(iii) Specific quality assurance practices and procedures for each test, type of test, or other specifically delineated function performed;

(iv) Specific procedures for retesting, control charts, reference materials, and interlaboratory tests; and

(v) Procedures for dealing with testing complaints.

(3) The laboratory shall periodically review its quality assurance system by or on behalf of management to ensure it's continued effectiveness. These reviews must be recorded with details of any corrective action taken.

(b) *Staff.* (1) The laboratory shall:

(i) Be staffed by individuals having the necessary education, training, technical knowledge, and experience for their assigned functions; and

(ii) Have a job description for each professional, scientific, supervisory and technical position, including the necessary education, training, technical knowledge, and experience.

(2) The laboratory shall document the test methods each staff member has been assigned to perform.

(3) The laboratory shall have a description of its training program for ensuring that new or untrained staff are able to perform tests properly and uniformly to the requisite degree of precision and accuracy.

(4) The laboratory shall be organized:

(i) So that staff members are not subjected to undue pressure or inducement that might influence their judgment or results of their work; and

(ii) In such a way that staff members are aware of both the extent and the limitation of their area of responsibility.

(5) The laboratory shall have a technical manager (or similar title) who has overall responsibility for the technical operations of the laboratory.

(6) The laboratory shall have one or more signatories approved by the Director of OPSP to sign test reports that reference NVLAP accreditation. Approved signatories shall:

(i) Be competent to make a critical evaluation of test results; and

(ii) Occupy positions within the laboratory's organization which makes them responsible for the adequacy of test results.

(c) *Facilities and Equipment.* (1) The laboratory shall be furnished with all items of equipment and facilities for the correct performance of the tests and measurements for which accreditation is granted and shall have adequate space, lighting, and environmental control, and monitoring to ensure compliance with prescribed testing conditions.

(2) All equipment must be properly maintained to ensure protection from corrosion and other causes of deterioration. Instructions for a proper maintenance procedure for those items of equipment which require periodic maintenance must be available. Any item of equipment or component thereof which has been subjected to overloading

or mishandling, gives suspect results, or has been shown by calibration or otherwise to be defective, must be taken out of service and clearly labelled until it has been repaired. When placed back in service, this equipment must be shown by test or calibration to be performing its function satisfactorily.

(3) Records of each major item of equipment must be maintained. Each record must include:

(i) The name of the item of equipment;

(ii) The manufacturer's name and type, identification and serial number;

(iii) Date received and date placed in service;

(iv) Current location, where appropriate;

(v) Details of maintenance; and

(vi) Date of last calibration, next calibration due date, and calibration report references.

(d) *Calibration.* The laboratory shall:

(1) Calibrate new testing equipment before putting it into service;

(2) Recalibrate, at regular intervals, in-service testing equipment with the calibration status readily available to the operator;

(3) Perform checks of in-service testing equipment between the regular calibration intervals, where relevant;

(4) Maintain adequate records of all calibrations and recalibrations; and

(5) Provide traceability of all calibrations and reference standards of measurement where these standards exist. Where traceability of measurements to primary (national or international) standards is not applicable, the laboratory shall provide satisfactory evidence of the accuracy or reliability of test results (e.g., by participation in a suitable program of interlaboratory comparison).

(e) *Test Methods and Procedures.* The laboratory shall:

(1) Conform in all respects with the test methods and procedures required by the specifications against which the test item is to be tested, except that whenever a departure becomes necessary for technical reasons the departure must be acceptable to the client and recorded in the test report;

(2) Have data to prove that any departures from standard methods and/or procedures due to apparatus design or for other reasons do not detract from the expected or required precision of the measurement;

(3) Maintain a test plan for implementing testing standards and procedures including adequate instructions on the use and operation of all relevant equipment, on the handling and preparation of test items (where applicable), and on standard testing techniques where the absence of such instructions could compromise the test. All instructions, testing standards, specifications, manuals, and reference data relevant to the work of the laboratory must be kept up-to-date and made readily available to the staff;

(4) Maintain measures for the detection and resolution of in-process testing discrepancies for manual and automatic test equipment and electronic data processing equipment, where applicable;

(5) Maintain a system for identifying samples or items to be tested, which remains in force from the date of receipt of the item to the date of its disposal, either through documents or through marking to ensure that there is no confusion regarding the identity of the samples or test items and the results of the measurements made; and

(6) Maintain rules for the receipt, retention, and disposal of test items, including procedures for storage and handling precautions to prevent damage to test items which could invalidate the test results. Any relevant instructions provided with the tested item must be observed.

(f) *Records.* The laboratory shall:

(1) Maintain a record system which contains sufficient information to permit verification of any issued report;

(2) Retain all original observations, calculations and derived data, and calibration records for one year unless a longer period is specified; and

(3) Hold records secure and in confidence, as required.

(g) *Test Reports.* (1) The laboratory shall issue test reports of its work which accurately, clearly, and unambiguously present the specified test results and all required information. Each test report must include the following information as applicable:

(i) Name and address of the laboratory;

(ii) Identification of the test report by serial number, date, or other appropriate means;

(iii) Name and address of client;

(iv) Description and identification of the test specimen, sample, or lot of material represented;

(v) Identification of the test specification, method, or procedure used;

(vi) Description of sampling procedure, if appropriate;

(vii) Any deviations, additions to, or exclusions from the test specifications;

(viii) Measurements, examinations, and derived results supported by tables, graphs, sketches, and photographs, as appropriate, and any failures identified;

(ix) A statement of measurement uncertainty, where relevant;

(x) Identification of the organization and the person accepting technical responsibility for the test report and date of issue;

(xi) A statement that the report must not be reproduced except in full with the approval of the laboratory; and

(xii) A statement to the effect that the test report relates only to the items tested.

(2) The laboratory shall issue corrections or additions to a test report only by a further document suitably marked, e.g. "Supplement to test report serial number * * * ," which meets the relevant requirements of § 7.33(g)(1).

(3) The laboratory shall retain a copy of each test report issued for one year unless a longer period is specified by the Director of OPSP.

(4) The laboratory shall ensure that all test reports endorsed with the NVLAP logo are signed by an approved signatory.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 341, 356, 360, and 361

Oil Pipelines; Technical Amendments

November 1, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Technical amendments to correct errors.

SUMMARY: By these amendments, the Commission's regulations relating to oil pipeline companies are amended to correct certain errors which have been identified 18 CFR Parts 341, 356, 360, and 361.

EFFECTIVE DATE: November 1, 1984.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Roy C. Hightower, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-9054.

Raymond D. Murr, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-5537.

SUPPLEMENTARY INFORMATION: By these amendments, the reporting and tariff

requirements for oil pipeline companies are amended to correct technical errors in Title 18 of the Code of Federal Regulations.

Within the printing of the reporting and tariff requirements for oil pipeline companies found in Title 18 of the Code of Federal Regulations, specifically Parts 341, 356, 360, and 361, several errors have been identified. Under this amendment, these errors in the reporting and tariff requirements are corrected. These changes printed in the Code of Federal Regulations do not add or delete any required information or substantive requirements, but rather correct errors as printed in the Regulations.

In consideration of the foregoing, Parts 341, 356, 360, and 361, Title 18 of the Code of Federal Regulations, are amended as set forth below.

Kenneth F. Plumb,

Secretary.

PART 341—[AMENDED]

(1) Part 341 is amended:

a. By continuing the authority citation to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352 (1982); Interstate Commerce Act, 49 U.S.C. §§ 1–27 (1976); Executive Order 12,009, 3 CFR 142 (1978).

§ 341.1 [Amended]

b. In paragraph (a) of § 341.1, by removing the words "size 8½ by 11 inches" and adding, in their place, the words "size 8 to 8½ inches wide and 10½ to 11 inches long";

c. In paragraph (b) of § 341.1, by removing from the second sentence the words "rate basis numbers,";

§ 341.3 [Amended]

d. In paragraph (f)(1) of § 341.3, by adding in the third sentence the words "by exceptions thereto," following the words "shown in FERC No.———,";

§ 341.4 [Amended]

e. In paragraph (c)(2) of § 341.4, by removing from the first sentence "(i)(8)" and adding, in its place, "(i)(5)";

f. In § 341.4, by removing paragraph (e)(2) in its entirety, and adding, in its place, "(2) [Reserved].";

g. In paragraph (i)(3) of § 341.4, by removing the word "package" in the third sentence and adding, in its place, the word "barrel" and by removing the word "packages" in the third sentence, and adding, in its place, the word "barrels";

§ 341.7 [Amended]

h. In paragraph (b)(1) of § 314.7, by removing from the first sentence the words "paragraphs (a) and (c)" and adding, in their place, the words "paragraph (a)";

§ 341.10 [Amended]

i. In § 341.10, by removing paragraph (h) in its entirety and adding, in its place, "(h) [Reserved].";

§ 341.25 [Amended]

j. In paragraph (c) of § 341.25 by changing all references to "intermodal pipelines" throughout the paragraph to read "intermodal pipeline", and by changing all references to "Intermodal Pipelines" throughout the paragraph to read "Intermodal Pipeline"; and

§ 341.26 [Amended]

k. In paragraph (d) of § 341.26, by removing the words "in——— favor of" and adding, in their place, the words "in favor of".

§ 356.11 [Amended]

(2) Part 356 is amended in the description of item 15 of § 356.11 by removing from the parenthetical, the reference "Item C–4(b)" and adding, in its place, the reference "Item 9(B)", and the authority citation is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352 (1982): Interstate Commerce Act, 49 U.S.C. §§ 1–27 (1976); Executive Order 12,009, 3 CFR 142 (1978).

PART 360—[AMENDED]

(3) Part 360 is amended:

§ 360.2 [Amended]

a. In item 7 of paragraph (a) of § 360.2, by removing the word "Pilot" and adding, in its place, the word "Plot";

§ 360.8 [Amended]

b. In the first sentence of §360.8, by removing the "2" in the phrase "Account No. 2 Cost of organization" and, adding, in its place, the number "40";

§ 360.10 [Amended]

c. In § 360.10, by revising the third item from "ACV Forms No. 4, No. 5 and No. 6" to read "ACV Forms No. 5, No. 6, No. 7, No. 8, and No. 9"; and removing the identification of this item;

§ 360.17 [Amended]

d. By correcting the section designation of "§ 1260.12" to read "§ 360.12";

§ 360.100 [Amended]

e. In paragraph (f)(9) of § 360.100, by removing from the end of the paragraph the title "Bureau of Accounts" and adding, in its place, the title "Valuation Branch";

§ 360.102 [Amended]

f. In the first sentence of § 360.102(b), by revising "account categories" to read "account 34 categories";

§ 360.103 [Amended]

g. In the second sentence of paragraph (b)(5) of § 360.103, by removing the words, "See (6), (7), (9), (11) below" and adding, in their place, the words "See (6), (7), (9), (11), and (12) below";

§ 360.107 [Amended]

h. In the first sentence of paragraph (a) of § 360.107, by removing the word "filled" and adding, in its place, the word "filed";

i. By revising § 360.111 to read as follows:

§ 360.111 Reconciliations

(a) Carrier property: Carriers shall prepare an analysis of the difference between the original cost shown for "Grand Total incl. land and rights-of-way" in column 1 of ACV Form No. 7, and the closing balances in Account 30, Investment in carrier property (primary accounts 101 to 187 inclusive) and Account 40, Cost of organization, as of the effective date of the initial inventory. This analysis shall be in such form as to separately indicate, by subheadings, amounts included in the closing balances of accounts 30 and 40 but not included in the original cost shown for "Grand Total Incl. land and rights-of-way" in column 1 of ACV Form No. 7 and vice versa. The details of items shown under each subheading shall be grouped under appropriate descriptive headings according to the nature of the difference.

(b) Noncarrier property: Carriers shall also prepare an analysis of the difference between the amount shown for "Total account 34" in column 1 of ACV Form No. 7 and the closing balance in Account 34, Miscellaneous physical property as of the effective date of the initial inventory.

(C) The above reconciliations shall be presented on the ACV Form No. 5.

j. By revising the authority citation for Part 360 to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Interstate Commerce Act, 42 U.S.C. 1–27 (1976); Executive Order 12,009, 3 CFR 142 (1978).

PART 361—[AMENDED]

(4) Part 361 is amended:

§ 361.7 [Amended]

a. In paragraph (c)(1) of § 361.7, by revising the paragraph to read "Wholly

used by one carrier but wholly owned by another carrier.";

§ 361.12 [Amended]

b. In the first sentence of § 361.12, by revising "prescribed by Valuation Order No. 3, or" to read "prescribed by this Part, or by Valuation Order No. 3, or by";

c. By revising § 361.13 to read as follows:

§ 361.13 Reconciliations.

(a) Carrier property: Carriers shall prepare and submit on ACV Form No. 1 an analysis of the difference between the closing balance of original cost shown in column 5 of ACV Form No. 3 for owned property and the closing balance in Account 30, Investment in Carrier Property (primary accounts 101 to 187, inclusive) and Account 40, Cost of Organization at the end of the reporting period. This analysis shall be in such form as to separately indicate by subheadings, amounts included in Account 30 and 40 but not included in the closing balance of original cost at the end of the reporting period, and amounts included in the closing balance of original cost but not included in Accounts 30 and 40 at the end of the reporting period. The details of the items under each subheading shall be grouped under appropriate descriptive headings according to the nature of the difference.

(b) Noncarrier property: Carriers shall also prepare and submit on ACV Form No. 1 a reconciliation statement showing an analysis of the difference between the closing balance of original cost shown in column 5 of ACV Form No. 3 for owned property and the closing balance in Account 34, Miscellaneous Physical Property at the end of the reporting period.

§ 361.100 [Amended]

d. In paragraph (b) of § 361.100, by removing the words "Interstate Commerce Commission" and adding, in their place, the words "Federal Energy Regulatory Commission";

e. In the fifth sentence of paragraph (e)(6) of § 361.100, by revising "the identity of the B.V. Form 590 which" to read "the identity of the ACV Form No. 5 or B.V. Form 590 which";

§ 361.201 [Amended]

f. In paragraph (a)(5)(ii) of § 361.201, by revising the paragraph to read "A copy of all its ACV Forms No. 1 and 2 and B.V. Forms No. 588–R and related Subschedules, and covering all property changes through the effective date of the action.";

g. In paragraph (b)(5) of § 361.201, by revising "recorded in account 1" to read "recorded in account 30";

§ 361.202 [Amended]

h. In paragraph (b)(2) of § 361.202, by revising "recorded in account 1", to read "recorded in account 30";

§ 361.203 [Amended]

i. In paragraph (c) of § 361.203, by revising "in account 1", to read "in account 30";

j. By revising the authority citation of Part 361 to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976); Executive Order 12,009, 3 CFR 142 (1978).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. 79F-0255]

Food Additives Permitted in Feed and Drinking Water of Animals; Xanthan Gum

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for use of xanthan gum as a stabilizer, emulsifier, thickener, suspending agent, or bodying agent in animal feed. This action responds to a petition filed by Kelco Division of Merck & Co., Inc.

DATES: Effective November 8, 1984; objections by December 10, 1984.

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

FOR FURTHER INFORMATION CONTACT: William D. Price, Center for Veterinary Medicine (HFV–221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5362.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 31, 1979 (44 FR 44942), FDA announced that a petition (FAP 2174) had been filed by Kelco Division of Merck & Co., Inc., 8355 Aero Dr., San Diego, CA 92123. The petition proposed that the food additive regulations in Part 573—Food Additives Permitted in Feed and Drinking Water of Animals, be amended to provide for use of xanthan gum as a stabilizer emulsifier, thickener, suspending agent, or bodying agent in animal feed.

The Center for Veterinary Medicine (CVM) has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Veterinary Medicine by appointment with the information contact person listed above. As provided in 21 CFR 571.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Center for Veterinary Medicine (21 CFR 5.61), Part 573 is amended by adding new § 573.1010, to read as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

§ 573.1010 Xanthan gum.

The food additive xanthan gum may be safely used in animal feed as follows:

(a) The food additive is xanthan gum as defined in § 172.695 of this chapter and meets all of the specifications thereof.

(b) It is used or intended for use as a stabilizer, emulsifier, thickener, suspending agent, or bodying agent in animal feed as follows:

(1) In calf milk replacers at a maximum use level of 0.1 percent, as fed.

(2) In liquid feed supplements for ruminant animals at a maximum use level of 0.25 percent (5 pounds per ton).

(c) To assure safe use of the additive:

(1) The label of its container shall bear, in addition to other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate directions for use.

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 10, 1984, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with Docket No. 79F-0255. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. November 8, 1984.

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

Dated: October 30, 1984.

Marvin A. Norcross,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84-29365 Filed 11-7-84; 8:45 am]

BILLING CODE 4160-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 220

Personnel Regulations

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development is amending the regulation to permit an increased percentage of non-Foreign Service employees to occupy Foreign Service-designated positions for a period of three years. From November 2, 1984 through calendar year 1985, up to 20 percent of the total number of Foreign Service-designated positions may be occupied by non-Foreign Service employees; for calendar year 1986, the percentage will decrease to 17, and for calendar year 1987 the percentage may not exceed 14%. For calendar year 1988 and thereafter, no more than 10% of the Foreign Service-designated positions may be occupied by non-Foreign Service employees.

EFFECTIVE DATE: November 2, 1984.

SUPPLEMENTARY INFORMATION: The 10 percent exception to the rule that only Foreign Service employees may fill Foreign Service-designated positions was created to allow "a measure of flexibility in obtaining personnel to meet particular agency needs, including persons with special skills, women and members of minorities." 44 FR 26726 (May 4, 1979). Four years of experience since the adoption of the regulation has shown that the 10 percent limitation was unrealistic without an extended time frame. The number of non-Foreign Service employees occupying the Foreign Service positions, while decreasing from about 300 to 100 in four years, still remains well over 10%. As a result, the Agency has not been able to take advantage of the flexibility intended by the 10 percent exception. Moreover, because of budgetary and personnel ceiling constraints, vacant positions, for the most part, must be filled by current employees. This has resulted in instances where the Agency has not been able to fill positions because qualified Foreign Service employees were not available. Finally, the 10 percent limitation denies non-Foreign Service employees in Foreign Service positions the opportunity to be reassigned to other Foreign Service positions. It was never envisioned that these employees would be locked into their positions for long periods of time. It is unfair to them and inconsistent with personnel management principles to continue such a severe restriction on their ability to be reassigned.

The amendment would increase the 10 percent limitation for a period of three years in order to provide the management flexibility that the exception was intended to provide. At the same time, the decreasing percentage will continue an incentive to appropriately assign Foreign Service Officers to Foreign Service positions.

Regulatory Flexibility Act: This action will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Executive Order 12291: This action is not a rule for purposes of E.O. 12291 since it is concerned with Agency personnel.

Environmental Impact: This action is not a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 22 CFR Part 220

Government employees, Foreign Service.

PART 220—[AMENDED]

Accordingly, 22 CFR Part 220 is amended as follows:

1. The authority citation for Part 220 reads as follows:

Authority: Sec. 401, International Development and Food Assistance Act of 1978, Pub. L. 95-424, 92 Stat. 956, as amended by Sec. 503, International Development Cooperation Act of 1979, Pub. L. 96-53, 93 Stat. 1378.

§ 220.04 [Amended]

2. Section 220.04, paragraph (c)(1) is revised to read as follows:

(c) * * *

(1) From November 2, 1984 through calendar year 1985, when the number of non-Foreign Service employees filling positions in AID's headquarters office in the United States which are designated as Foreign Service positions does not exceed 20 percent of the number of such positions, such a position, when it becomes vacant, may, at the discretion of the Administrator be filled by a non-Foreign Service employee; this percentage will be reduced to 17% for calendar year 1986, 14% for calendar year 1987 and 10% for calendar year 1988 and thereafter."

* * * * *

William A. Sigler,

Director, Office of Personnel Management.

[FR Doc. 84-29427 Filed 11-7-84; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 84-13]

Drawbridge Operation Regulations; Tacoma Harbor, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on drawbridge operation regulations that appeared on page 35629 in the **Federal Register** of Tuesday, September 11, 1984 (49 FR 35627). This action is necessary to correct inadvertently introduced editorial errors.

EFFECTIVE DATE: This rule becomes effective on November 8, 1984.

ADDRESS: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174. The comments will be available for inspection and copying in Room 3564 at this address. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442-5864).

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Aubrey W. Bogle, project attorney.

SUPPLEMENTARY INFORMATION: On September 11, 1984, the Coast Guard published a Notice of Final Rulemaking in the **Federal Register** (49 FR 35627) revising 33 CFR Part 117—Drawbridge Operation Regulations to correct errors and omissions in the regulations for certain bridges in Oregon and Washington. It has been brought to our attention that advance notice requirements were inadvertently added by that revision to the regulations governing the East 11th Street bridges across the Blair Waterway and the Hylebos Waterway at Tacoma Harbor.

A notice of proposed rulemaking was not published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been unnecessary since the regulations only correct errors found in the final rule published on September 11, 1984.

Although these regulations are published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to insure that the regulations are both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "**ADDRESS**" in this preamble. Persons submitting comments should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. Based upon comments received, the regulations may be changed.

Economic Assessment and Certification

These regulations have no appreciable economic consequences. They merely correct errors in a previously published final rule. Consequently, these regulations are not a major rule under Executive Order 12291. Furthermore, they have been found to be nonsignificant under the guidelines set out in Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). Accordingly, they do not warrant preparation of an economic evaluation. In accordance with section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 605(b), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is corrected by amending § 117.106(c) and (d) as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.1061 Tacoma Harbor. [Amended]

In § 117.1061(c) and (d) remove "if at least two hours notice is given." from first sentence.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: October 25, 1984.

H.W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 84-29425 Filed 11-7-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 7-83-30]

Regulated Navigation Area; King's Bay, GA.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a minimum wake regulated navigation area in the vicinity of the Navy drydock ARDM 1 OAKRIDGE, moored at the entrance to King's Bay, GA. On numerous occasions the OAKRIDGE has rolled sufficiently due to wakes from vessels passing in the Atlantic Intercoastal Waterway (AICW) so as to cause heavy vessels inside it to shift on their keelblocks. Minimal wakes do not significantly affect the OAKRIDGE. The Coast Guard anticipates that observance of a minimal wake requirement within this area will eliminate this hazard to workers' and property safety.

EFFECTIVE DATE: December 10, 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant (J.G.) Harry D. Craig, (305) 350-5651.

SUPPLEMENTARY INFORMATION: On May 17, 1984 the Coast Guard published a notice of proposed rule making in the **Federal Register** for these regulations (49 FR 20870). Interested persons were requested to submit comments and one comment was received.

Drafting Information

The drafters of this notice are Lieutenant (J.G.) Harry D. Craig, project officer, Seventh Coast Guard District Port Safety Branch, and Lieutenant Commander Kenneth E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Comments

The only comment received was from the National Ocean Survey on a minor position correction and updated names of navigational aids.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that full regulatory evaluation is unnecessary. The only impact imposed is for vessels in the AICW to travel at reduced speed for approximately 1.2 nautical miles in the vicinity of the ARDM 1 OAKRIDGE.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Vessels, Waterways.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.730 to read as follows:

§ 165.730 King's Bay, Georgia.

Vessels transiting in the vicinity of King's Bay or Cumberland Sound between Cumberland Sound Range D Front Light, King's Bay Lighted Buoy 45 (Lat. 30° 47.6' N, Long. 81°30.1°W) and Cumberland Sound Light 74, AICW, must travel no faster than needed for steerageway in that area.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; and 33 CFR 1.05-1(g)(4))

Dated: October 25, 1984.

A.R. Larzelere,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 84-29424 Filed 11-7-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-4-FRL-2711-5]

Standards of Performance for New Stationary Sources; National Emissions Standards for Hazardous Air Pollutants; Relinquishment of Authority to Tennessee; Delegation of Authority to Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Delegation of Authority.

SUMMARY: On March 21, 1983, the State of Tennessee requested that EPA relinquish to the State the authority to implement and enforce EPA's New Source Performance Standards (NSPS) for three additional categories of air pollution sources (listed under "SUPPLEMENTARY INFORMATION"). The State of Mississippi requested a delegation of authority for the implementation and enforcement of 12 additional categories of air pollution sources under the NSPS program and one additional category under the National Emission Standards for Hazardous Air Pollutants (NESHAPS) program on May 14, 1984.

Since EPA's review of pertinent state laws and rules and regulations showed them to be adequate for the implementation and enforcement of these Federal standards, the agency has made the delegations as requested.

DATE: The effective date of the relinquishment of authority to Tennessee is June 30, 1983, and of the delegation of authority to Mississippi is June 13, 1984.

ADDRESSES: Copies of the requests for delegation of authority and EPA's letters of delegation are available for public inspection at EPA's Region IV office, 345 Courtland Street, NE, Atlanta, Ga 30365.

All reports required pursuant to the newly delegated standards (listed below) should be submitted to the following addresses:

In Tennessee: Mr. Harold E. Hodges, P.E., Director, Division of Air Pollution Control, Tennessee Department of Health and Environment, 150 9th Avenue North, Nashville, Tennessee 37203

In Mississippi: Mr. Dwight K. Wylie, Chief, Bureau of Pollution Control, Mississippi Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209

FOR FURTHER INFORMATION CONTACT: Walter Bishop at (404) 881-3286.

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with Sections 101, 110, and 111 of the Clean Air Act, authorizes EPA to relinquish authority to implement and enforce the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

On April 11, 1980, EPA relinquished to Tennessee the authority to implement and enforce the NSPS. The Tennessee Division of Air Pollution Control requested a relinquishment of authority on March 21, 1983, for the following recently promulgated NSPS contained in 40 CFR Part 60:

Subpart Ka: Storage Vessels for Petroleum Liquids constructed after May 18, 1978

Subpart DD: Grain Elevators

Subpart GG: Stationary Gas Turbines

After a thorough review of the request and information submitted, the Regional Administrator determined that such a relinquishment was appropriate for these source categories with the conditions set forth in the original relinquishment letter of April 11, 1980, and granted the State's request in a letter dated June 30, 1983. Tennessee sources subject to the requirements of Subparts Ka, DD and GG of 40 CFR Part 60 will now be under the jurisdiction of the State of Tennessee.

On November 30, 1981, EPA delegated to the Mississippi Department of Natural Resources the authority for implementation and enforcement of the NSPS and NESHAPS. Mississippi requested a delegation of authority on May 11, 1984 for the following recently promulgated NSPS contained in 40 CFR Part 60:

Subpart T: Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants

Subpart U: Phosphate Fertilizer Industry: Superphosphoric Acid Plants

Subpart V: Phosphate Fertilizer Industry: Diammonium Phosphate Plants

Subpart W: Phosphate Fertilizer Industry: Triple Superphosphate Plants

Subpart HH: Lime Manufacturing Plants

Subpart LL: Metallic Mineral Processing Plants

Subpart QQ: Graphic Arts Industry: Publication Rotogravure Printing

Subpart RR: Pressure Sensitive Tape and Label Surface Coating Operations.

Subpart VV: Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

Subpart WW: Beverage Can Surface Coating Industry

Subpart XX: Bulk Gasoline Terminals

Subpart HHH: Synthetic Fiber Production Facilities

Mississippi also requested a delegation of authority for Subpart M: Asbestos of the NESHAPS contained in 40 CFR Part 61. After a thorough review of the request and information submitted, the Regional Administrator determined that such a delegation was appropriate for these source categories, with the conditions set forth in the original delegation letter of November 30, 1981, and granted the State's request in a letter dated June 13, 1984. Mississippi sources subject to the requirements of Subparts T, U, V, W, HH, LL, QQ, RR, VV, WW, XX, and HHH of 40 CFR Part 60, and Subpart M of 40 CFR Part 61 will now be under the jurisdiction of the State of Mississippi.

(Sec. 101, 110, 111, and 301 of the Clean Air Act (42 U.S.C. 7401, 7410, 7411, and 7601))

Dated: October 25, 1984.

John A. Little,

Acting Regional Administrator.

[FR Doc. 84-29115 Filed 11-7-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS-62039A; TSH-FRL 2692-2]

Modification of Definition of Totally Enclosed Manner for PCB Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e), generally prohibits the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs) in other than a totally enclosed manner. Section 6(e)(2)(C) of TSCA defines "totally enclosed manner" as any manner that will ensure that any exposure of humans or the environment to PCBs will be insignificant. According to this section, in determining "totally enclosed manner," the Administrator will establish by rule what constitutes significant exposure to PCBs.

In the **Federal Register** of May 31, 1979 (44 FR 31514), EPA issued a regulation that implemented section 6(e). In that rule, EPA defined "significant exposure" to PCBs as "any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method." This notice amends the May 1979 PCB Rule to: (1) Delete the definition of "significant exposure;" (2) modify the definition of "totally enclosed manner;" and (3) present the Agency's current framework for assessing PCB exposure. These modifications to the May 1979 PCB Rule are consistent with EPA's current approach to assessing exposure to PCBs.

DATES: This amendment shall be promulgated for purposes of judicial review under section 19 of the Toxic Substances Control Act (TSCA) at 1:00 p.m., Eastern Daylight Time on November 23, 1984. This amendment shall become effective on December 10, 1984.

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:

I. Background

Section 6(e) of TSCA generally prohibits the manufacture, processing, distribution in commerce, and use of PCBs. However, the statute provides two exceptions under which EPA may, by rule, allow a particular use of PCBs to continue. Under section 6(e)(2) of TSCA, EPA may allow PCBs to be used in a "totally enclosed manner." A "totally enclosed manner" is defined by TSCA to be "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant, as determined by the Administrator by rule." TSCA also allows EPA to authorize the use of PCBs in manner other than a totally enclosed manner if the Agency finds that the use "will not present an unreasonable risk of injury to health or the environment."

In the **Federal Register** of May 31, 1979 (44 FR 31514), EPA issued a regulation that implemented section 6(e). (This rule is hereafter referred to as the May 1979 PCB Rule and is listed in the Code of Federal Regulations under 40 CFR Part 761.) Among other things, the May 1979 PCB Rule: (1) Generally excluded from regulation materials containing PCBs in concentrations of less than 50 parts per million (ppm); (2) designated all intact, non-leaking capacitors, electromagnets, and transformers (other than railroad transformers) as "totally enclosed," and permitted their use without specific conditions; and (3) authorized 11 non-totally enclosed uses of PCBs, based on the finding that they did not present unreasonable risks. In addition, in the May 1979 PCB Rule, EPA defined the terms "significant exposure" and "totally enclosed manner" within the context of section 6(e)(2) of TSCA. "Significant exposure" was defined as any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method. (40 CFR 761.3(dd)). "Totally enclosed manner" was defined as any manner that will ensure that any exposure of human beings or the environment to any concentration of PCBs will be insignificant; that is, not measurable or detectable by any scientifically acceptable analytical method. (40 CFR 761.3(hh)).

The Environmental Defense Fund (EDF) successfully challenged the 50 ppm cutoff and the designation of PCB electrical equipment as "totally enclosed" in *EDF* v. *EPA*, 636 F.2d 1267 (D.C. Cir. 1980). In that decision, the U.S. Court of Appeals for the District of Columbia invalidated a portion of the rule and remanded the rule to EPA for further action. The definition of the terms "significant exposure" and "totally enclosed manner" in the May 1979 Rule were not, however, challenged and therefore not reviewed by the court in *EDF* v. *EPA*.

As a consequence of the court's decision in *EDF* v. *EPA*, EPA Rule conducted a number of rulemaking actions. The three actions specifically relevant to the subject of today's notice of final rulemaking are the Electric Equipment Rule published in the **Federal Register** of August 25, 1982 (47 FR 37342); the Closed and Controlled Rule published in the **Federal Register** of October 21, 1982 (47 FR 46980); and the Uncontrolled PCBs Rule published in the **Federal Register** July 10, 1984 (49 FR 28172). In these amendments to the May 1979 PCB Rule, among other things, EPA considered the effects on human health and the environment from the manufacture, processing, distribution in commerce, and use of PCBs in certain circumstances.

In 1982, following the promulgation of the PCB Electrical Equipment Rule, the Edison Electric Institute (EEI), the National Electrical Manufacturers Association (NEMA), EDF, Natural Resources Defense Council (NRDC), and the American Paper Institute (API) filed petitions for review of the PCB Electrical Equipment Rule. These actions were consolidated in the U.S. Court of Appeals for the District of Columbia Circuit.

On March 23, 1984, EEI, NEMA, API, and EPA filed a joint motion with the Court to hold the lawsuit in abeyance pending implementation of a settlement agreement reached between these parties. The court granted this joint motion on April 25, 1984. Under the settlement, EPA agreed to a schedule for conducting a rulemaking that would address the definitions of the terms "significant exposure" and "totally enclosed manner" in § 761.3 and certain provisions of § 716.20 relating to these terms.

II. Summary of Amendments

EPA is issuing the following modifications to the May 1979 PCB Rule:

1. Deletion of the definition of "significant exposure" in § 761.3.

2. Revision of the definition of "totally enclosed manner" in § 761.3 by deleting the current definition and substituting the following: "'Totally enclosed manner' means any manner that will ensure no exposure of human beings or the environment to any concentration of PCB."

3. Revision of the introductory text of § 761.20 by deleting the sixth, seventh, and eighth sentences, which state:

> In addition, the Administrator hereby finds that any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method is a significant exposure

" Since any exposure to PCBs is found to be a significant exposure, a totally enclosed manner is a manner that results in no exposure of humans or the environment to PCBs.

The following two sentences are substituted therefor:

In addition, the Administrator hereby finds, for purposes of section 6(e)(2)(C) of TSCA, that any exposure of humans or the environment to PCBs, as measured or detected by any scientifically acceptable analytical method, may be significant, depending on such factors as the quantity of PCBs involved in the exposure, the likelihood of exposure to humans and the environment, and the effect of exposure. For purposes of determining which PCB items are totally enclosed, pursuant to section 6(e)(2)(C) of TSCA, since exposure to such items may be significant, the Administrator further finds that a totally enclosed manner is a manner which results in no exposure to humans or the environment to PCBs.

EPA is deleting the May 1979 definition of "significant exposure" because EPA believes that this definition does not accurately reflect EPA's current position on the relative risks posed by different levels of exposure to PCBs. EPA believes that on a spectrum of relative risk, there is a point at which the risk posed by exposure to a certain level of PCBs becomes insignificant, regardless of considerations such as the availability of substitute materials or the costs associated with reducing this risk to a lower level. EPA is also revising the May 1979 definition of "totally enclosed manner" to make it consistent with EPA's current policy.

In the closed and Controlled Rule, issued in October 1982, EPA first recognized that certain exposures to PCBs may not be significant. In that rule, EPA determined that exposures to PCBs at levels below the practical limits of quantitation posed *de minimis* risks.

Second, in the Uncontrolled PCBs Rule, EPA quantified the levels of exposure to PCBs which could be considered to not pose an unreasonable risk. Thus, the deletion of the definition of "significant exposure" and modification of "totally enclosed manner" are being made, in part, as a result of EPA conducting a more sophisticated quantitative exposure analysis for the Uncontrolled PCBs Rule. Through this analysis, EPA identified levels of exposure to PCBs which would not pose unreasonable risks. (For a discussion of the Agency's current approach to exposure assessment, see Unit III.A of this preamble.)

III. Discussion of Amendments

The proposed modification of the definition of "totally enclosed manner" for PCB activities was published in the **Federal Register** of July 23, 1984 (49 FR 29625). The comment period on that proposed rule closed on August 22, 1984. Ten comments were received and were taken into consideration in issuing this final rule. In response to a request for a meeting that was received after the comment period closed, and informal informational meeting was held at EPA on September 14, 1984, for all interested parties. No new issues were raised at that time. A transcript of this meeting is part of the official rulemaking record.

A. Deletion of the Definition of "Significant Exposure"

As set out above, further rulemakings by EPA have established that there may be exposures to PCBs which are not significant. Therefore, the definition of "significant exposure" contained in the May 1979 PCB Rule does not accurately reflect the Agency's current analysis or policies concerning the risks posed by exposures to certain levels of PCBs. Moreover, the concept of "significant exposure" as used in Section 6(e) of TSCA has applicability only to the Agency's earlier determination that all intact, non-leaking capacitors, electromagnets and transformers (other than railroad transformers) could continue to be used so long as they were "totally enclosed." While the definition of "totally enclosed" was pivotal in the May 1979 PCB Rule, later rulemakings by EPA have changed the regulatory focus and basis, and at this time, the concept of a totally enclosed use has only limited applicability.

Comments were received suggesting that today's amendment may have substantial impact on other PCB regulations or enforcement actions. These comments do not accurately reflect the scope of today's action. EPA reaffirms its position that the deletion of the definition of significant exposure is relevant only to the definition of "totally enclosed manner." Further, the Agency does not intend for this action to set a precedent to require the Agency to do quantitative exposure assessments for other PCB regulatory and enforcement decisions. For example, in PCB clean up situations, case-by-case risk assessments would not be required as a result of this rule.

One commenter stated that by deleting the definition of "significant exposure," the Agency is moving from a relatively predictable standard into an area of incident-by-incident risk assessment. EPA disagrees with this comment. This action in not intended to required EPA to conduct case-by-case exposure assessments in any other PCB regulatory matter, including enforcement decisions.

Additionally, the deletion of the term "significant exposure" does not imply that the Agency has altered its views regarding the toxicity of PCBs. The Agency reaffirms its position that PCBs may cause chloracne, reproductive effects, developmental toxicity, and oncogenicity in humans exposed to PCBs. However, EPA has also determined that under certain limited circumstances, exposure to PCBs would not be significant, or therefore, present an unreasonable risk.

Since issuing the May 1979 PCB Rule and the August 1982 Electrical Equipment Rule, EPA has done considerable work in the area of exposure evaluation. Specifically, EPA considered the exposure to PCBs under the limited circumstances of the Closed and Controlled Rule and determined that these exposures would present *de minimis* risk. EPA also conducted a state-of-the-art quantitative exposure assessment which was used in support of EPA's finding in the Uncontrolled PCBs Rule that certain exposures would not present an unreasonable risk. Among the factors considered by EPA in support of these exposure evaluations were the quantity of PCBs involved in the exposure and the likelihood of exposure to humans and the environment. Based on these exposure evaluations, EPA recognizes that there may be situations in which exposure to PCBs could be insignificant.

On the basis of the exposure assessment conducted in support of the Uncontrolled PCBs Rule, EPA concluded that under certain circumstances "none of the realistic hypothetical exposures were significant, especially when compared to the 150,000,000 pounds of PCBs already existing in the environment" (49 FR 28181). This determination, in combination with the findings in the Closed and Controlled Rule that certain exposures to PCBs present *de minimis* risk, support the Agency's determination today that the definition of "significant exposure" is no longer useful or consistent with current Agency evaluations of exposure.

Two commenters on the proposed rule raised the issue that the exposure assessment methodology used in the Uncontrolled PCBs Rule is inappropriate for this rulemaking. According to these commenters, the exposure analysis conducted for the Electrical Equipment Rule is a more appropriate means of defining "significant exposure." The commenters also stated that there is no safe threshold for exposure.

This comment is a misinterpretation of EPA's position. The issue is whether the existing definition of significant exposure within the regulations reflects current Agency thinking concerning the risks posed by exposures to PCBs. During the Closed and Controlled rulemaking and the Uncontrolled PCBs rulemaking, EPA identified instances where exposures to PCBs could be considered insignificant. Thus, the existing definitions of significant exposure and totally enclosed manner required revision.

At the time the Electrical Equipment Rule was promulgated in 1982, the Agency had very limited information upon which to calculate estimates of exposures to PCBs. Since exposure and toxicity are the two factors that determine risk, the Agency was unable to conduct a quantitative risk assessment for PCBs based on the information then available.

Since 1982, the Agency has undertaken additional study of the exposure to PCBs in support of subsequent rulemakings. The Agency believes that these assessments are more appropriate for decision analysis than the earlier, less complete information. By removing the term "significant exposure," the Agency has not changed its position that PCBs are persistent and that exposure should be avoided. EPA also does not intend to imply that there is a safe threshold for exposure, but recognizes that in some cases exposure may not be significant as indicated by these assessments. Further in the Uncontrolled Rule, EPA also concluded that it was reasonable to regulate monochlorinated and dichlorinated biphenyls at a discounted rate since these PCBs are generally less persistent and less likely to bioaccumulate than the higher chlorinated homologs. Information submitted jointly by the CMA, EDF, and NRDC supported and encouraged the discontinuing of monochlorinated and dichlorinated biphenyls.

Two commenters stated that it is inappropriate to apply the same criteria to both Aroclor and non-Aroclor PCBs, and that the discounting of monochlorinated and dichlorinated biphenyls had been based on the existing definition of "significant exposure."

The Agency disagrees. Non-Aroclor is a generic term referring to one or more of the 209 different PCB congeners. A product containing inadvertently generated PCBs may have the same congeners in it as those present in an Aroclor PCB mixture. Thus, in general, one cannot say that the risks posed by non-Aroclor PCBs are different from the risks posed by PCBs that fall into the generic Aroclor classification.

The decision to regulate the lower chlorinated PCBs at discounted rates was based on the fact that releases of these PCBs are often uncontrolled and inadvertently generated, are generally less persistent, and are less likely to bioaccumulate. The Agency's decision to regulate PCBs on two different standards was, in part, based on the information submitted jointly by CMA, EDF, and NRDC. Based on the collective information reviewed, EPA believes that the lower chlorinated non-Aroclor PCBs present less relative risk to human health or the environment than the higher chlorinated congeners, and that relatively higher levels of exposure to the lower chlorinated PCBs would still be considered insignificant.

The Agency's action today with regard to the definitions of "significant risk" and "totally enclosed manner" has been taken to reflect the progress that the Agency has made in defining exposure, and thereby the risks, associated with PCBs. These changes to the definitions of "significant exposure" and "totally enclosed manner" are the result of the Agency's most current information.

B. Revision of the Definition of "Totally Enclosed Manner"

The current definition of "totally enclosed manner" in § 761.3 is "any manner that will ensure that any exposure of human beings or the environment to any concentration of PCBs will be insignificant; that is, not measurable or detectable by any scientifically acceptable analytical method." This final amendment would define the term as "any manner that will ensure no exposure of human beings or the environment to any concentration of PCBs."

Three of the comments received noted that the revised definition of "totally enclosed manner" was more restrictive than necessary.

The intent of the "totally enclosed" definition is not changed by the revised definition. Under either version, only PCB equipment that is intact and nonleaking qualifies as "totally enclosed." The revised definition is intended to clarify the meaning of "totally enclosed manner," and is, for the purposes of implementation, a restatement of current policy.

Two commenters raised concerns over the inclusion of the language "any scientifically acceptable analytical method," stating that use of such a method may not be reliable and that such language is too general. It should be noted that this is the same language that appeared in the original definition in the 1979 PCB Rule and has been retained in this modification of the definition to allow for the development of technology. The Agency recognizes that PCB research has continued to change and develop since it was first addressed in rulemaking. The above language was, therefore, included to allow flexibility for new developments in analytical techniques and methodologies. EPA also recognizes that designating specific methods as acceptable may not be appropriate in all situations.

C. Miscellaneous Issues

One commenter noted that the introductory text of § 761.20 did not provide for "use" of equipment containing PCBs. The language cited by the commenter is not changed by this rule. As stated in the Electrical Equipment Rule of 1982, the use of specified types of equipment containing PCBs is allowed under certain conditions. This use authorization and the conditions applicable to it are not affected by today's action.

Two comments were received concerning the term "any concentration" relative to the use, maintenance and servicing of nonleaking electrical equipment containing PCBs. One commenter felt that a 50 ppm or greater limitation should be added for clarification. Another commenter questioned whether routine maintenance and servicing of PCB transformers would now be considered as an "exposure of human beings or the environment to any concentration of PCBs." EPA feels that by deleting the term "significant exposure" it is not necessary to specify a concentration limitation. The revised definition of "totally enclosed manner" includes language ensuring that no exposure of human beings or the environment will occur.

The amended definition also does not change the conditions regarding maintenance and servicing of PCB transformers, as specified in the Electrical Equipment Rule of 1982. This rule describes conditions which allow for the continued use of PCB transformers and other PCB-containing equipment. These conditions include categories of PCB equipment subject to regulation, time restrictions, and conditions associated with use. Routine maintenance and servicing activities such as dielectric strength testing, the filtering of dielectric fluids and "topping off" with dielectric fluid is permissible as described in § 761.30(a)(2) of the Electrical Equipment Rule of 1982. The

servicing of sweat residues that do not require repair to prevent further leaking, requires proper cleanup within 48 hours, and the PCB-contaminated materials disposed of in a timely fashion.

One comment related concern over EPA's draft PCB policy on the possibility of changing "background levels" to "specific levels of detection." This comment is not related to this amendment of the definition of "totally enclosed," but is instead related to a PCB cleanup policy. Since this rule does not deal with the PCB cleanup policy, it is inappropriate for EPA to respond to this issue in the context of this rule.

IV. Agency's Position on Health and Environmental Effects of PCBs

A. Human Health Effects From Exposure to PCBs

The effects of PCBs have been previously described in various documents that are part of the administrative record for the various PCB rulemakings. Copies of these documents are available through EPA's TSCA Assistance Office (see address above listed under **"FOR FURTHER INFORMATION CONTACT"**).

EPA has determined that PCBs are toxic and persistent. PCBs can enter the body through the lungs, gastrointestinal tract, and skin; circulate thrughout the body; and be stored in the fatty tissue.

In some cases, chloracne may occur in humans exposed to PCBs. Chloracne is painful, disfiguring, and may require a long time before the symptoms disappear. Although the effects of choloracne are reversible, EPA considers these effects to be significant.

In addition, EPA finds that PCBs may cause reproductive effects, developmental toxicity, and oncogenicity in humans exposed to PCBs. Available data show that some PCBs have the ability to alter reproductive processes in mammalian species, sometimes even at doses that do not cause other signs of toxicity. Animal data and limited available human data indicate that prenatal exposure to PCBs can result in various degrees of developmentally toxic effects. Postnatal effects have been demonstrated in immature animals after exposure to PCBs prenatally and via breast milk.

Since the administration of PCBs to experimental animals results in tumor formation, reproductive effects, and developmental toxicity, EPA finds that there is the potential to produce these effects in humans exposed to PCBs. EPA finds no evidence to suggest that the animal data would not be predictive of the potential for oncogenic effects in humans.

Available data indicate little or no mutagenic activity from PCBs. EPA believes, however, that more information is needed to draw a conclusion on the possibility of mutagenic effects from PCBs.

B. Environmental Effects of PCBs

In previous PCB rules, EPA concluded that PCBs can be concentrated in freshwater and marine organisms. The transfer of PCBs up the food chain from phytoplankton to invertebrates, fish, and mammals can result ultimately in human exposure through consumption of PCB-containing food sources. Available data show that PCBs affect the productivity of phytoplankton communities, cause deleterious effects on environmentally important freshwater invertebrates, and impair reproductive success in birds and mammals.

PCBs also are toxic to fish at very low exposure levels. The survival rate and the reproductive success of fish can be adversely affected in the presence of PCBs. Various sublethal physiological effects attributed to PCBs have been recorded in the literature. Abnormalities in bone development and reproductive organs also have been demonstrated.

EPA conducted an environmental risk assessment of PCBs including a review of available environmental data. This assessment can be found in the support document entitled "Environmental Risk and Hazard Assessments of Polychlorinated Biphenyls" (September 1983). EPA concluded that ambient concentrations and food chain transport of PCBs may impair the reproductive potential of commercially valuable fish and certain wild mammals. PCB residues also are strongly correlated with reductions in natural populations of marine mammals and may be correlated with declines in river otter populations. High PCB residues have been found in various birds, especially gulls and carnivorous birds, but no resulting effects have been demonstrated.

In addition, EPA estimated the toxicity for the monochlorinated through hexachlorinated biphenyls and for decachlorinated biphenyls. These estimates show that as the number of chlorine atoms on the biphenyl molecule increases, the no observable effect concentration (NOEC) for fish decreases.

V. Judicial Review

Judicial review of this final rule may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested parties an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA will promulgate this rule for purposes of judicial review 2 weeks after publication of the final rule in the **Federal Register.** The effective date will be calculated from the promulgation date.

VI. Official Record of Rulemaking

In accordance with the requirements of section 19(a)(3) of TSCA, EPA is issuing the following list of documents which constitute the record of this rulemaking. However, public comments and the transcript of the informal meeting are not listed, because these documents are exempt from **Federal Register** listing under section 19(a)(3). The public record is available for review and copying in Rm. E–107, 401 M Street, SW., Washington, D.C. from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

A. Previous Rulemaking Records

(1) Official rulemaking record from "Polychlorinated Biphenyls (PCBs); Disposal and Marking Final Regulation" published in the **Federal Register** of February 17, 1978 (43 FR 7150).

(2) Official rulemaking record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibition Rule" published in the **Federal Register** of May 31, 1979 (44 FR 31514).

(3) Official rulemaking record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment" Published in the **Federal Register** of August 25, 1982 (47 FR 37342).

(4) Official rulemaking record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution, and Use in Closed and Controlled Waste Manufacturing Processes" published in the **Federal Register** of October 21, 1982 (47 FR 46980).

(5) Official rulemaking record from "Polychlorinated Biphenyls (PCBs); Exclusions, Exemptions and Use Authorizations" published in the **Federal Register** of July 10, 1984 (49 FR 28172).

B. "Federal Register" Notices

(6) USEPA, "Polychlorinated Biphenyls (PCBs) Disposal and Marking Final Regulation." 43 FR 7150; February 17, 1978.

(7) USEPA, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions." 44 FR 31514; May 31, 1979.

(8) USEPA, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use

Prohibitions; Use in Electrical Equipment." 47 FR 37342; August 25, 1982.

(9) USEPA, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Closed and Controlled Waste Manufacturing Processes." 47 FR 46980; October 21, 1982.

(10) USEPA, "Polychlorinated Biphenyls (PCBs); Exclusions, Exemptions, and Use Authorizations." 49 FR 28154; July 10, 1984.

VII. Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this amendment to the PCB rule is not a major rule as the term is defined in section 1(b) of the Executive Order, because the annual effect of the rule on the economy will be substantially less than $100 million; it will not cause a major increase in costs or prices for any sector of the economy or for any geographic region; and it will not result in any adverse effects on competition, employment, investment, productivity, or innovative or on the ability of United States enterprises to compete with foreign enterprises in domestic or foreign markets. This final rule merely modifies the definition of "totally enclosed manner" under section 6(e)(2)(C) of TSCA (without changing the regulatory effect of the definition) and is consistent with the Agency's current policy on assessing of PCB exposure.

This amendment was submitted to the Office of Management and Budget (OMB) prior to publication as required by the Executive Order.

VIII. Regulatory Flexibility Act

Under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, the Administrator may certify that a rule will not, if promulgated, have a significant impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

This rule modifies the definition of "totally enclosed manner" in the 1979 PCB Rule. Since EPA expects this rule to have no negative economic effect to any business entity, I certify that this rule would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required and will not be completed for this rulemaking.

IX. Paperwork Reduction Act

This final rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 761

Hazardous substances, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Environmental protection.

(Sec. 6, 90 Stat. 2020, Pub. L. 94-469 (15 U.S.C. 2605))

Dated: November 1, 1984.

William D. Ruckelshaus,

Administrator.

PART 761—[AMENDED]

Therefore, 40 CFR Part 761 is amended as follows:

1. In § 761.3, the definition of "significant exposure" is removed, and the definition of "totally enclosed manner" is revised to read as follows:

§ 761.3 Definitions.

* * * * *

"Totally enclosed manner" means any manner that will ensure no exposure of human beings or the environment to any concentration of PCBs.

* * * * *

2. In § 761.20, the introductory text is revised to read as follows:

§ 761.20 Prohibitions.

Except as authorized in § 761.30, the activities listed in paragraphs (a) and (d) of this section are prohibited pursuant to section 6(e)(2) of TSCA. The requirements set forth in paragraphs (b) and (c) of this section concerning export and import of PCBs for purposes of disposal and PCB Items for purposes of disposal are established pursuant to section 6(e)(1) of TSCA. Subject to any exemptions granted pursuant to section 6(e)(3)(B) of TSCA, the activities listed in paragraphs (b) and (c) of this section are prohibited pursuant to section (6)(e)(3)(A) of TSCA. In addition, the Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater present an unreasonable risk of injury to health within the United States. This finding is based upon the well-documented human health and environmental hazard of PCB exposure, the high probability of human and environmental exposure to PCBs and PCB Items from manufacturing, processing, or distribution activities; the potential hazard of PCB exposure posed by the transportation of PCBs or PCB Items within the United States; and the evidence that contamination of the environment by PCBs is spread far beyond the areas where they are used. In addition, the Administrator hereby finds, for purposes of section 6(e)(2)(C) of TSCA, that any exposure of human beings or the environment to PCBs, as measured or detected by any scientifically acceptable analytical method, may be significant, depending on such factors as the quantity of PCBs involved in the exposure, the likelihood of exposure to humans and the environment, and the effect of exposure. For purposes of determining which PCB Items are totally enclosed, pursuant to section 6(e)(2)(C) of TSCA, since exposure to such Items may be significant, the Administrator further finds that a totally enclosed manner is a manner which results in no exposure to humans or the environment to PCBs. The following activities are considered totally enclosed: distribution in commerce of intact, nonleaking electrical equipment such as transformers (including transformers used in railway locomotives and self-propelled cars), capacitors, electromagnets, voltage regulators, switches (including sectionalizers and motor starters), circuit breakers, reclosers, and cable that contain PCBs at any concentration and processing and distribution in commerce of PCB Equipment containing an intact, nonleaking PCB Capacitor. See paragraph (c)(1) of this section for provisions allowing the distribution in commerce of PCBs and PCB Items.

* * * * *

[FR Doc. 84-29274 Filed 11-7-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 40453-4053]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of continuation of fishing restriction and request for comments.

SUMMARY: NMFS issues this notice announcing continuation of current fishing restrictions for the *Sebastes* complex of rockfish north of Cape Blanco, Oregon. This notice rescinds that part of the **Federal Register** notice (49 FR 30948, August 2, 1984) which announced intent to close the target fishery when landings reached a certain

level, allowing only small incidental catches for the rest of the year. This action is authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and is necessary to minimize discards and disruption of the fishing industry.

DATE: This action is effective November 7, 1984. Comments will be received through November 23, 1984.

ADDRESSES: Send comments to Dr. T.E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115; or Mr. E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: T.E. Kruse at 206–526–6150, E.C. Fullerton at 213–548–2575, or the Pacific Fishery Management Council at 503–221–6352.

SUPPLEMENTARY INFORMATION: On August 2, 1984 (49 FR 30948), NMFS announced its intent to reduce the trip limit for the *Sebastes* complex of rockfish caught in the fishery conservation zone between Cape Blanco, Oregon (42°50'20" N. latitude) and the U.S./Canada border if the 10,100-metric-ton harvest guideline was reached before the end of the year. This reduction, which essentially would eliminate the target fishery for the *Sebastes* complex, would reduce the current trip limit of 7,500 pounds, one landing per week (or 15,000 pounds, one landing in two weeks, if declared) to 3,000 pounds with no limit on the number of trips.

The Pacific Fishery Management Council (Council), which initially proposed this action, reconsidered the recommendation at its September meeting in Portland, Oregon, and decided to rescind it because (1) imposition of a 3,000-pound trip limit without a trip frequency limit could result in greater discards than under the current regulations, (2) extending the current regulation through the remainder of the year could help maintain markets, and (3) continuance of the current regulations is not expected to greatly exceed the harvest guideline. Data available in early October indicate that the harvest guideline will be exceeded by eight percent if current regulations continue.

NMFS concurs with the Council's recommendation to maintain the current trip limits for the *Sebastes* complex (49 FR 30948, August 2, 1984) until they are modified, superseded, or rescinded.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

(16 U.S.C. 1801 *et seq.*)

Dated: November 2, 1984.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 84–29402 Filed 11–7–84; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 49, No. 218
Thursday, November 8, 1984

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

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 83-007P]

Proposed New Turkey Inspection System

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) proposes to amend the Federal poultry products inspection regulations by establishing a voluntary and alternate method of post-mortem inspection for turkeys known as the New Turkey Inspection (NTI) system. NTI would require one or two inspectors on each eviscerating line to examine the whole carcass and viscera of each bird. Establishments would be responsible for performing necessary trim of designated defects on passed carcasses and for operating a quality control program designed to assure that poultry is wholesome and properly prepared. The proposed rule would give the staffing and facility requirements for NTI based on work measurement data. While still providing consumers with wholesome products, using NTI would increase the speed at which birds can be effectively inspected and increase inspector and poultry plant efficiency.

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

ADDRESS: Written comments to Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under **SUPPLEMENTARY INFORMATION.**)

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

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a "major rule" under Executive Order 12291. It would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

Effects on Small Entities

The Administrator, FSIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

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

Paperwork Requirerments

This proposed rule would require establishments opting to operate under the NTI system to develop and submit to the Administrator for approval a partial quality control program designed to assure that poultry is wholesome and properly prepared. Such establishments would also be required to maintain certain records to fulfill their obligation under the approved partial quality control programs. The recordkeeping and reporting requirements contained in this proposed regulation have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act.

Comments

Interested persons are invited to submit comments concerning this proposed rule. Written comments should be sent in duplicate to the Regulations Office and refer to the docket number located in the heading of this document. Any person desiring an opportunity for oral presentation of views must make such request to Dr. John C. Prucha so that arrangements may be made. FSIS will make a transcript of all oral presentations. Comments submitted will be available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

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

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

permit higher line speeds. After testing the proposed system, FSIS has determined that use of NTI can make turkey post-mortem inspections more efficient and benefit both FSIS and industry without decreasing consumer protection.

Turkey Inspection Procedures

A. Traditional Inspection

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

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

The traditional inspection procedure was satisfactory to FSIS and the turkey industry for many years. However, due to improvements in genetics, nutrition, health, flock management and processing methods over the last several years, the turkey industry could present uniform lots of birds to inspectors faster than inspectors could properly inspect the birds under the traditional inspection procedure. Merely increasing the use of the current procedure would be inefficient, and would place demands upon Department resources which would be difficult to meet.

B. New Turkey Inspection (NTI) System

The annual per captia consumption of turkey has increased from 8 pounds in 1970 to 10.5. pounds in 1980, a 31 percent increase. Turkey is no longer simply a holiday product but is consumed year-round. Therefore, FSIS developed NTI to accommodate this demand.

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

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

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

Thus, the complete NTI system consists of one or two inspectors performing the NTI procedure, and an inspector monitoring the application of the approved partial quality control program and assuring that the program is being followed.

Poultry Carcass On-Line Quality Control (PCOLQC) Program

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

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

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

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

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

Designing and Testing the NTI System

Under the NTI system, inspection consists of (1) inspection of all birds by one or two inspectors, and (2) carcass reinspection. The NTI system relies upon the independent trimming of defects from carcasses by plant personnel as specified in the partial QC agreement, prior to reinspection.

The NTI system was developed in two phases. In the first phase, the system was tested by utilizing one inspector performing post-mortem inspection and a second inspector who reinspected each carcass. Effectiveness studies to test the system and compare it with the traditional procedure were conducted.[1] Testing was performed in three plants using traditional inspection for comparison.

[1] A copy of the report is available for public inspection in the office of the FSIS Hearing Clerk.

The effectiveness test results indicated that there were no significant differences in error rates between traditional inspection and NTI. For example, there was no significant difference in the error rates of the two procedures for trim errors or for errors in condemning birds that should have been passed.

The second phase consisted of designing and incorporated the PCOLQC program into the NTI system. This QC program is designed to enable the plant to control its processing and trimming operations without the direct intervention of the inspector and results in product which meets predetermined standards.

Inspection Rates/Line Speeds

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

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

With the NTI system using one inspector (NTI–1), the Agency has determined line speed maximums would be 32 light turkeys and 30 heavy turkeys per minute. With two inspectors (NTI–2), the maximum line speeds would be temporarily set at 51 light turkeys and 41 heavy turkeys per minute. The rates for NTI–2 are based on work measurement estimations which are conservative. The estimations were necessary because no establishments operated at the projected NTI–2 rates during the effectiveness studies. Additional testing will be necessary at a later date in order to determine the actual maximum inspection rates for NTI–2.

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

MAXIMUM TURKEY INSPECTION RATES

Inspection procedure	Line configuration	No. of inspectors	Birds per minute	
			(<16#) light	(>16#)[1] heavy
NTI–1	12–1	1	32	30
NTI–2	[2]24–2	2	51	41

[1] This weight refers to the bird at the point of post-mortem inspection without blood, feathers, or feet.
[2] The turkeys are suspended on the slaughter line at 12-inch intervals with two inspectors each looking at alternating birds at 24-inch intervals.

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

In addition, the rates in the table were established for birds at the lower end of each weight category. The inspector in charge may require slower speeds for heavier birds within each category if, in the judgment of the inspector in charge, the prescribed inspection procedure cannot be adequately performed in the allotted time.

Impact of the NTI System and Facility Requirements

The NTI system is an alternate way of inspecting turkeys. NTI would allow establishments to run their eviscerating lines at a faster rate than is now available using traditional inspection. It would, however, require establishments to develop and submit to the Administrator for approval a partial QC program designed to assure that poultry is wholesome and properly prepared. As previously discussed, the new system would also require the industry to be responsible for trimming specified defects on the outside of bird carcasses after the giblets are harvested.

Establishments also must meet certain equipment and facility requirements in order to utilize the NTI system. In order to minimize the physical effort of each inspector, the inspection station would be equipped with an adjustable platform to accommodate the heights of different inspectors. The eviscerating line would have a minimum height requirement higher than required for the traditional procedure to allow for maximum adjustment of the platform.

A minimum lighting requirement of 200 foot-candles would be necessary at each NTI inspection and reinspection station. This would facilitate the inspection of the inside surfaces of birds at higher line speeds. A minimum color rendering index (CRI) value for the lighting at each inspection and reinspection station would be set. The type of lighting is important because some types of light mask certain disease conditions and, therefore, hinder the inspector's performance.

The above specific requirements, along with certain general types of facility changes, would involve some cost to those establishments choosing to operate under the NTI system. However, FSIS anticipates those costs would be quickly outweighed by savings from operating at the higher line speeds achievable with NTI.

The proposed NTI rule would be codified in the regulations in a numerical sequence after the proposed rule for the New Line Speed Inspection System for Broilers and Cornish Game Hens (NELS), published in the **Federal Register** on January 20, 1984 (Vol. 49, No. 14, pp. 2473–2478). Therefore, the numbering system proposed is conditioned on the adoption of the NELS rule.

Proposed Rule

List of Subjects in 9 CFR Part 381

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

PART 381—[AMENDED]

Accordingly, the poultry products inspection regulation (9 CFR Part 381) would be revised as follows:

1. The authority citation for Part 381 reads as follows:

Authority: Sec. 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1254), unless otherwise noted.

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

§ 381.36 Facilities required.

* * * * *

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

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

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

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

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

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

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

(vi) A minimum of 200 foot-candles of shadow-free lighting with a minimum color rendering index value of 85[1] where the birds are inspected to facilitate inspection is required. The minimum lighting requirement for inspection stations in § 381.52(b) shall not apply.

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

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

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

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

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

(i) Floor space shall consist of 6 feet along the conveyor line. The space shall be level and protected from all traffic and overhead obstructions.

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

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

(iv) A minimum of 200 foot-candles of shadow-free lighting with a minimum color rendering index of 85[1] at the table surface is required.

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

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

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

3. 9 CFR Part 381 would be amended by adding § 381.68 to read as follows:

§ 381.68 Maximum Inspection Rates—New Turkey Inspection System.

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

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

(c) The rates in the table are for birds at the lower end of each weight category. The inspector in charge may require slower speeds for heavier birds within each category if, in the judgment of the inspector in charge, the prescribed inspection procedure cannot be adequately performed in the allotted time. The inspector in charge may also reduce inspection line rates when in his/her judgment the prescribed inspection procedure cannot be adequately performed within the time available either because the birds are not presented properly by the establishment in such a manner that the carcasses, including both internal and external surfaces and all organs, are readily accessible for inspection, or because the health conditions of a particular flock dictate a need for a more extended inspection.

MAXIMUM TURKEY INSPECTION RATES

Inspection system	Line configuration	No. of inspectors	Birds per minute	
			(<16#) light	(>16#)[1] heavy
NTI–1	12–1	1	32	30
NTI–2	[2] 24–2	2	51	41

[1] This weight refers to the bird at the point of post-mortem inspection, without blood, feathers, or feet.
[2] The turkeys are suspended on the slaughter line at 12-inch intervals, with two inspectors each looking at alternating birds at 24-inch intervals.

4. § 381.76 (9 CFR 381.76) would be amended by revising the section heading and paragraphs (b)(1) and by adding new paragraphs (b)(5) and (d) to read as follows:

§ 381.76 Post-mortem inspection, when required; extent; traditional, modified traditional, and New Turkey Inspection (NTI); rate of inspection.

* * * * *

(b)(1) There are three systems of post-mortem inspection: traditional inspection; modified traditional inspection, which shall be used only for young chickens[1]; and New Turkey Inspection (NTI), which shall be used only for turkeys.

(2) The following provisions apply to modified traditional inspection:

(i) Modified traditional inspection shall be used only if:

(A) The operator requests it and the Administrator determines that the system will result in no loss of inspection efficiency; or

(B) The Administrator determines that modified traditional inspection will increase inspector efficiency.

(ii) The facility must meet the requirements for modified traditional inspection in § 381.36(c).

(iii) The inspection stations shall consist of one outside carcass inspection

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

station, at which one inspector inspects the outside of all birds, and two inside carcass/viscera inspection stations, at which each of two inspectors inspects the inside and viscera of half the birds processed. the outside carcass inspector shall be presented each bird with the breast side toward the inspector. The inside carcass/viscera inspector shall be presented each bird he or she is to inspect with the back side toward the inspector.

(iv) The maximum inspection rate for modified traditional inspection shall be 70 birds per minute per 3 inspector team.

(v) Traditional inspection shall be used when modified traditional inspection is not used.

* * * * *

(5) The following provisions apply to NTI:

(i) NTI shall be used only if:

(A) The operator requests it, and

(B) The Administrator determines that the establishment meets all the facility requirements in § 381.36(e), and receives approval of its partial quality control program as specified in paragraph (c) of this section.

(ii) Inspection under NTI is conducted in two phases, a post-mortem inspection phase and a reinspection phase. The NTI–1 inspection system requires that the establishment provide one inspection station and one reinspection station for each line. The NTI–2 inspection system requires that the establishment provide two inspection stations and one reinspection station for each eviscerating line.

(A) *Post-mortem inspection.* Each inspection station must comply with the facility requirements in § 381.36(e)(1). Each inspector shall be flanked by an establishment employee assigned to be the inspector's helper. The one inspector on an NTI–1 line shall be presented every bird. Each inspector on an NTI–2 inspection line shall be presented every other bird on the line. An establishment employee shall present each bird to the inspector properly eviscerated with the back side toward the inspector and the viscera uniformly trailing or leading. Each inspector shall inspect the inside, viscera, and outside of all birds presented. The inspector shall determine which birds shall be salvaged, reprocessed, condemned, retained for disposition by a veterinarian, or allowed to proceed down the line as a passed bird subject to reinspection. Turkey carcasses with certain defects not requiring condemnation of the entire carcass and specified in the partial quality control program described in paragraph (d) of this section as defects the establishment shall remove, shall be passed by the inspector, but shall be subject to reinspection to ensure the physical removal of the specified defects. The helper, under the supervision of the inspector, shall mark such carcasses for trim when the defects are not readily observable. Trimming of birds passed subject to reinspection shall be performed by: (1) The helper, time permitting, and (2) one or more plant trimmers positioned after the giblet harvest and prior to reinspection.

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

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

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

(v) Traditional inspection shall be used when NTI is not used.

* * * * *

(d) Applying for and terminating the Partial Quality Control Agreement for the NTI system.

(1) Any owner or operator of an official establishment preparing poultry products who wishes to apply for the NTI system must submit to the Administrator a partial quality control program designed to assure that poultry is wholesome and properly prepared and shall request a determination as to whether or not that program is adequate to result in product being in compliance with the requirements of the Act and, therefore, quality for the NTI system. Such a request shall, as a minimum, include:

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

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

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

(2)(i) The Administrator shall evaluate the submitted partial quality control program in accordance with the provisions of this paragraph. If it is determined by the Administrator that the partial quality control program will result in finished products being in full compliance with the requirements of the Act and regulations thereunder, the partial quality control program will be approved and implemented, under

departmental supervision, as soon thereafter as practicable.

(ii) In any situation where the program is found by the Administrator to be unacceptable, written notification shall be given to the applicant of the basis for the denial. The applicant will be afforded a reasonable opportunity to modify the program in accordance with the notification. The applicant shall also be afforded a reasonable opportunity to submit a written statement in response to this notification of denial and/or to request a hearing on the denial. If the applicant requests a hearing and the Administrator, after review of the applicant's answer to the notice, finds that initial determination to be correct, the applicant must file with the Hearing Clerk of the Food Safety and Inspection Service the notification, answer and the request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be conducted in accordance with Rules of Practice which shall be adopted for this proceeding.

(iii) The approved partial quality control program constitutes an operating agreement between the establishment and the Department. The establishment owner or operator shall be responsible for the effective operation of the approved partial quality control program, and to obtain approval of any changes required in that program, to assure continuing compliance with the requirements of the Act and regulations thereunder. The Secretary shall provide the Federal inspection necessary, as determined by the operating conditions at the establishment, to carry out his responsibilities under the Act.

(3) The approval of the partial quality control program under the NTI system may be terminated at any time by the owner or operator of the official establishment upon written notice to the Administrator. The establishment will be provided inspection under the remaining inspection system.

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

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

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

(5) The establishment owner or operator receiving notice that approval has terminated may respond to the notice, in writing, to the Administrator within 30 days of receipt of such notice. In those instances where there are issues of fact, a hearing under applicable Rules of Practice, which shall be adopted for the proceeding, will be provided to the establishment owner or operator to resolve the conflict. The Administrator's termination of approval shall remain in effect pending the final determination of the proceeding.

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

Done at Washington, DC, on: October 29, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-29451 Filed 11-7-84; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Changes in Property Insurance Requirements for NRC Licensed Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations requiring licensees to maintain substantial amounts of on-site property insurance to assist in the decontamination of their licensed reactors. The changes are being proposed to increase the amount of insurance required and impose a decontamination priority on any proceeds from such insurance. Although all commercial reactor licensees would be subject to this proposed rule if adopted, only those that do not currently carry the maximum property insurance available would be affected.

DATE: Comment period expires January 7, 1985. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Deliver comments to: Room 1121, 1717 H Street, NW, Washington, DC, between 8:15 a.m. and 5:00 p.m. weekdays.

Copies of the regulatory analysis, OMB clearance supporting statement, the environmental assessment and finding of no significant impact, documents referenced in this notice, and comments received may be examined at: The NRC Public Document Room at 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert S. Wood, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-9885.

SUPPLEMENTARY INFORMATION:

Background

On June 24, 1982, an Advance Notice of Proposed Rulemaking (ANPRM) was published in the **Federal Register** (47 FR 27371). The notice sought comment on a report prepared for the staff by Dr. John D. Long entitled *Nuclear Property Insurance: Status and Outlook* (NUREG-0891), which raised several issues germane to the Commission's final rule (47 FR 13750) adopted on March 31, 1982 and codified as 10 CFR 50.54(w). (Copies of NUREG-0891 may be obtained under the NRC/GPO Sales Program at a cost of $6.00 by writing to the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555.) 10 CFR 50.54(w) currently requires operating reactor licensees to carry both the maximum amount of property insurance offered as primary coverage by either American Nuclear Insurers/Mutual Atomic Energy Reinsurance Pool (ANI/MAERP) or Nuclear Mutual Limited (NML)—currently $500 million—plus any excess coverage in an amount no less than that offered by either ANI/MAERP—$85 million as of January 1, 1984—or Nuclear Electric Insurance Limited (NEIL)—$435 million as of February 15, 1984. Currently, the minimum required under the rule is $500 million primary coverage and $85 million excess coverage. By buying both excess layers, utilities are able to purchase a total of $1.02 billion in property insurance.

Analysis of Comments

The report by Dr. Long, together with four comprehensive questions posed by the staff to focus the issues raised in NUREG–0891, formed the basis for seeking public comment by the ANPRM. The Commission received 47 comments in response to the ANPRM. Comments were mostly from utilities or their counsel, but several insurers, individuals, and trade associations also commented. Almost without exception, commenters objected to the recommendations in NUREG–0891 although they stated that the report provided valuable insights and historical perspective on the workings of nuclear property insurance. Few commenters appeared to object to the existing Commission rule on property insurance. Some utilities would have the Commission recognize in a revised rule that reactor size should be considered when setting the required amount of insurance. A few utilities want the Commission to preempt the constitutional provisions of certain states that prohibit utilities from participating in mutual or retroactive assessment insurance plans. But, on the whole, commenters did not object to the general thrust of the existing property insurance rule, nor to most of its specific provisions. With respect to the four questions posed by the NRC in the ANPRM, a summary of the comments is provided below.

Question 1: The first question asked what amount of insurance should be required. If increased coverage is required, what should be the basis for such a requirement? One option proposed was that additional coverage could come about by the NRC publishing annually the amount maintained by each commercial reactor licensee. This information could then be utilized by market forces to optimize insurance coverage.

Comments varied widely with respect to the issue of how much insurance should be carried. Although some commenters believe that cleanup costs associated with the TMI–2 accident are revelant, others stated that TMI–2 was unique, that lessons learned from the accident will reduce future cleanup costs substantially, even if an accident of the same severity occurs. Others believe that a study is needed to determine what a "maximum probable loss" would be. Still others believe that maximum coverage should be set for each plant individually to reflect its particular risk.

Most commenters critcized the idea of an NRC requirement that primary coverage offered both by Nuclear Mutual Limited (NML) and American Nuclear Insurers/Mutual Atomic Energy Reinsurance Pool (ANI/MAERP) be purchased. Although combining both plans could currently provide primary coverage of $1 billion, certain structural problems complicate this approach. As indicated in NUREG–0891 and as several commenters developed further, both NML and ANI/MAERP use many of the same reinsurers to reduce their exposure to possible accident claims. Some believe that reinsurers would be reluctant to expose themselves to the same risk twice as they would do if a reactor licensee were required to obtain primary coverage both from ANI/MAERP and NML. Thus, if licensees were required to buy insurance from both offerers, the resultant combined coverage would be some indeterminate level less than a simple adding of capacities. Moreover, combining capacity at the primary layer might also affect the premium structure at the secondary layer.

Another problem discussed in NUREG–0891 but more strongly emphasized by many commenters is that, by requiring combined primary capacity, competition is reduced and possible antitrust problems are raised. Without the choice of coverage offered by two competing insurers, they argued that resultant capacity might not grow as quickly as it otherwise would, terms and conditions might not be as advantageous, and premiums might increase disproportionately.

Other commenters indicated the difficulty in making combined coverages compatible with the regulatory environments within which utilities operate. Some utilities, either because of their own philosophy or because of constraints imposed by the state authority will not or cannot participate in, for example, insurance plans that provide for retroactive assessments or that are offered by mutual companies. (Retroactive assessments are used in conjunction with, or to replace, premiums payable at the beginning of each policy year at a specified rate. Retroactive assessments are made only when and if needed to pay losses already incurred. Mutual companies are structured such that the insureds become part owners of the insurance company.)

Many commenters were receptive to the suggestion that setting approximate limits should be left to market forces. In its simplest form, this would involve eliminating the current rule and allowing utilities to purchase whatever insurance they deem necessary. Another approach as suggested in the ANPRM would be to publish annually the coverage carried by all licensees, and induce changes where deemed appropriate through the state and local political process. Although few commented on this proposal specifically, those that did preferred it to increasing insurance requirements directly. Some utilities opposed reporting the coverage that they carried.

Question 2: The second question posed in the ANPRM asked whether there should be special provisions for certain types of licensees. For example, should smaller plants be allowed to buy less insurance because of potentially reduced levels of contamination? Also, should the NRC exempt from applicable portions of property insurance requirements those utilities prohibited by state law from obtaining coverage from certain types of insurers? Should utilities with multiple-reactor sites be required to obtain coverage for each unit separately, or is site-wide coverage sufficient?

With respect to reactor size vis-a-vis coverage limits, representatives of utilities with smaller plants or unusual design configurations (such as Fort St. Vrain, a high temperature gas-cooled reactor (HTGR)) strongly urged the Commission to allow reduced coverage for them. Representatives of utilities with large reactors did not comment on this issue, indicated that no such distinction should be made, or suggested that distinctions be made by exception rather than the rule itself.

Few comments were offered on the issue of whether the NRC should make special allowance for those utilities prohibited by state law from buying insurance from assessment or mutual companies. Generally, utilities in states with such provisions urged the Commission to preempt state law. Other parties suggested that perhaps NRC authority to preempt was not so clear cut. Still other commenters suggested that a solution short of preemption may be available by working out this problem with the states involved, although no specific course of action was suggested.

Although few commented on the question of whether coverage should be by site or unit, those that did unanimously favored site-wide coverage. Some cited the example of General Public Utilities, where insurance coverage was reinstated after the accident at TMI–2. Others indicated that coverage by unit would increase the risk exposure of insurers at each location so covered. As a result, a reduction in insurance capacity would probably result.

Question 3: The third question pertained to a series of interrelated issues having to do with the structure, terms, and conditions of the property insurance currently offered. Almost all commenters expressed strong opinions that, in general, the NRC has neither the expertise nor authority to regulate terms and conditions of insurance. If the NRC were to exercise such authority, commenters maintained, it would likely inadvertently restrict capacity growth or increase prices to the detriment of its overall objectives.

NUREG–0891 suggested that the Commission refuse to accept insurance whose premiums are not discounted when used in conjunction with insurance from another carrier. Few commented directly on this proposal, but those that did opposed it. Even those utilities that might theoretically benefit from reduced premiums opposed it implicitly by their being against NRC regulation of terms and conditions of policies. NML offered through its counsel the most comprehensive argument against it. This commenter drew a distinction between insurance offered by the pools—in which no single pool member places a significant portion of its assets at risk—and insurance provided by NML, by which losses are paid by the members themselves either through premiums or retroactive assessments. Because members of NML are, in effect, self-insuring and thus exposing a substantially higher percentage of their assets than the pools, NML is not able to be as flexible with its premium structure. The premiums of the two types of insurers are thus not comparable.

NUREG–0891 suggested that the use of retroactive assessments may be reaching the limits of sound insurance practice and recommended that retroactive insurance be eliminated from any future coverage. Most commenters disagreed with this assertion, although they often directed their comments more toward maintaining existing retroactive assessment insurance. Many pointed out that assessment insurance was the only way available to increase property insurance capacity rapidly. Some drew the analogy to the Price-Anderson system, which instituted retroactive assessments in 1977 to speed the phase-out of government indemnity. One commenter stated that since it is a public utility rather than an insurance or investment-type company, it would prefer not to have large amounts of capital passively invested in an insurance program awaiting a highy unlikely policy limits loss. Although this and other commenters acknowledge that "overuse" of retroactive assessments could occur at some point, they did not believe that such point had yet been reached.

NUREG–0891 recommended that all proceeds from property insurance be used to pay for decontamination after an accident before claims of creditors and owners are satisfied. Of all recommendations, this perhaps provoked the most negative reaction. Many indicated that such a priority would adversely affect ratings of utility debt issues, would most likely violate existing indenture agreements and would otherwise adversely affect utility access to capital markets. Others point out that a decontamination priority could adversely affect nuclear fuel leasing arrangements whose covenants often require physical damage insurance in which the fuel lessee and its creditors are named loss payees.

Other commenters argued that a decontamination priority, by artificially restricting earlier use of funds for restoration of the plant, could interfere with the most effective means of restoring the plant and could, in an extreme situation, create the very financial uncertainty that the insurance would be designed to forestall. Another commenter presented an argument that recognized that only when an accident is severe enough that a plant could never be restored would creditors possibly exercise their rights over decontamination. If, in the course of the decontamination process, it appeared that the insurance and other financial protection programs would be insufficient to accumulate additional resources, additional time would be available to obtain necessary resources.

The Association of the Bar of the City of New York (City Bar Association) offered an analysis of both the need and authority for a modified decontamination priority. First, City Bar Association found that sections 103(d), 182(a) and 161 of the Atomic Energy Act provide the Commission with authority to require all licensees of commercial reactors to maintain specified levels of decontamination and debris removal coverage upon a proper finding that such a requirement was necessary or appropriate to protect the public health and safety.

Second, the City Bar Association pointed out that the utility trust indentures to which many commenters directed their attention normally are "fairly uniform in language, requiring the utility to insure its property against loss or damage to the same extent that property of a similar character is *usually so insured by companies similarly situated and operating like properties*" (original emphasis). From this language, City Bar Association determined that utility trust indentures do not in general give bondholders any vested right to a given amount or type of coverage. Further, if a trustee were to refuse to release funds for cleanup to a utility, such action "could very well render the company insolvent, and in the extreme (but not necessarily remote) case precipitate a bankruptcy or reorganization." If this occurred, the Commission could take over and operate a damaged plant under sections 186(a) and 188 of the Act and would likely seek reimbursement from the utility or its successor for costs incurred in decontaminating the plant. The City Bar Association concluded, "It is uncertain whether any claim made by the indenture trustee on behalf of the utility's bondholders to property insurance proceeds would survive, at least to the extent of the Federal government's claim."

However, this commenter also recognized that to respond properly to a nuclear accident, a licensee may be required to take a range of actions apart from decontamination and debris removal. Consequently, this commenter favors priority for payment of decontamination and debris removal expenses insofar as it is "necessary to remove any significant health or safety hazard". The commenter believes this goal can be accomplished if a regulation is properly drawn, although it proposed no wording for such a regulation in its comments.

Question 4: The fourth and final question posed in the ANPRM concerns whether the NRC should become involved in regulating the replacement power insurance program as offered by Nuclear Electric Insurance Limited (the so-called NEIL–I coverage). This question assumes that replacement power insurance, if eliminated, would allow increases in capacity of insurance programs more directly tied to protecting public health and safety. Most commenters opposed eliminating replacement power insurance. Some pointed out that, although it does not further decontamination directly, it helps indirectly by reducing the large financial drain faced by a utility buying replacement power after an accident. Counsel for NEIL maintained that eliminating replacement power insurance would not necessarily increase capacity for property insurance. NEIL–I's accumulated surplus cannot simply be allocated to property insurance without infringing on the rights of the NEIL–I member insureds

who might or might not choose to pool their resources to increase property insurance capacity further.

Conclusions

Results of PNL Study: Underlying various proposals by the NRC, Dr. Long, the utilities, the nuclear and insurance industries, and the public has been the recognition that, prior to the TMI–2 accident, insurance for decontamination of a reactor after an accident was inadequate. The rule issued on March 31, 1982 for the first time required NRC licensees to obtain substantial amounts of such insurance. Although some utilities and other commenters opposed adoption of any requirement for on-site property damage insurance when the initial rule was proposed, most commenters now seem to recognize, either tacitly or explicitly, that the Commission's concerns are valid and that a rule, if properly drafted, represents appropriate public policy. The reevaluation of the March 31 rule does not question the need for property insurance; rather it implicitly asks the question, "How much insurance is enough?"

Part of the answer to this question has been provided by a Pacific Northwest Laboratory (PNL) Study, *Technology, Safety and Costs of Decommissioning Reference Ligh Water Reactors Following Postulated Accidents* (NUREG/CR–2601; November 1982). (Copies of this report may be obtained under the NRC/GPO Sales Program at a cost of $13.00 by writing to the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555.)

The study evaluated cleanup costs following three accidents of varying severity at two reference light water reactors. The scenario 1 accident is postulated to result in 10% fuel cladding failure, no fuel melting, moderate contamination of the containment structure, but no significant physical damage to buildings and equipment. The scenario 2 accident is postulated to result in 50% fuel cladding failure, a small amount of fuel melting, extensive radioactive contamination of supporting buildings, and minor physical damage to buildings and equipment. The scenario 3 accident is postulated to result in 100% fuel cladding failure, significant fuel melting and core damage, severe radioactive contaimination of the containment structure, moderate radioactive contamination of supporting buildings, and major physical damage to structures and equipment. A TMI–2-type accident was assumed in the study to be of intermediate severity.

The range of cleanup cost established in the report was from $105.2 million to $404.5 million for the reference PWR and from $128.5 million to $420.9 million for reference BWR. Although these costs are considerably lower than would be expected from the roughly $1 billion estimated to be required to clean up TMI–2, they do not include several cost components included in the TMI–2 estimate. For example, $124 million for base operations and maintenance and $209 for cost escalation due to inflation during cleanup were included in the TMI–2 estimates but not in the PNL study. Other differences relating to plant design, additional decontamination of the containment building, and cost of facility stabilization at TMI–2 cause the PNL estimates to increase to $106 billion for the most severe accident studied and somewhat less for a TMI–2-type accident. (See NUREG/CR–2601, pp. 2–27 ff.)

The NRC has drawn several conclusions from the results of the PNL study. First, the need for property insurance much in excess of $1 billion does not appear to be compelling, although this conclusion would have to be periodically reconfirmed by additional data as they become available. This would include any adjustments needed to account for inflation, as discussed later. Second, despite the wide range of costs estimated in the PNL report, the minimum currently required, $585 million, would be insufficient for some accidents. Although a significant portion of the costs for TMI–2 cleanup has resulted because of financial carrying costs and costs of delaying cleanup while awaiting sources of funding, it is not clear that such costs could be reduced or eliminated in any future accidents, particularly if the effects of inflation are included. Third, while some difference in cost due to variations in reactor design appears to exist, this difference is apparently outweighed by many of the other variables affecting accident cleanup cost. Similarly, PNL did not find a strong relationship between reactor size and cleanup cost. Thus, while the smallest licensed reactors may not need the excess insurance currently available and may seek exemptions to the Commission's regulations, the Commission believes that a close tie between insurance required and reactor size or design is not justified generically in the rule.

Response to Comments and Proposed Rule Changes: The Commission has concluded that some revision to the current interim rule as codified in 10 CFR 50.54(w) is necessary. First, the Commission proposes to revise the rule to require $1.02 billion property damage insurance. Experience at TMI–2 and the PNL study suggest that somewhat less than $1 billion is likely to be required for a scenario-2 accident at a PWR. NUREG/CR–2601 concluded that as much as $1.06 billion could be required to cover a scenario-3 accident at a large BWR if financial carrying costs are included in the cost estimate.

However, requiring the maximum indicated in NUREG/CR–2601 is not justified. First, the difference between the proposed requirement and the maximum estimate ($1.06 billion—$1.02 billion=$0.04 billion) is not significant from a health and safety viewpoint, especially since these figures represent upper-bound estimates. Furthermore, utilities should have little difficulty raising a possible but unlikely $40 million deficit over the several years required for cleanup. Second, the Commission cannot force additional coverage to become available by simply requiring more. If such a requirement were imposed, utilities would be forced to seek more expensive alternative means of coming up with the deficit in coverage. This additional cost does not appear to be justified by the minimal additional contribution to public health and safety that might be engendered by requiring $1.06 million.

Concurrently, the Commission has concluded that adequate property insurance coverage cannot be effected through merely publishing annually the amount maintained by each commercial reactor licensee and relying on market forces to set the appropriate amount. The Commission also proposes not to increase coverage by requiring licensees to carry both primary policies. As indicated by commenters, combining the primary capacity of both insurers raises too many problems with respect to antitrust policies and reinsurance practice.

Likewise, requiring utilities to purchase all future excess capacity, whatever the amount, could cause, if that capacity grows significantly, an undue burden on utilities without a commensurate increase in protecting public health and safety. Nevertheless, because of the possibility of increased future decontamination costs from inflation or other factors, the Commission is interested in receiving comments on how the property insurance requirement should be adjusted to meet needs in the future. One option is to have the Commission periodically review estimated accident cleanup costs and propose new rulemaking to increase insurance when

needed. Alternatively, the Commission could require utilities to purchase all future increases in excess capacity. Those excess amounts not needed to protect public health and safety could be addressed by particular utilities through the exemption process. A third option would be to periodically adjust the required amount of insurance by use of the consumer price index, available indexes of construction costs, or some other measure of inflation. However, any general inflation index would probably not accurately gauge reactor accident cleanup costs. Further, if insurance capacity grows at less than the inflation rate, the Commission could inadvertently require more insurance than commercially available.

With respect to the issue of per-site or per-unit coverage raised in question 2 in the ANPRM, such coverage is not offered by the insurers. The Commission does not believe that such coverage is needed because the probability of a particular licensee suffering an accident at a second unit before reinstatement of insurance after an accident at its first unit is extremely low. Thus, the proposed rule clarifies that site-wide coverage is acceptable and that per-unit coverage is not required.

Some commenters on question 2 have suggested that the NRC should preempt state law where such law prohibits utilities from buying insurance from mutual insurers or where insurers use retroactive assessments. To analyze this issue, the staff has prepared an "Analysis of Proposed Revisions to the Property Damage Insurance Rule and the Issue of Federal Preemption." (Interested persons may examine and copy for a fee a copy of this analysis at the NRC Public Document Room, 1717 H Street NW, Washington, DC. Single copies may be obtained from Robert S. Wood, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-9885.)

This report concluded:

> The Commission probably lacks the authority to promulgate a rule that would preempt these state prohibitions. The Atomic Energy Act does not expressly preempt the field of nuclear property damage insurance, and the state prohibitions are not concerned with reactor safety. Thus, there is no question of express or implied preemption based on federal occupation of the field or an impermissible state purpose. Indeed, the state prohibitions are not even concerned with reactors, but rather with insurance and a municipality's use of public funds—matters traditionally regulated by the states. Accordingly, Congressional intent to preempt state law must be clear.
>
> There does not appear to be an actual conflict between federal and state law. Although the state prohibitions may operate to restrict a utility's available options for compliance with the Commission's property insurance rule, compliance with both federal and state law is physically possible. The rule is sufficiently flexible to permit a utility to demonstrate adequate financial surety by a variety of means. A utility that is unable to comply will face denial of its application or revocation of its operating license, consistent with federal law. In addition, the state prohibitions do not appear to frustrate the purposes of the Atomic Energy Act. The federal interest in promoting nuclear power is not sufficient to override legitimate state interests, and the state prohibitions do not interfere with the federal objective of ensuring uniform federal safety standards for nuclear reactors.
>
> Under *Pacific Gas, supra*, the Atomic Energy Act provides for a system of dual regulation of nuclear power in which the Federal Government maintains exclusive control over reactor safey and the States exercise their traditional authority over economic matters. This suggests that a state could probably decide, on economic grounds, that nuclear utilities should be directly prohibited from purchasing certain types of property damage insurance. An indirect state prohibition, affecting only those nuclear utilities that happen to be municipally owned, is even more likely to withstand a challenge on federal preemption grounds.
>
> . . . The state prohibitions can coexist with federal law without significantly affecting the Commission's regulation of nuclear safety. Few licensees would be affected, and the rule is sufficiently flexible to allow compliance by alternate means. Accordingly, the Commission should promulgate its property insurance rule to require the amount of financial surety it believes is necessary to protect the public health and safety in the event of a nuclear accident, without regard to the issue of federal preemption. (Report, p. 17 ff.)

In its analysis, the staff determined that the existing provision on the preemption question (10 CFR 50.54(w)(3)) was unnecessary. As stated in the report, ". . . it appears that the provision could not be used to exempt a utility from the obligation to obtain the full amount of coverage required simply because of the prohibition. Consistent with the Commission's responsibilities under the Atomic Energy Act, any exemption would have to be based not on the provisions of state law but on a determination of what is required to protect the public health and safety in the event of a nuclear accident. Thus, § 50.54(w)(3) could be used to require a utility to purchase only the amount of insurance that is reasonably available to it, and to permit the utility to furnish any additional protection required by alternate means. The same result could be obtained under the general provision allowing financial surety by alternate means. Thus, paragraph (w)(3) is unnecessary and should be deleted."

Another area where some have suggested that change to the interim rule may be warranted is in recognizing that very small operating plants may not need the full amounts of insurance required. After the interim rule was published, owners of five small plants requested that the NRC exempt them from some portion of the property insurance requirements. The NRC has fully granted three requests, partially granted one request, and denied one request, pending receipt of additional information. However, the NRC proposes not to exempt other small licensees generically. Because the PNL study found only a weak relationship between reactor size and accident decontamination cost, it is more appropriate to address exemptions on a case-by-case basis rather than generically in the rule.

The Commmission has generally accepted the comments directed to the issues raised in question 3 of the ANPRM. Thus, the Commission does not propose to regulate the terms and conditions of property damage insurance. Such issues include whether the Commission should refuse to accept insuance whose premiums are not discounted when used in conjunction with insurance from another carrier and whether further use of retroactive assessments should be curtailed. The Commission has concluded that these issues do not sufficiently affect public health and safety to warrant additional action.

However, the NRC believes that NUREG–0891 and commenters on question 3 of the ANPRM raised legitimate concerns with respect to the issue of requiring a decontamination priority for all property insurance obtained. Comments offered by the Association of the Bar of the City of New York provide the most complete discussion of this issue. The Commission agrees that proceeds from property insurance must be used first to protect public health and safety. In fact, the Commission has no reason to impose a property insurance requirement other than to protect public health and safety. Proceeds from insurance would be used both to assure that contamination from a reactor immediately after the accident did not threaten public health and safety and the environment and to eliminate delays and degradations to the cleanup process that could cause threats to health, safety and the environment over time. The Commission also agrees with comments that a rigid categorical decontamination priority could present an excessive burden on licensees given the benefit to

be obtained. Consequently, a modified decontamination priority is proposed in the rule which should not unduly affect utility financial markets. The decontamination priority would take effect only pursuant to an order by the Director of Nuclear Reactor Regulation that prompt decontamination is necessary to protect public health and safety. In this vein, the Commission is interested in receiving comments how it could assure that insurance proceeds would be used for decontamination rather than for paying creditors or bondholders in the event that a reactor licensee was experiencing serious financial problems.

Finally, with respect to question 4, the Commission agrees with commenters who suggested that eliminating replacement power insurance would not increase capacity for insurance more closely tied to protecting public health and safety.

Commissioner Roberts approved publishing this rule only to obtain more detailed public comments. He requests that commenters provide up-to-date data to support their positions.

Finding of No Significant Environmental Impact

The Commission has determined under the National Environment Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. Although changes in insurance requirements affect the financial arrangements of licensees and have economic and social consequences, they do not alter the environmental impact of the licensed activities. As determined in the environmental assessment, the alternatives to the proposed action likewise do not have any significant impact on the environment and no other documents related to this proposed action exist. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 1717 H Street NW, Washington, DC. Single copies of the environmental assessment and the finding of no significant impact are available from Robert S. Wood, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492–9885.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget (approval number 3150–0011).

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. Interested persons may examine and copy for a fee a copy of the draft regulatory analysis at the NRC Public Document Room, 1717 H St. NW, Washington, DC. Single copies of the analysis may be obtained from Robert S. Wood, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492–9885.

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980, (5 U.S.C. 605(b)), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendment to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 50.58, 58.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100 - 50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10, (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i); and § 5055(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o. 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 50.54 is amended as follows:

a. Paragraph (w)(1) is revised.

b. Paragraph (w)(2) and (w)(3) removed.

c. Paragraph (w)(4) is redesignated as (w)(2) and revised.

d. New paragraph (w)(3) is added.

§ 50.54 Conditions of licenses.

* * * * *

(w) * * *

(1) This insurance must have a minimum coverage limit for the reactor station site of no less than $1.02 billion.

(2) The licensee shall report on April 1 of each year to the NRC as to the present levels of this insurance or financial protection it maintains and the sources of this insurance or protection; and

(3) The proceeds of this insurance shall be used first to decontaminate the licensed reactors before any other purpose when and to the extent that such decontamination is required to protect public health and safety and is so ordered to be used by the Director of Nuclear Reactor Regulation.

* * * * *

Dated at Washington, DC this 2nd day of November 1984.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84–29432 Filed 11–17–84; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84–ANM–20]

Proposed Establishment of Torrington, Wyoming Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to lower the base of controlled airspace in the vicinity of the Torrington Municipal Airport, Torrington, Wyoming, to 700 feet above the surface so that aircraft conducting flight under Instrument Flight Rules (IFR) would have exclusive use of that airspace when the visibility is less than 3 miles and thereby enhancing the safety of such operations. This action will change the airport status from VFR to IFR.

DATES: Comments must be received on or before December 31, 1984.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & Procedures Branch, ANM–530, Federal Aviation Administration, Docket No. 84–ANM–20, 17900 Pacific Highway South, C–68966, Seattle, WA 98168.

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

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

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Airspace Technician, ANM–535, The telephone number is (206) 431–2530.

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 factural 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. 84–ANM–20". 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, ANM–530, 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 & Procedures Branch ANM–530, 17900 Pacific Highway South, C–68966, 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 § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the base of controlled airspace at 700 feet above the surface in a 6.95 nautical mile circle over the Torrington Municipal Airport, Torrington, Wyoming. While this airspace designation would exclude aircraft from conducting flight under Visual Flight Rules (VFR) when the visibility is less than 3 miles, it would enhance the safety of aircraft conducting flight under IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

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 CFR Part 71

Transition areas/aviation safety.

The Proposed Amendment

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

Torrington, Wyoming (New)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Torrington Municipal Airport (Lat. 42° 03' 50" N., Long. 104° 09' 16" W); and within 3 miles each side of the 127 degree bearing (115 mag) from the Torrington NDB (Lat. 42° 03' 58" N., Long. 104° 09' 10" W) extending from the 8-mile radius to 8 miles southeast of the NDB, and within 3 miles each side of the 287 degree bearing (275 mag) from the Torrington NDB extending from the 8-mile radius to 8 miles northwest of the NDB.

(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 October 30, 1984.

Wayne J. Barlow,

Acting Director, Director, Northwest Mountain Region.

[FR Doc. 84–29369 Filed 11–7–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial and International Affairs

15 CFR Part 303

[Docket No. 40320–4140]

Proposed Limit on Duty-Free Insular Watches in Calendar Year 1985

AGENCY: Import Administration, International Trade Administration, Commerce; Office of Territorial and International Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: Proposal to establish the quantity of watches and watch movements which may be entered free of duty into the U.S. customs territory during calendar year 1985 from the insular possessions of the United States (the Virgin Islands, Guam, and American Samoa) pursuant to Pub. L. 97–446; and to make other minor amendments. This action invites the comments of interested persons on a proposal to establish the total quantity of duty-free insular watches and watch movements for 1985 at 5,000,000 units; to divide this amount among the three insular possessions of the United States; and to amend the regulatory provisions governing these actions.

DATE: Comments must be received by the close of business on December 14, 1984.

ADDRESS: Statutory Import Programs Staff, Rm. 1523, International Trade Administration, U.S. Department of Commerce, Washington, DC., 20230.

FOR FURTHER INFORMATION CONTACT: Frank Creel, (202) 377–1660.

SUPPLEMENTARY INFORMATION: Pub. L. 97–446, enacted January 12, 1983, requires the Secretaries of Commerce and the Interior, acting jointly, to establish a limit on the quantity of watches and watch movements which may be entered free of duty during each calendar year. The law also requires the Secretaries to establish the shares of this limited quantity which may be entered from the Virgin Islands, Guam, and American Samoa. Regulations on the establishment of these quantities and shares are contained in §§ 303.3 and 303.4, 15 CFR Part 303.

The Departments proposed to establish for calendar year 1985 a total quantity and respective territorial shares as shown in the following table:

Virgin Islands	3,500,000
Guam	1,000,000
American Samoa	500,000
Total	5,000,000

Compared with the total quantity established for 1984, this amount represents an increase of 200,000 units. The proposed territorial shares represent an increase of 500,000 units for the Virgin Islands, a decrease of 200,000 units for Guam, and a decrease of 100,000 units for American Samoa.

Our reasons for proposing these amounts are as follows:

1. There are no producers in American Samoa. This proposal would establish that territory's share at the minimum required by the statute.

2. There is only one producer in Guam, and only a small fraction of that territory's share has been used in the past two years. The amount we propose here is consistent with the needs of the existing producer and with the existing set-aside of 500,000 units for possible allocation to new firms in Guam.

3. We expect total Virgin Islands shipments to be approximately 2.4 million units this calendar year. Even assuming comparable growth in 1985, the amount we propose here is consistent with the needs of the existing producers and with the existing set-aside of 500,000 units for possible allocation to new firms in the Virgin Islands.

The statute implemented by this Part

- Prohibited increasing the total quantity "to more than 7,000,000 units, or by more than 20 percent of the quantity established for the immediately preceding calendar year, whichever is greater," and
- Prohibited reducing a territory's share "by more than 200,000 units in calendar year 1984 or 1985."

The regulatory provision to implement the former restriction published last spring (49 FR 17742, § 303.3(b)(1)) referred specifically to calendar year 1984 instead of expressing the limitation in a way which permits its application to 1985 and succeeding years. The latter restriction will be made obsolete with the final adoption of the 1985 territorial shares proposed here. Accordingly, we are also proposing amendments to §§ 303.3 and 303.4 which will correct these deficiencies in existing provisions.

This action is taken under authority of Pub. L. 97–446 and in compliance with Executive Order 12291.

List of Subjects in 15 CFR Part 303

Imports, Customs duties and inspection, Watches and jewelry, Marketing quotas, Administrative practice and procedure, Reporting and recordkeeping requirements, American Samoa, Guam, Virgin Islands.

PART 303—[AMENDED]

For reasons set forth above, Part 303 of Title 15 of the Code of Federal Regulations is revised as follows:

§ 303.3 [Amended]

1. Section 303.3(b) is revised to read:

(b) *Standard for Determination.* (1) Notwithstanding (b)(2), below, the limit established for any year may be 7,000,000 units if the limit established for the preceding year was a smaller amount.

(2) Subject to paragraph (c), below, the total annual duty-exemption shall not be decreased by more than 10% of the quantity established for the preceding calendar year, or increased, if the resultant total is larger than 7,000,000, by more than 20% of the quantity established for the calendar year immediately preceding.

§ 303.4 [Amended]

2. Section 303.4(b)(1) is revised to read:

(b) *Standards for Determination*—(1) *Limitations.* A territorial share may not be reduced by more than 500,000 units in any calendar year. No territorial share shall be less than 500,000 units.

§ 303.14 [Amended]

3. The following new paragraph is added to § 303.14:

(e) *Territorial Shares.* The shares of the total duty exemption are 3,500,000 for the Virgin Islands, 1,000,000 for Guam, and 500,000 for American Samoa.

Dated: November 2, 1984.

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration.

Kittie Baier,

Deputy Assistant Secretary for Territorial and International Affairs.

[FR Doc. 84–29420 Filed 11–7–84; 8:45 am]

BILLING CODE 3510–DS–M; 4310–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. 83P–0286]

Pineapple Juice; Proposal to Amend Standards of Identity, Quality, and Fill of Container

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the U.S. standards of identity, quality, and fill of container for canned pineapple juice: (1) To permit the use of other methods of preservation, including refrigeration and freezing, in addition to heat sterilization (canning); (2) to remove all references to the words "canned" and "canning" and add the word "processing," where appropriate, consistent with the proposed use of other methods of preservation; (3) to permit the use of filtering as a processing aid; and (4) to provide for the removal of excess pulp. The proposal is based upon consideration of a petition submitted by the Pineapple Growers Association of Hawaii. This action would promote honesty and fair dealing in the interest of consumers.

DATE: Comments by January 7, 1985.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: The Pineapple Growers Association of Hawaii in a petition dated August 9, 1983, as amended, has requested that the U.S. standards of identity, quality,

and fill of container for pineapple juice (21 CFR 146.185) be amended: (1) To permit the use of other methods of preservation, including refrigeration and freezing, in addition to heat sterilization (canning) so that greater flexibility in preserving the product would be available; (2) to remove all references to the words "canned" and "canning" and add the word "processing," where appropriate, consistent with the proposed use of other methods of preservation; (3) to permit the use of filtration in the mechanical process of preparing the product in order to remove large particles from the juice, which is necessary for some uses, such as feeding babies through nippled bottles, and (4) to provide for the removal of excess pulp so that the product will conform with the standard of quality (§ 146.185(b)(1)(iv) and (2)(iv)).

FDA has concluded that the Pineapple Growers Association of Hawaii has submitted adequate justification for its petition and is therefore proposing to revise the standards of identify, quality, and fill of container (21 CFR 146.185) as requested. FDA is also proposing for technological reasons and for consistency with the fill of container exemption for other frozen juices to exempt frozen pineapple juice from the 90 percent fill requirement.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601), FDA has reviewed this proposed rule to determine its impact on small businesses. The prposed amendments in § 146.185 (a), (b), and (c) update the U.S. standards for pineapple juice by providing for other methods of preservation, including refrigeration and freezing, in addition to heat sterilization, permitting the use of filtering as a processing aid, and providing for the removal of excess pineapple pulp. The agency believes that the proposed amendments provide increased flexibility to all manufacturers related to the pineapple industry and will not impose an additional burden on the industry. Therefore, FDA certifies that this proposed action will not have a significant economic impact on a substantial number of small entities.

The agency has determined pursuant to 21 CFR 25.24(b)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed 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 146

Canned fruit juices; Food standards; Fruit juices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Food Safety and Applied Nutrition (21 CFR 5.61), it is proposed that § 146.185 be amended by removing the word "canned" wherever it appears in the section and by revising the section heading and paragraphs (a)(1) and (c)(1), to read as follows:

PART 146—CANNED FRUIT JUICES

§ 146.185 Pineapple juice.

(a) *Identity.* (1) Pineapple juice is the juice, intended for direct consumption, obtained by mechanical process from the flesh or parts thereof, with or without core material, of sound, ripe pineapple (*Ananas comosus* L. Merrill). The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining essential composition and quality factors of the juice. Pineapple juice contains finely divided insoluble solids, but it does not contain pieces of shell, seeds, or other coarse or hard substances or excess pulp. It may be sweetened with any safe and suitable dry nutritive carbohydrate sweetener. However, if the pineapple juice is prepared from concentrate, such sweeteners, in liquid form, also may be used. It may contain added vitamin C in a quantity such that the total vitamin C in each 4 fluid ounces of the finished food amounts to not less than 30 milligrams and not more than 60 milligrams. In the processing of pineapple juice, dimethylpolysiloxane complying with the requirements of § 173.340 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food. Such food is prepared by heat sterilization (canning), refrigeration, or freezing. When sealed in a container to be held at ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage.

* * * * *

(c) *Fill of container.* (1) The standard of fill of container for pineapple juice, except when the food is frozen, is not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

* * * * *

Interested persons may, on or before January 7, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 1, 1984.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84–29364 Filed 11–7–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Public Comment and Opportunity for Public Hearing on the Modification to the Kentucky Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of certain program amendments submitted by the State of Kentucky as a modification to the Kentucky permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These amendments are submitted as further modifications to the Kentucky program and pertain to condition (n) that was placed on the Kentucky program by the Secretary of the Interior. The amendments pertain to revised regulations intended to satisfy condition (n) pertaining to the definition of a principal shareholder.

This notice sets forth the times and locations that the Kentucky program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments not received on or before December 10, 1984, will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on December 3, 1984, beginning at 10:00 a.m. at the location shown below under **"ADDRESSES."**

ADDRESSES: Written comments should be mailed or hand delivered to: W. H. Tipton, Director, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

If a public hearing is held its location will be at: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504; Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies. Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

Office of Surface Mining, Reclamation and Enforcement, Room 5124, 1100 L Street, NW., Washington, D.C. 20240.

Bureau of Surface Mining, Reclamation and Enforcement, Capital Plaza Tower, Third Floor, Frankfort, Kentucky 40601.

Pursuant to 30 CFR 732.17(h)(2)(ii), each requestor may receive, free of charge, one single copy of the proposed amendment by contacting OSM's Lexington Field Office listed under **"ADDRESSES."**

Written Comments. Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in the support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than the Lexington, Kentucky Field Office will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing. Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business ten working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Submission of written statements at the time of the hearing is requested and will greatly assist the transcriber.

Submissions of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audiences who wish to comment, have been heard.

Public Meeting. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in **ADDRESSES** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Kentucky State Program

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 **Federal Register** (47 FR 21404–21435).

Information pertaining to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 **Federal Register** notice.

III. Submission of Program Amendments

By a letter dated October 12, 1984, Kentucky advised OSM of certain revisions to the Kentucky regulatory program. These modifications consist of changes to Kentucky's regulations at 405 KAR 7:020, 405 KAR 7:030 intended to satisfy condition (n). Condition (n) was placed on the approval of the Kentucky program in the May 13, 1983 **Federal Register** (48 FR 21574–21579). Condition (n) directs Kentucky to amend 405 KAR 7:020 to be no less effective than 30 CFR 770.5.

Kentucky revised 405 KAR 7:020 to change the definition of principal stockholder in response to condition (n).

Additionally, Kentucky revised 405 KAR 7:020 to change the definition of "surface coal mining operations" to include the 16⅔ exemption. 405 KAR 7:030 was also revised to include the 16⅔ exemption.

Therefore, the Secretary is seeking public comment on the adequacy of the proposed program amendments. Comments should specifically address the issues of whether the proposed amendments are in accordance with SMCRA and no less effective than its implementing regulations.

IV. Additional Determinations

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 917

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: November 2, 1984.

Wesley R. Booker,

Acting Director, Office of Surface Mining.

[FR Doc. 84–29441 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–05–M

Bureau of Land Management

43 CFR Part 3160

Onshore Oil and Gas Operations; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; correction.

SUMMARY: A proposed rulemaking that would issue Onshore Oil and Gas Order No. 2 under 43 CFR 3164.1 was published in the **Fedeal Register** on October 15, 1984 (49 FR 40354). The errors that appeared in that publication, FR Doc. 84–27187, are corrected as follows:

1. On page 40356, in columns 1 and 2, the Pasquill-Gifford equation was misprinted and is corrected to read:

"1. For determining, where applicable, the 20 ppm radius of exposure:

$X=[(7.944)(H_2S)(Q)]^{(0.625)}$.

"2. For determining the 100 ppm radius of exposure:

$X=[(1.589)(H_2S)(Q)]^{(0.625)}$.

"3. For determining the 500 ppm radius of exposure:

$X=[(0.4546)(H_2S)(Q)]^{(0.625)}$."

2. On page 40357, the third column, in the first sentence after the heading "5. Ventilation Equipment.", the word "when" is corrected to read "where".

3. On page 40360, in the first column, the entry designated "2." is corrected to read:

"2. Surface systems shall have automatic closing devices to prevent uncontrolled flow in the event of equipment failure.

"3. Material and equipment used in new construction and modification of facilities shall be resistant to hydrogen sulfide stress cracking under the existing operating conditions. No field welding is permitted without proper stress relieving."

4. On page 40360, third column, the entry entitled "3. *Extreme danger.*" is corrected to add the figure "100" between the words "exceeds" and "ppm" where they first appear.

FOR FURTHER INFORMATION CONTACT: Robert C. Bruce, (202) 343–8735.

Dated: November 1, 1984.

J. Steven Griles,

Acting Assistant Secretary of the Interior.

[FR Doc. 29376 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 40446–4072]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of withdrawal of proposed release of reserve.

SUMMARY: This notice withdraws NOAA's proposal to make the reserve of Pacific whiting off the coasts of Washington, Oregon, and California available for foreign fishing. The current allocations to foreign nations are less than the amounts available, but foreign fishing has ceased for the year and no further allocations are contemplated. Therefore, an increase in the amount of Pacific whiting available for foreign fishing is not necessary.

FOR FURTHER INFORMATION CONTACT: Dr. T.E. Kruse (Acting Director, Northwest Region, NMFS), 206–526–6150, or Mr. E.C. Fullerton (Director, Southwest Region, NMFS), 213–548–2575.

SUPPLEMENTARY INFORMATION: NOAA issued a preliminary reassessment of domestic annual harvest (DAH), domestic annual processing (DAP), and joint venture processing (JVP) on August 13, 1984 (49 FR 32243), and announced the determination of the Secretary of Commerce that no part of the reserve will be harvested by U.S. fishermen during the remainder of 1984 and thus would be available for release to the total allowable level for foreign fishing (TALFF). Public comments were requested regarding the proposed release; none were received. The proposal to add the 35,000 metric tons (mt) of reserve to TALFF is withdrawn because the 30,500 mt currently identified for TALFF is sufficient. Only 25,000 mt of the 30,500-mt TALFF has been allocated by the Department of State and no further allocations are anticipated.

List of Subjects in 50 CFR Part 663

Administrative practices and procedure, Fisheries, Foreign relations.

(16 U.S.C. 1801 *et seq.*)

Dated: November 2, 1984.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 84–29401 Filed 11–7–84; 8:45 am]

BILLING CODE 3510–22–M

50 CFR Parts 611, 672, and 675

[Docket No. 41046–4146]

Foreign Fishing, Groundfish of the Gulf of Alaska, Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of proposed 1985 initial specifications for groundfish, request for comments.

SUMMARY: NOAA proposes 1985 initial apportionments of optimum yields for each category of groundfish in the Gulf of Alaska and proposes initial total allowable catches and initial apportionments for each category of groundfish in the Bering Sea and Aleutian Islands area. This action is necessary to provide the public with the Secretary of Commerce's preliminary determination of the initial apportionments, and to obtain the public's comments on the appropriateness of those apportionments. On the basis of comments received, and after consultation with the North Pacific Fishery Management Council (Council), the Secretary will make 1985 initial apportionments providing for proper and full utilization of the groundfish resources.

DATES: Comments are invited until December 7, 1984.

ADDRESS: Comments should be sent to James O. Campbell, Chairman, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Janet Smoker (Fishery Analyst, NMFS, Alaska Region), 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

Optimum yields (OYs) for groundfish species in the Gulf of Alaska are established by the fishery management plan (FMP) for Groundfish of the Gulf of Alaska. This FMP was developed under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by rules appearing at § 611.92 and Part 672. Total Allowable Catches (TACs) in the Bering Sea and Aleutian Islands area (Bering Sea/

Aleutians) are established for groundfish species by the FMP for the Bering Sea and Aleutian Islands area. This FMP was also developed under the Magnuson Act and is implemented by rules appearing at § 611.93 and Part 675. The sum of the TACs must fall within the established OY range for these species of 1.4–2.0 million metric tons (mt).

The OYs and TACs are apportioned initially among domestic annual processing (DAP), joint venture processing (JVP), reserves, and total allowable level of foreign fishing (TALFF) under §§ 611.92 and 672.20(a)(2) for the Gulf of Alaska and under §§ 611.93 and 675.20(a) (4) and (5) for the Bering Sea/Aleutians. DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen deliver their catches to foreign processors at sea. The Gulf of Alaska reserves, equal to 20 percent of the OY for each species category, are set aside for possible reapportionment to DAP and/or to JVP if these amounts prove inadequate. The Bering Sea/Aleutian reserve is a single, nonspecific amount, equal to the sum of fifteen percent of the TAC for each species category, that may also be reapportioned to DAP and/or to JVP. Reserves not reapportioned to DAP or JVP may be reapportioned to TALFF.

Under §§ 671.20(a)(2), 675.20(a)(4), 661.92, and 611.93, the initial amounts of DAP and JVP will be determined each year by the Director, Alaska Region, NMFS (Regional Director). The DAP and JVP amounts must equal the actual DAP and JVP of the previous year plus any additional amounts the Regional Director projects will be used by the U.S. fishing industry during the coming fishing year. These additional amounts will reflect as accurately as possible the projected increases in U.S. processing and harvesting capacity and the extent to which U.S. processing and harvesting will occur during the coming year. These projections will be based upon the latest available, reliable information, including industry surveys, market data, and stated intentions by representatives for the U.S. fishing industry.

The Regional Director conducted a written survey of the U.S. industry during August and September 1984. The aggregated results of the survey were presented to the Council and its Advisory Panel and Scientific and Statistical Committee during the Council's meeting on September 27–29, 1984. At this meeting, the best available information on the status of groundfish stocks in the Gulf of Alaska and in the Bering Sea/Aleutians was also presented and considered by the bodies. This information was provided by resource assessment documents prepared by Plan Teams associated with the two FMPs. The tentative findings of the Council are as follows:

Gulf of Alaska

The Council reviewed the status of stocks for the Gulf of Alaska with the understanding that available data were subject to substantial revision as results of the Gulf of Alaska triennial groundfish biomass survey became available. The best current information, however, indicates the following condition and abundance trends for the following stocks: Pollock—good but abundance is declining; Pacific cod—good but no evidence exists of significant recruitment in the last two years; flounders—good and assumed stable; Pacific ocean perch—severely depressed but stable; other rockfish—depressed and some concern exists for localized depletion of some species in southeast Alaska, but the abundance trend is unknown; thornyhead rockfish—unknown but the catch per unit of effort is stable; Atka mackerel—low and declining with no apparent recruitment in the Central Regulatory area; squid—good and assumed stable; other species—probably good and abundance is probably stable.

The Council is not proposing changes in OYs at this time. Proposed apportionments (Table 1) may be inconsistent with some of the OYs, which may be the subject of future plan amendments by the Council.

TABLE 1.—PROPOSED INITIAL 1985 APPORTIONMENTS OF GROUNDFISH OPTIMUM YIELDS IN THE GULF OF ALASKA AMONG DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), RESERVES, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF)

[All figures are in metric tons]

Species	Area	OY	1985 DAP	1985 JVP	Reserves	TALFF
Pollock	Western/Central	400,000	2,023	190,000	80,000	127,977
	Eastern	16,600	5	0	3,320	13,275
Pacific cod	Western	16,560	600	5,965	3,312	6,683
	Central	33,540	8,691	8,200	6,708	9,941
	Eastern	9,900	120	0	1,980	7,800
Flounders	Western	10,400	400	800	2,080	7,120
	Central	14,700	1,486	3,000	2,940	7,274
	Eastern	8,400	300	0	1,680	6,420
Pacific ocean perch	Western	2,700	2,160	0	540	0
	Central	7,900	6,320	0	1,580	0
	Eastern	875	136	0	175	564
Sablefish	Western	1,670	1,336	0	334	0
	Central	3,060	2,448	0	612	0
	West Yakutat	1,680	1,344	0	336	0
	East Yakutat	1,135	1,135	0	0	0
	Southeast outside	1,435	1,435	0	0	0
Atka Mackerel	Western	4,678	0	3,400	936	342
	Central	20,836	0	500	4,167	16,169
	Eastern	3,186	0	0	637	2,549
Rockfish	Entire Gulf	7,600	2,947	1,765	1,520	1,368
Thornyhead	do	3,750	40	10	750	2,950
Squid	do	5,000	100	10	1,000	3,890
Other Species	do	28,780	150	1,400	5,756	21,474
Total		604,385	33,176	215,050	120,363	235,796

The industry survey indicates that in certain regulatory areas, domestic processors will process the entire OYs for Pacific ocean perch and/or sablefish. Apportionment of the entire OYs to DAP would result in zero amounts available for JVP or TALFF in those areas and could cause the reduction or elimination of joint venture or foreign fisheries in which Pacific ocean perch and sablefish are taken as a bycatch. As an alternative, minimal amounts of Pacific

ocean perch and sablefish bycatch might be apportioned to TALFF and/or JVP to allow directed fishing for other species. Another possibility is that Pacific ocean perch and sablefish might be treated as prohibited species in the foreign and/or joint venture fisheries; prohibited species must be avoided and, if caught, must be returned to the sea. Comments on these options are invited.

Bering Sea/Aleutians

The Council reviewed the status of stocks in the Bering Sea/Aleutians. The best available information indicates the following condition and abundance trends for the following stocks: pollock—good in both the Bering Sea and Aleutians, but concern exists about weak 1979–81 year classes; Pacific cod—good, but abundance is declining from the 1984 peak; yellowfin sole—excellent and is at an historically high abundance; turbots—good (Greenland turbot) and fair (arrowtooth flounder), but abundance of Greenland turbot adults has declined; other flatfish—excellent for all principal species; Pacific ocean perch—poor but abundance is stable in both the Bering Sea and Aleutians; other rockfish—fair and abundance may be low and stable in both the Bering Sea and Aleutians; Atka mackerel—good; squid—status and abundance are unknown; other species—good but abundance is declining slightly.

These amounts are subject to adjustment by the Regional Director following consultation with the Council, prior to his making a final determination of the initial 1985 TACs and apportionments. The industry survey indicates that in the Bering Sea area, domestic processors will process the entire TAC for Pacific ocean perch and that in the Bering Sea and Aleutian Islands areas, joint venture participants will harvest the entire TAC for Atka mackerel. Apportionments of the entire TACs to DAP and JVP could raise problems similar to those discussed above regarding the Gulf of Alaska. Comments are invited on each of the options mentioned as they might apply to the Bering Sea and Aleutian Islands area.

Any additional information on the actual plans for harvesting and processing U.S.-caught groundfish will be considered by the Secretary when making his final determination on the initial 1985 apportionments of OYs in the Gulf of Alaska and the initial 1985 TACs and their apportionments in the Bering Sea/Aleutians.

Other Matters

This action is taken under §§ 611.92(c), 611.93(b), 672.20, and 675.20 and complies with Executive Order 12291.

The Council is proposing changes in TACs and proposed apportionments of TACs (Table 2) at this time.

TABLE 2.—PROPOSED 1985 TOTAL ALLOWABLE CATCHES (TAC'S) OF GROUNDFISH AND INITIAL APPORTIONMENTS OF TAC'S AMONG DOMESTIC ANNUAL PROCESSING (DAP, JOINT VENTURE PROCESSING (JVP), AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF) IN THE BERING SEA AND ALEUTIAN ISLANDS AREA

[All figures are in metric tons]

Species	Area[1]	Proposed 1985 initial apportionments			
		TAC	DAP	JVP	TALFF
Pollock	(BS)	1,100,000	6,826	274,500	653,674
	(AL)	100,000	300	10,000	74,700
Pacific cod		210,000	62,940	40,000	75,560
Yellowfin sole		288,700	3,076	57,000	185,319
Turbots		50,000	0	2,000	40,500
Other flatfish		139,840	907	22,000	95,957
Pacific ocean perch	(BS)	680	578	0	0
	(AL)	3,800	100	2,310	820
Other rockfish	(BS)	1,120	600	20	332
	(AL)	5,500	5	535	4,135
Sablefish	(BS)	2,600	1,979	100	131
	(AL)	3,360	100	417	2,339
Atka mackerel		37,700	0	32,045	0
Squid		10,000	0	30	8,470
Other species		46,700	1,000	2,800	35,895
Total		[2] 2,000,000	78,411	443,757	1,177,832

[1] (BS) = Bering Sea; (AL) = Aleutians.
[2] 15 percent of the total TAC, or 300,000 mt, is apportioned to the reserve, and the remaining TAC is apportioned to DAP, JVP, and TALFF.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: November 6, 1984.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 84-29519 Filed 11-6-84; 2:02 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 218
Thursday, November 8, 1984

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Natural Resource Management Guide Meeting

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Amherst, Massachusetts and serving the State of Connecticut, is announcing a public information meeting to discuss its draft Natural Resource Management Guide for the State of Connecticut.

DATES: Meeting on December 6, 1984, 10:00 a.m. to 12:00 a.m. Comments must be received no later than January 5, 1985.

ADDRESS: Meeting location at Windsor Public Library, 323 Broad Street, Windsor, Connecticut 06095.

WRITTEN COMMENTS AND FURTHER INFORMATION WILL BE ADDRESSED TO: State Director, FmHA, 451 West Street, Amherst, Massachusetts 01002 (413–253–3471).

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

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

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

November 2, 1984.

Glendon Deal,

Acting Director, Program Support Staff.

[FR Doc. 84–29453 Filed 11–07–84; 8:45 am]

BILLING CODE 3410–07–M

Natural Resource Management Guide Meeting

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

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

DATES: Meeting on December 5, 1984, 10:00 a.m. to 12:00 a.m. Comments must be received no later than January 4, 1985.

ADDRESS: Meeting location at Conference Room, USDA Agriculture Service Center, 451 West Street, Amherst, Massachusetts 01002.

WRITTEN COMMENTS AND FURTHER INFORMATION WILL BE ADDRESSED TO: State Director, FmHA, 451 West Street, Amherst, Massachusetts 01002 (413–253–3471).

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

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

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

Dated November 2, 1984.

Glendon Deal,

Acting Director, Program Support Staff.

[FR Doc. 84–29452 Filed 11–7–84; 8:45 am]

BILLING CODE 3410–07–M

OMB Circular A–76 Cost Comparison Study

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of OMB Circular A–76 Cost Comparison Study.

SUMMARY: The Farmers Home Administration intends to conduct an OMB Circular A–76 cost comparison study of its National Office Central File Unit, Washington, D.C., commencing December 1, 1984. A specific invitation for bid or request for proposal will be announced in the *Commerce Business Daily*. A contract may or may not result from the cost comparison study.

FOR FURTHER INFORMATION CONTACT: Leonard Hardy, Jr., Director, Organization, Management and Training Division, Farmers Home Administration, Washington, D.C. 20250. Telephone number (202) 475–5170.

Dated: November 2, 1984.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 84–29454 Filed 11–7–84; 8:45 am]

BILLING CODE 3410–07–M

Food and Nutrition Service

Availability of Surplus Commodities, Fiscal Year 1985

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that for the period October 1, 1984 through September 30, 1985, the Department of Agriculture will make available additional quantities of surplus cheese, butter, nonfat dry milk, honey, rice, flour and corn meal to requesting State agencies for distribution to eligible recipients. The foods being made available by this announcement are in addition to those already made available by the Department under other authorities including the special surplus distribution program which was first authorized in December 1981 under section 1114 of the Agriculture and Food Act of 1981, and those made available during Fiscal Years 1983 and 1984 under section 202 of the Temporary Emergency Food Assistance Act of 1983 (Title II of Pub. L. 98–8).

FOR FURTHER INFORMATION CONTACT: Beverly King, Program Administration Branch, Food Distribution Division, Park Office Center, Alexandria, Virginia 22302, Telephone (703) 756–3660.

EFFECTIVE DATE: October 1, 1984.

SUPPLEMENTARY INFORMATION: This action, which implements mandatory provisions of Pub. L. 98–92, which amended the Temporary Emergency Food Assistance Act of 1983, has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512. It has been classified as "nonmajor," because it meets none of the three criteria in the Executive Order; the action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete.

The action has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act of 1980. Robert E. Leard, Administrator, Food and Nutrition Service, has determined that it will not have a significant economic impact on a substantial number of small entities. The purpose of the action is to notify States of the types and quantities of foods to be made available through Title II of Pub. L. 98–8, as amended by Pub. L. 98–92, during Fiscal Year 1985.

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review.

The Secretary anticipates that the following commodities and amounts will be made available during Fiscal Year 1985 to agencies of State governments which request them for distribution to eligible recipients:

Cheese, 420 million pounds
Butter, 144 million pounds
Nonfat dry milk, 60 million pounds
Honey, 72 million pounds
Corn Meal, 36 million pounds
Flour, 96 million pounds
Rice 48 million pounds

These foods are being offered under the provisions of Title II of Pub. L. 98–8, as amended by Pub. L. 98–92, which requires that the Department publish in the **Federal Register** an estimate of the types and quantities of foods that the Secretary of Agriculture anticipates are likely to be made available during Fiscal Year 1985. The actual types and quantities of commodities made available by the Department may differ from these estimates. The foods made available under this notice will be targeted to needy persons, including low-income and unemployed persons. The legislation expires September 30, 1985.

State agencies participating in the distribution of surplus foods under Title II of Pub. L. 98–8, as amended by Pub. L. 98–92, are required to enter into an agreement with the Department embodying the terms and conditions under which the foods are being provided, in accordance with interim rules published in the **Federal Register** on December 16, 1983 (48 FR 55988–55993). A copy of the agreement may be obtained from the appropriate Regional Administrator, Food and Nutrition Service.

(Catalog of Federal Domestic Assistance No. 10.550)

Authority: Sec. 210(c), Pub. L. 98–8, as amended.

Dated: November 2, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84–29377 Filed 11–7–84; 8:45 am]

BILLING CODE 3410–30–M

Forest Service

Compatibility Determination To Mine Coal; Monongahela National Forest, WV

AGENCY: Forest Service, USDA.

ACTION: Notice of Determination.

SUMMARY: The Regional Forester has determined that the Otter Creek Coal Company's (OCCC) proposal to mine coal, (January 28, 1983) is not compatible with the management objectives of the Otter Creek Wilderness, West Virginia. This determination was made pursuant to Section 6(b)(3) of Pub. L. 93–922. This determination is predicated on the assumption that the OCCC has valid existing rights as defined under Section 522(e) of the Surface Mining Control and Reclamation Act.

If the OCCC is allowed to implement its proposed plan, the Secretary of Agriculture would have the option to acquire OCCC property rights by condemnation.

FOR FURTHER INFORMATION CONTACT: Jack Craven, Assistant Director of Lands, Watershed and Minerals, USDA Forest Service Eastern Region, 310 W. Wisconsin Avenue, Suite 600, Milwaukee, Wisconsin 53203, 414–291–3324.

Dated: November 1, 1984.

Larry Henson,

Regional Forester.

[FR Doc. 84–29407 Filed 11–7–84; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 46–84]

Foreign-Trade Zone 18, San Jose, CA; Application for Relocation

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of San Jose, California, grantee of Foreign-Trade Zone 18, requesting authority to relocate the general-purpose zone in San Jose, within the San Francisco-Oakland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 29, 1984. The applicant is authorized to make this proposal under Sections 6300–6305, Chapter 4 of the California Government Code.

On November 27, 1974, the Board authorized the City to establish a zone in San Jose (Board Order 103, 39 FR 42032, 12/4/74). The project was reorganized in October 1983 (Board Order 228, 48 FR 48486, 10/19/83). The general-purpose zone currently involves a 50,000 square foot warehouse on a 5-acre parcel at 535 Brennan Ave., San Jose, and a special-purpose subzone.

The City is now requesting authority to relocate the general purpose zone to a 7-acre parcel with more space at 567 Cinnabar Street, San Jose, within the Julian-Stockton Industial Redevelopment Area. A 140,000 sq. ft. warehouse is available for immediate zone use with additional space for

expansion. It is owned and operated by CCBS Warehousing Service, Inc., the current zone operator.

In accorance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Paul R. Andrews, District Director, U.S. Customs Service, Pacific Region, 555 Battery St., P.O. Box 2450,. San Francisco, CA 94111; and Colonel Edward M. Lee, Jr., District Engineer, U.S. Army Engineer District San Francisco, 211 Main St., San Francisco, CA 94105.

Comments concerning the proposed zone relocation are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 7, 1984.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Federal Building, 450 Golden Gate Ave., P.O. Box 36013, San Francisco, CA 94102

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: November 1, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-29374 Filed 11-7-84; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 47-84]

Foreign-Trade Zone 17, Kansas City, KS; Application for Subzone, General Motors Corp., Kansas City

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 17, requesting special-purpose subzone status for the General Motors Corporation (GM) auto assembly plant in Kansas City, Kansas, within the Kansas City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 29, 1984. The applicant is authorized to make this proposal under the State of Kansas Senate Bill 403, approved March 22, 1973.

The proposed subzone for GM will be at 100 Kindelberger Road, Kansas City, Kansas, known as the Fairfax plant. The 46-acre facility employs over 5,000 persons, producing full-sized automobiles. About 1 percent of the parts and material used at the plant are dutiable, including wiring harnesses, solenoids, valve and lever assemblies, and radio receivers. Close to 7 percent of the finished automobiles are exported.

Zone procedures will exempt GM from duty payments on the foreign parts it uses on its exports. On domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished autos. The average duty rate on the components GM uses is 4.3 percent whereas the rate for complete autos is 2.7 percent. The savings from subzone status will contribute to the company's overall cost reduction program, helping its U.S. plants become more competitive with auto production plants abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; William L. Duncan, District Director, U.S. Customs Service, North Central Region, 120 S. Central Ave., St. Louis, MO 63105; and Colonel Robert M. Amrine, District Engineer, U.S. Army Engineer District Kansas City, 700 Federal Bldg., Kansas City, MO 64106.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 7, 1984.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 2701 Rock Creek Parkway, Kansas City, MO 64116.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230

Dated: October 31, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-29375 Filed 11-7-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of X-Ray Generators; Institute for Cancer Research and Veterans Administration Medical Center

This is a decision consolidated 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). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Roon 1523, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket No.: 84–238. Applicant: Institute for Cancer Research, Philadelphia, PA 19111. Instrument: X-ray Rotating Anode Generator with Accessories.

Docket No.: 84–241. Applicant: The Veterans Administration Medical Center, Wood, WI 53193. Instrument: Rotating Anode X-Ray Generator System, Model RU–200VP.

Manufacturer: Rigaku, Japan. Intended Use: See notice at 49 FR 35167. Advice Submitted by: National Institutes of Health: September 13, 1984.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The foreign instruments provide high density (12 kilowatts per square millimeter) to a small focal area. The National Institutes of Health advises that (1) the capability of the foreign instruments described above is pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of the instruments.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instruments which is being manufactured in the United States.

(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. 84-29417 Filed 11-7-84; 8:45 am]

Billing Code 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Virginia Commonwealth University

This decision is made 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). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket No.: 84–243. Applicant: Virginia Commonwealth University, Richmond, VA 23298. Instrument: Voltage clamp/patch clamp amplifier, Model EPC–7. Manufacturer: List Electronic, West Germany. Intended Use: See notice at 49 FR 30984.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is capable of measuring currents generated by a membrane patch [1 to 10 picoamperes (pA); 1 pA = 10^{-12} A] and a single isolated heart cell [1 to 10 nanoamperes (nA); 1 nA = 10^{-9} A] without switching probes and has a noise level of 0.30 pA at a bandwidth of 10 kilohertz. The National Institutes of Health advises in its memorandum dated September 13, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(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. 84–29418 Filed 11–7–84; 8:45 am]

Billing Code 3510–DS–M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Sanctuaries

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of Availability of Evaluation Findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Wisconsin, Louisiana, Delaware, and Hawaii Coastal Management Programs. Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved Coastal Management Program. The states evaluated were found to be adhering both to the programmatic terms of their financial assistance awards and/or to their approval coastal management programs; and to be making progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing coastal zone management programs were occurring with respect to the national coastal management objectives identified in section 303(2)(A)–(I) of the Coastal Zone Management Act.

A copy of the assessment and detailed findings for these programs may be obtained on request from: John H. McLeod, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone: 202/634–4245).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: October 30, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84–29388 Filed 11–7–84; 8:45 am]

BILLING CODE 3510–08–M

Intent To Evaluate Coastal Management Programs and National Estuarine Sanctuaries

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of Intent to Evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the American Samoa Coastal Management Program (CMP); Hawaii CMP; Massachusetts CMP; Florida CMP; Rhode Island CMP; New Hampshire CMP; Alabama CMP; Washington CMP; Mississippi CMP; and Oregon CMP and National Estuarine Sanctuary (South Slough) throught April 1985. These reviews will be conducted pursuant to section 312 of the Coastal Zone Management Act (CZMA) which requires a continuing review of the performance of the states with respect to coastal management, and their adherence to the terms of financial assistance awards funded under the CZMA. Coastal zone management is funded under section 306, and the National Estuarine Sanctuary Program is authorized by section 315, CZMA. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits. The state will issue notice of these meetings. A subsequent notice will be placed in the **Federal Register** announcing the availability of the Final Findings based on each evaluation once these are completed.

FOR FURTHER INFORMATION CONTACT: John H. McLeod, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven, St., N.W., Washington, D.C. 20235 (telephone: 202/634–4245).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: October 30, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84–29386 Filed 11–7–84; 8:45 am]

BILLING CODE 3510–08–M

Deep Seabed Mining; Issuance of Exploration License

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance to Kennecott Consortium.

Pursuant to the Deep Seabed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on October 29, 1984 issued to Kennecott Consortium, 1515 Mineral Square, Salt Lake City, Utah, 84147 a license to engage in deep seabed mining exploration activities subject to terms, conditions, and restrictions, for a site designated USA–4 which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean.

Interested persons are permitted to examine a copy of the license at the address below.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653–8257.

Dated: November 1, 1984.

Approved: October 29, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84-29282 Filed 11-7-84; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products Produced or Manufactured in Pakistan

November 5, 1984.

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 November 9, 1984. For further information contact Eve Anderson, International Trade Specialist (202) 377–4212.

Background

A CITA directive dated December 13, 1983 (48 FR 55892) established restraint limits for certain specified categories of cotton textiles and cottom textile products, including Category 369pt. (All TSUSA numbers in the category except towels in TSUSAs 366.1855, 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740), produced or manfactured in Pakistan and exported during 1984. Consultations have been held between the Governments of the United States and Pakistan under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, and agreement reached to further amend the agreement to increase the designated consultation level for Category 369pt. from 6,273,739 pounds to 7,400,000 pounds for goods exported during 1984. The letter to the Commissioner of Customs which follows this notice further amends the December 13, 1983 directive to increase this level.

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 31, 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), and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

November 5, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 13, 1983 which established import restraint limits for certain categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported during 1984.

Effective on November 9, 1984, the directive of December 13, 1983 is hereby further amended to include an adjusted restraint level of 7,400,000 pounds[1] for cotton textile products in Category 369pt.[2]

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 84-29373 Filed 11-7-84; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting the Imports for Cotton Textile Products Produced or Manufactured in the People's Republic of China

November 5, 1984.

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 November 9, 1984. For further information contact Jane Corwin, International Trade Specialist (202) 377–4212.

Background

A CITA directive establishing import limits for specified categories of cotton and man-made fiber textile products, including Categories 331 (gloves), 338pt. (knit shirts in TSUSA numbers 379.0240 and 379.4050), and 363 (terry and other pile towels), produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1984, was published in the **Federal Register** on December 22, 1983 (48 FR 56626). Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, the Government of the People's of China has notified the Government of the United States of its intention to use flexibility in the form of swing to be applied to the current-year limits for Categories 331 and 338pt. The limit for Category 363 is being reduced accordingly to account for the swing being applied to Categories 331 and 338pt.

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 13, 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), and July 16, 1984 (49 FR 28754).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 5, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 19, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1984.

Effective on November 9, 1984, the directive of December 19, 1983 is hereby further amended to adjust the previously established restraint limits for Categories 331, 338pt.,[1] and 363 to the following under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983: [2]

[1] The level has not been adjusted to account for any imports exported after December 31, 1983.

[2] In Category 369, all TSUSA numbers except 366.1820, 366.1840, 366.1855, 366.2120, 366.2140, 366.2420, 366.2440 and 366.2740.

[1] In Category 338 only TSUSA numbers 379.0240 and 379.4050.

[2] The Agreement provides, in part, that (1) with the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard equivalent decrease in one or more other specific limits in that agreement year; (2) the specific limits for certain categories may be increased for carryforward, and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Category	Adjusted 12-mo. restraint limit [2]
331	3,797,782 dozen pairs.
338pt. [1]	597,713 dozen.
363	14,503,141 numbers.

[1] In Category 338 only TSUSA numbers 379.0240 and 379.4050.
[2] The limits have not been adjusted to reflect any imports exported after December 31, 1983.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-29416 Filed 11-7-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Military Justice Act of 1983 Advisory Commission; Public Meeting

The Military Justice Act of 1983 Advisory Commission will meet on Wednesday, November 21, 1984, commencing at 8:00 a.m. in the Air Force Office of Scientific Research Conference Room, Building 410, Bolling Air Force Base, D.C. The meeeting will be open to the public.

The Commission will also meet on Thursday, Friday, and Saturday, December 6, 7, and 8, 1984, commencing each day at 8:00 a.m. in the Air Force Office of Scientific Research Conference Room, Building 410, Bolling Air Force Base, D.C. The meeting will be open to the public.

Anyone requiring additional information may contact the Commission Chairman, Colonel Thomas L. Hemingway, at 693-5770.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-29467 Filed 11-7-84; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Lake Charles Ship Channel, LA, Project

AGENCY: US Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of Intent to Prepare a DEIS.

SUMMARY: 1. *Proposed Action.* The existing 40- by 400-foot channel in the Calcasieu River from the port of Lake Charles to the Gulf of Mexico restricts the abililty of some vessels to load to capacity. It has been proposed that the channel be enlarged in order to accommodate these vessels. Consideration has also been given to easing a number of restrictive bendways which cause delays to ships attempting to navigate them. A passing lane/holding area has been proposed to reduce delays resulting from the passage of ships transporting liquefied natural gas (LNG); Coast guard regulations require that a moving safety zone be maintained two miles ahead and one mile astern of LNG carriers, seriously hampering the movement of other vessels. A wider channel has also been proposed for the reach of the river traversed by LNG ships in order to provide safer operating conditions.

2. *Alternatives.* The following features, which can be combined in various ways to produce a number of alternative plans, are being considered:

a. Easing of bendways between Calcasieu Lake and the port of Lake Charles, which might be accomplished for either one-way traffic or two-way traffic;

b. Enlarging of the channel to dimensions of 45 by 750 feet from the gulf to mile 29.6 (reach 1) and 45 by 330 feet from mile 29.6 to mile 34.1 at the port of Lake Charles (reach 2);

c. Enlarging of the channel to demensions of 45 by 750 feet in reach 1 and 45 by 620 feet in reach 2 (this would accommodate 2-way traffic);

d. Enlarging of the channel to dimensions of 50 by 750 feet in reach 1 and 50 by 375 feet in reach 2;

e. Enlarging of the channel to dimensions of 50 by 750 feet in reach 1 and 50 by 700 feet in reach 2;

f. Enlarging of the channel to dimensions of 55 by 750 feet in reach 1 and 55 by 400 feet in reach 2;

g. Enlarging of the channel to dimensions of 55 by 750 feet in both reach 1 and reach 2; and

h. Construction of a passing lane/holding area. Sites under consideration are in the vicinities of river miles 4.8 and 19.

3. *Scoping Process.*

a. A scoping meeting was held in Lake Charles on 10 October 1984. Attendees included the U.S. Fish and Wildlife Service, representatives of other Federal and state agencies, and representatives from the university and private sectors. The Corps will continue a working relationship with the initial scoping group and invites the participation of others who are interested in the proposed project.

b. Impacts of the proposed action on marsh habitat, water qualilty, endangered species, cultural resources, shrimp and oyster production, oil and gas facilities, and other significant resources will be analyzed in the DEIS.

c. The U.S. Fish and Wildlife Service will conduct a Habitat Evaluation Procedure Analysis which will be used to assist in determining severity of impacts and compensation needs.

d. Coordination among appropriate Federal, state, and local agencies will continue throughout the public involvement process to insure compliance with applicable Federal and state environmental statutes.

4. *Scoping Meeting.* Other than the 10 October 1984 scoping meeting, no additional meetings will be called unless new significant information or issues surface during the preparation of the DEIS.

5. The DEIS is scheduled for filing with the U.S. Environmental Protection Agency and issuance to the public in November 1985.

ADDRESS: Questions concerning the proposed action and the DEIS should be directed to Mr. Dave Reece, U. S. Army Corps of Engineers, Environmental Analysis Branch (LMNPD-R), P. O. Box 60267, New Orleans, LA 70160, commercial telephone (504) 838-2522, FTS 687-2522.

Dated: Novermber 2, 1984.

Eugene S. Witherspoon,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84-29392 Filed 11-7-84; 8:45 am]

BILLING CODE 3710-84-M

Department of the Navy

Academic Advisory Board to the Superintendent United States Naval Academy; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, will meet on November 26, 1984, in Rickover Hall, Room 301, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 1:30 p.m. and terminate at 4:30 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit their proposals to the Superintendent to aid him in improving educational standards and in solving Academy problems. The meeting will be open to

the public for observation to the extent that space is available.

For further information concerning this meeting contact: Major D. L. Smith, USMC, Military Secretary to the Academic Advisory Board, Office of the Academic Dean, United States Naval Academy, Annapolis, Maryland 21402, Telephone No. (301) 267–2500.

Dated: November 5, 1984.

William F. Roos, Jr.,

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

[FR Doc. 84–29419 Filed 11–7–84; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. PP–81]

Record of Decision and Issuance of Presidential Permit PP–81 to Maine Public Service Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Publication of the Record of Decision and notice of issuance of Presidential Permit PP–81 to Maine Public Service Company (MPS) for the construction of one single phase, 7.2 kilovolt (kV) electric distribution line which crosses the U.S.-Canadian international border at Easton, Maine.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has issued Presidential Permit PP–81 to MPS pursuant to Executive Order 10485, as amended, authorizing the construction, connection, operation, and maintenance of one single phase, 7.2 kV distribution line at the international border of the United States and Canada which will be energized by the New Brunswick Electric Power Commission (NBEPC) of Canada. The U.S.-Canadian border crossing will be located in the Town of Easton, Aroostook County, Maine. The record of decision appears below.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA–033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–5935

Lise Courtney M. Howe, Office of Assistant General Counsel for International Trade and Emergency Preparedness, Department of Energy, Forrestal Building—Mail Stop 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: On September 21, 1984, pursuant to Executive Order 10485, as amended by Executive Order 12038, the Administrator of ERA issued Presidential Permit PP–81 to the Maine Public Service Company for the construction of one 7.2 kV, single phase, distribution line which will cross the U.S.-Canadian border in the Town of Easton, Maine.

The Record of Decision for this action is issued pursuant to the Regulations of the Council of Environmental Quality (40 CFR Part 1505 and 1506) and Implementation Procedures of the U.S. Department of Energy (10 CFR Part 1021).

Decision

DOE has issued a Presidential Permit to MPS to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada. This Permit is being issued pursuant to Executive Order 10485, as amended.

Project Description

MPS proposes to construct, connect, operate and maintain at the international border of the United States and Canada one single phase, 7.2 kV, electric distribution line. The line is required to provide electric service to a residential customer in the United States. Electric service will be provided by NBEPC. The facilities authorized by this Permit are more specifically shown and described in the application filed by MPS with the DOE on April 25, 1984, in Docket No. PP–81.

Description of Alternatives

DOE has determined that the action proposed by MPS in its application is the most viable alternative for providing electric service to the U.S. customer in question.

Basis for Decision

If DOE determines that the issuance of a Permit is consistent with the public interest, DOE is authorized, pursuant to Executive Order 10485, as amended, by Executive Order 12038, to grant a Presidential Permit to construct, connect, operate and maintain a transmission circuit crossing an international border.

Considerations in the Implementation of the Decision

DOE has concluded that the project proposed by MPS satisfies the four criteria (environment, reliability, national security and international trade considerations) presently used to determine consistency with the public interest. On July 3, 1984, after a review of the subject application with respect to the requirements of the National Environmental Policy Act of 1969 (NEPA), DOE determined that the issuance of the Permit would not constitute a major Federal action significantly affecting the quality of the human environment, as defined in Section 102 of NEPA, 42 U.S.C. 4321 *et seq.* Accordingly, neither an environmental assessment nor an environmental impact statement was required and the conditions of the NEPA were satisfied.

On July 6, 1984, DOE concluded that the proposed electric distribution line will not impact adversely the reliability of either the MPS system or any other electric utility system in the region. Finally, in satisfaction of the final two criteria and pursuant to Executive Order 10485, as amended, the Department of State and the Department of Defense must concur in DOE's decision to issue the Permit. The Department of State concurred on August 3, 1984, and the Department of Defense concurred on July 10, 1984.

A copy of the Presidential Permit is available for public inspection and copying at the DOE Freedom of Information Library, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., September 21, 1984.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 84–29372 Filed 11–7–84; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–53066]

Premanufacture Notices; Monthly Status Report for September 1984

AGENCY: Environmental Protection Agencyl (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired

since publication of the last monthly summary. This is the report for September 1984.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS–53066]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M Street, SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–613, 401 M Street, SW., Washington, DC 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September; (b) PMNs received previously and still under review at the end of September; (c) PMNs for which the notice review period has ended during September; (d) chemical substances for which EPA has received a notice of commencement to manufacture during September and (e) PMNs for which the review period has been suspended. Therefore, the September 1984 PMN Status Report is being published.

Dated: October 30, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

Premanufacture Notices Monthy Status Report—September 1984

I. 131 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
84–1100	Generic name: Aliphatic polyurethane aqueous dispersion	49 FR 35414 (35415) (9–7–84).	Nov. 21, 1984.
84–1101	Generic name: Type I anion exchange resin, bicarbonate/carbonate form	49 FR 35414 (35415) (9–7–84).	Do.
84–1102	Generic name: Mofified polymer of acrylates and methacrylates	49 FR 35414 (35415) (9–7–84).	Do.
84–1103	Generic name: Terpolymer of acrylate and methacrylates	49 FR 35414 (35415) (9–7–84).	Do.
84–1104	Generic name: Substituted triazines	49 FR 35414 (35415) (9–7–84).	Do.
84–1105	Generic name: Tetra amino di-substituted metal complex	49 FR 35414 (35415) (9–7–84).	Do.
84–1106	Generic name: Alkoxylated poly(oxyalkylene)diamine	49 FR 35414 (35415) (9–7–84).	Nov. 24, 1984.
84–1107	Generic name: Copper complex of a substituted biphenyl sulfonated salt	49 FR 35414 (35415) (9–7–84).	Do.
84–1108	Generic name: Polyurethane polymer	49 FR 35414 (35415) (9–7–84).	Nov. 25, 1984.
84–1109	Generic name: Modified rosin	49 FR 35414 (35415) (9–7–84).	Do.
84–1110	Generic name: Terephthalic acid, polymer with polytetramethylene ether glycol, 2-oxepanone, and an alkane diol	49 FR 35414 (35415) (9–7–84).	Nov. 25, 1984.
84–1111	Generic name: Reacted brominated epoxy resin	49 FR 35414 (35415) (9–7–84).	Do.
84–1112	Generic name: Aliphatic dicarboxylic acid polymer with alkane diol	49 FR 35414 (35415) (9–7–84).	Nov. 26, 1984.
84–1113	Generic name: Acid form of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9–7–84).	Do.
84–1114	Generic name: Sodium salt of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9–7–84).	Do.
84–1115	Generic name: Phenolic modified rosin ester	49 FR 35414 (35416) (9–7–84).	Do.
84–1116	Adipic acid and phthalic anhydride polymers with ethylene glycol and neopentyl glycol terminated with 2-ethyl hexanol	49 FR 35414 (35416) (9–7–84).	Do.
84–1117	Adipic acid, azelaic acid, phthalic anhydride, polymers with ethylene glycol neopentyl glycol and 2-ethyl hexanol	49 FR 35414 (35416) (9–7–84).	Do.
84–1118	Generic name: Carboxyl functional acrylic copolymer	49 FR 35414 (35416) (9–7–84).	Do.
84–1119	1,2,3-Propanetricarboxylic acid, 2-(acetoxy)-, tri-n-hexyl ester	49 FR 35414 (35416) (9–7–84).	Do.
84–1120	1,2,3,-Propanetricarboxylic acid, 2-(butoxy)-,tri-n-hexyl ester	49 FR 35414 (35416) (9–7–84).	Do.
84–1121	1,2,3,-Propanetricarboxylic acid, 2-(acetoxy)-, tri-n-(octyl/decyl) ester	49 FR 35414 (35416) (9–7–84).	Do.
84–1122	Generic name: Silicone glycol	49 FR 35414 (35416) (9–7–84).	Do.
84–1123	Generic name: Substituted sulfonated naphthalene	49 FR 35414 (35416) (9–7–84).	Nov. 27, 1984.
84–1124	Generic name: Modified styrene-divinylbenzene polymer	49 FR 35414 (35416) (9–7–84).	Do.
84–1125	Generic name: Methanone, alkyl-aryl	49 FR 35414 (35416) (9–7–84).	Do.
84–1126	Generic name: Methanone, alkyl-substituted phenyl	49 FR 35414 (35417) (9–7–84).	Do.
84–1127	Generic name: Sulfamic acid, substituted amine salt	49 FR 35414 (35417) (9–7–84).	Do.
84–1128	Generic name: Isoalkyleneoxy alkanol	49 FR 35414 (35417) (9–7–84).	Do.
84–1129	Acetic acid, ester with C_9-C_{11} iso alcohols, C_{10}-rich	49 FR 35414 (35417) (9–7–84).	Do.
84–1130	Acetic acid, ester with C_8-C_{10} alcohols, C_9-rich	49 FR 35414 (35417) (9–7–84).	Do.

I. 131 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-1131	Acetic acid, ester with C_{11}-C_{14} iso alcohols, C_{13}-rich	49 FR 35414 (35417) (9-7-84).	Do.
84-1132	Generic name: Heterocyclic substituted copper phthalocyanine	49 FR 36151 (36152) (9-14-84).	Nov. 28, 1984.
84-1133	Generic name: Hydroxy acrylic resin	49 FR 36151 (36152) (9-14-84).	Do.
84-1134	....do	49 FR 36151 (36152) (9-14-84).	Do.
84-1135	Generic name: Vinyl urethane	49 FR 36151 (36152) (9-14-84).	Do.
84-1136	Generic name: Substituted aromatic amide	49 FR 36151 (36152) (9-14-84).	Do.
84-1137	Generic name: Cycloaliphatic epoxide	49 FR 36151 (36152) (9-14-84).	Do.
84-1138	Generic name: Sulfonated vinylic homopolymer salt	49 FR 36151 (36152) (9-14-84).	Dec. 2, 1984.
84-1139	Generic name: Cellulosic ether	49 FR 36151 (36152) (9-14-84).	Dec. 3, 1984.
84-1140	Generic name: Monobasic acid-modified alkyd resin	49 FR 36151 (36152) (9-14-84).	Do.
84-1141	Generic name: Phenylene bis[benzothiazoyloxoalkylamide] [methylimidazole] derivative, mixed salts	49 FR 36151 (36152) (9-14-84).	Do.
84-1142	Generic name: Aliphatic polyester	49 FR 36151 (36152) (9-14-84).	Do.
84-1143	Generic name: 2,4,6-trisubstituted phenol	49 FR 36151 (36152) (9-14-84).	Do.
84-1144	Generic name: Isoalkyleneoxy alkanoate	49 FR 36151 (36152) (9-14-84).	Do.
84-1145	Generic name: Alkyltrialkoxysilane	49 FR 36151 (36153) (9-14-84).	Do.
84-1146	Generic name: Substituted polyethylene glycol succinate	49 FR 36151 (36153) (9-14-84).	Do.
84-1147	Generic name: Polyether polyol	49 FR 36151 (36153) (9-14-84).	Dec. 4, 1984.
84-1148	....do	49 FR 36151 (36153) (9-14-84).	Do.
84-1149	Generic name: Disubstituted carbopolycycle, salt	49 FR 37458 (9-24-84)	Dec. 8, 1984.
84-1150	2,2'-Thio-bis-[4,6-bis(1,1-dimethylethyl)]-1,3-benzenediol	49 FR 37458 (9-24-84)	Do.
84-1151	2,2'-Methylene-bis-[4,6-bis(1,1-dimethylethyl)]-1,3-benzenediol	49 FR 37458 (9-24-84)	Do.
84-1152	Generic name: Copper complex of a substituted phenyl azo	49 FR 37458 (9-24-84)	Do.
84-1153	Generic name: Aromatic substituted urea	49 FR 37458 (37459) (9-24-84).	Do.
84-1154	....do	49 FR 37458 (37459) (9-24-84).	Do.
84-1155	Generic name: Quaternary polyamine	49 FR 37458 (37459) (9-24-84).	Do.
84-1156	Generic name: Quaternary ammonium chloride of an oxyalkylated polyamine	49 FR 37458 (37459) (9-24-84).	Do.
84-1157	Generic name: Oxyalkylated phenolic ester	49 FR 37458 (37459) (9-24-84).	Do.
84-1158	Generic name: Quaternary ammonium chloride of an oxyalkylated polyamine	49 FR 37458 (37459) (9-24-84).	Do.
84-1159	Generic name: Oxyalkylated tetrol 2-butenedioic acid ester	49 FR 37458 (37459) (9-24-84).	Do.
84-1160	Generic name: Propoxylated imidazoline	49 FR 37458 (37459) (9-24-84).	Do.
84-1161	Generic name: 4-substituted benzoic acid	49 FR 37458 (37459) (9-24-84).	Do.
84-1162	Generic name: Fatty acids, esters with polyols	49 FR 37458 (37459) (9-24-84).	Dec. 9, 1984.
84-1163	Generic name: Perfluoroalkyl substituted polyurethane	49 FR 37458 (37459) (9-24-84).	Do.
84-1164	Generic name: Disubstituted benzoic acid ester	49 FR 37458 (37459) (9-24-84).	Do.
84-1165	Generic name: Substituted benzotriazole	49 FR 37458 (37459) (9-24-84).	Do.
84-1166	Generic name: Functionally modified polyurethane	49 FR 37458 (37459) (9-24-84).	Do.
84-1167	Generic name: Epoxy ester	49 FR 37458 (37460) (9-24-84).	Do.
84-1168	Generic name: Polysubstituted urethane	49 FR 37458 (37460) (9-24-84).	Do.
84-1169	Generic name: Phenol, benzylic ether	49 FR 37458 (37460) (9-24-84).	Do.
84-1170	Generic name: Rhodium carboxylate	49 FR 37458 (37460) (9-24-84).	Do.
84-1171	Generic name: Perfluoroalkyl substituted polyurethane	49 FR 37458 (37460) (9-24-84).	Do.
84-1172	Generic name: 1-Dodecanamine sulfate, mixture of mono- and di-amine salts	49 FR 37458 (37460) (9-24-84).	Dec. 10, 1984.
84-1173	Generic name: 1-Octanamine hydrogen sulfate, mixture of mono- and di-amine salts	49 FR 37458 (37460) (9-24-84).	Do.
84-1174	Tricyclo [3.3.1.1 ^{3,7}] decan-l-amine sulfate, mixture of mono- and di-amine salts	49 FR 37458 (37460) (9-24-84).	Do.
84-1175	Generic name: Polyester polyol	49 FR 38356 (9-28-84)	Dec. 11, 1984.
84-1176	Generic name: Alkyl alicyclic alcohol	49 FR 38356 (9-28-84)	Do.
84-1177	Generic name: Metal salt of azonaphthoic acid	49 FR 38356 (9-28-84)	Do.
84-1178	Generic name: Phenolic modified rosin ester	49 FR 38356 (38357) (9-28-84).	Do.
84-1179	....do	49 FR 38356 (38357) (9-28-84).	Do.

I. 131 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-1180	Generic name: Aminopolyamide resin	49 FR 38356 (38357) (9-28-84).	Do.
84-1181	.....do	49 FR 38356 (38357) (9-28-84).	Do.
84-1182	Generic name: Aminopolyamide-epichlorohydrin resin	49 FR 38356 (38357) (9-28-84).	Do.
84-1183	.....do	49 FR 38356 (38357) (9-28-84).	Do.
84-1184	Generic name: Polychlorofluoro aromatic alkylated hydrocarbon	49 FR 38356 (38357) (9-28-84).	Do.
84-1185	Generic name: Alkali metal salt of an unsaturated carboxylic acid	49 FR 38356 (38357) (9-28-84).	Dec. 15, 1984.
84-1186	Generic name: Polyester of carbomonocyclic ester and alkylene glycols	49 FR 38356 (38357) (9-28-84).	Do.
84-1187	Generic name: Polyester of carbomonocyclic acid and alkylene glycols	49 FR 38356 (38357) (9-28-84).	Do.
84-1188	Generic name: Modified acrylamide polymer	49 FR 38356 (38357) (9-28-84).	Do.
84-1189	.....do	49 FR 38356 (38357) (9-28-84).	Do.
84-1190	.....do	49 FR 38356 (38358) (9-28-84).	Do.
84-1191	1,4-pentadiene-3-one, 1,5,-bis[4-(dimethylamino phenyl]-	49 FR 38356 (38358) (9-28-84).	Do.
84-1192	Generic name: Functional aromatic polyether	49 FR 38356 (38358) (9-28-84).	Dec. 16, 1984.
84-1193	Generic name: Functional polyester	49 FR 38356 (38358) (9-28-84).	Do.
84-1194	Generic name: Acrylated polyester	49 FR 38356 (38358) (9-28-84).	Do.
84-1195	Generic name: Type I anion exchange resin, sulfate form	49 FR 38356 (38358) (9-28-84).	Do.
84-1196	Generic name: Type II anion exchange resin, sulfate form	49 FR 38356 (38358) (9-28-84).	Do.
84-1197	Generic name: Type II anion exchange resin, bicarbonate/carbonate form	49 FR 38356 (38358) (9-28-84).	Do.
84-1198	Generic name: Substituted phenol/formaldehyde resin	49 FR 38356 (38358) (9-28-84).	Do.
84-1199	Generic name: Polyester urethane polymer	49 FR 38356 (38358) (9-28-84).	Do.
84-1200	Generic name: Hydrocarbon rosin phenolic resin	49 FR 38356 (38358) (9-28-84).	Do.
84-1201	Generic name: Polyamine amide imide	49 FR 38356 (38358) (9-28-84).	Do.
84-1202	Generic name: Modified cellulosic	49 FR 38356 (38359) (9-28-84).	Dec. 17, 1984.
84-1203	Generic name: Substituted amino benzoic acid derivative	49 FR 38356 (38359) (9-28-84).	Do.
84-1294	Generic name: Substituted, sulfonated naphthylazo sodium salt	49 FR 38356 (38359) (9-28-84).	Do.
84-1205	Benzeneamine, 2-hydroxy-5-((2-sulfooxy-ethyl)sulfonyl)-	49 FR 39379 (39380) (10-5-84).	Dec. 19, 1984.
84-1206	Benzenemethanamine, 3-methoxy	49 FR 39379 (39380) (10-5-84).	Do.
84-1207	Generic name: Titanium zirconium lignosulfonate	49 FR 39379 (39380) (10-5-84).	Do.
84-1208	Generic name: Copolymer from poly(alkylene carbomonocyclic dicarboxylate) and disubstituted carbomonocycle	49 FR 39379 (39380) (10-5-84).	Dec. 23, 1984.
84-1209	Polymer of hydroxy ethyl acrylate, Desmodur W, Duracarb 140-600 and glycerine	49 FR 39379 (39380) (10-5-84).	Do.
84-1210	Polymer of maleic anhydride and jeffamine M-600	49 FR 39379 (39380) (10-5-84).	Do.
84-1211	Generic name: Reaction product of alkyl diamine and excess formaldehyde	49 FR 39379 (39380) (10-5-84).	Do.
84-1212	Generic name: Alkyl diamino polyacetonitrile	49 FR 39379 (39380) (10-5-84).	Do.
84-1213	Generic name: Sodium salt of alkyldiamino-polycarboxylic acid	49 FR 39379 (39380) (10-5-84).	Do.
84-1214	Generic name: Acrylic copolymer	49 FR 39379 (39380) (10-5-84).	Do.
84-1215	Generic name: Alkyd copolymer	49 FR 39379 (39380) (10-5-84).	Do.
84-1216	Generic name: Acrylic copolymer	49 FR 39379 (39380) (10-5-84).	Do.
84-1217	Generic name: Alkyd base for an alkyd modified acrylic copolymer	49 FR 39379 (39380) (10-5-84).	Do.
84-1218	Generic name: Polymer of aliphatic diamine and unsubstituted aromatic and aliphatic acids	49 FR 39379 (39380) (10-5-84).	Do.
84-1219	Generic name: Substituted pyridine	49 FR 39379 (39380) (10-5-84).	Dec. 24, 1984.
84-1220	Generic name: Disubstituted piperazine	49 FR 39379 (39381) (10-5-84).	Do.
84-1221	Generic name: Disubstituted benzothiazole salt	49 FR 39379 (39381) (10-5-84)	Do.

I. 131 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-1222	Generic name: Polymer of substituted methacrylic acid and polydimethyl siloxane	49 FR 39379 (39381) (10-5-84).	Do.
84-1223	Generic name: Aliphatic ester	49 FR 39379 (39381) (10-5-84).	Do.
84-1224	Generic name: Aliphatic polyester	49 FR 39379 (39381) (10-5-84).	Do.
84-1225	....do	49 FR 39379 (39381) (10-5-84).	Do.
84-1226	Generic name: Substituted amine-boron compound	49 FR 39379 (39381) (10-5-84).	Do.
84-1227	Generic name: Halogenated aromatic substituted alkane	49 FR 39379 (39381) (10-5-84).	Do.
84-1228	Generic name: Polyisoalkoxyalkanol	49 FR 39379 (39381) (10-5-84).	Do.
84-1229	....do	49 FR 39379 (39381) (10-5-84).	Do.
84-1230	Generic name: Methyl sulfate, quaternized polyurethane	49 FR 41100 (10-19-84)	Dec. 26, 1984.

II. 68 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity/generic name	FR citation	Expiration date
84-1030	Generic name: Poly(alkylsuccinic diester)	49 FR 33718 (8-24-84.	Oct. 29, 1984.
84-1031	....Do	49 FR 33718 (33719) (8-24-84).	Do.
84-1032	Generic name: Styrene/acrylate latex	49 FR 32110 (32112) (8-10-84).	Oct. 30, 1984.
84-1033	Generic name: Alkylated phenol	49 FR 32110 (32112 (8-10-84).	Do.
84-1034	Generic name: Mercaptocarboxylic acid ester reaction product with olefin	49 FR 32110 (32112) (8-10-84).	Do.
84-1035	Generic name: Polyamide-imide	49 FR 32110 (32112) (8-10-84).	Do.
84-1036	....Do	49 FR 32110 (32112) (8-10-84).	Do.
84-1037	Generic name: Diphenylmethane diisocyanate terminated polyester polyol polyurethane prepolymer	49 FR 33718 (33719) (8-24-84).	Oct. 31, 1984.
84-1038	Antimony pentachloride dimethyl methylphosphonate complex	49 FR 33718 (33719) (8-24-84).	Nov. 3, 1984.
84-1039	Generic name: Polyester resin	49 FR 33718 (33719 (8-24-84).	Nov. 4, 1984.
84-1040	Generic name: Acrylic resin	49 FR 33718 (33719) (8-24-84).	Do.
84-1041	....Do	49 FR 33718 (33719) (8-24-84).	Do.
84-1042	Methylammonium n-methyldithiocarbamate	49 FR 33718 (33719) (8-24-84).	Do.
84-1043	Generic name: Sulfurized magnesium soap	49 FR 33718 (33719) (8-24-84).	Do.
84-1044	Generic name: Fatty dimethyl amine	49 FR 33718 (33719) (8-24-84).	Do.
84-1045	Generic name: Fatty trimethyl ammonium chloride	49 FR 33718 (33719) (8-24-84).	Do.
84-1046	2-naphthylamine-3,6,8,-trisulfonic acid, disodium salt	49 FR 33718 (33719) (8-24-84).	Do.
84-1047	Generic name: Aliphatic polycarbonate silicon urethane	49 FR 33718 (33719) (8-24-84).	Nov. 5, 1984.
84-1048	Generic name: Aliphatic polycarbonate urethane	49 FR 33718 (33719) (8-24-84).	Do.
84-1049	Generic name: Aromatic polyether urethane	49 FR 33718 (33719) (8-24-84).	Do.
84-1050	Generic name: Aliphatic polycarbonate urethane	49 FR 33718 (33720) (8-24-84).	Do.
84-1051	Generic name: Halogenated aromatic substituted olefin	49 FR 33718 (33720) (8-24-84).	Do.
84-1053	Generic name: Ethoxylated vegetable fatty acids, end-capped	49 FR 33718 (33720) (8-24-84).	Nov. 6, 1984.
84-1054	Generic name: Alkyl, sulfonic acid, ammonium salt	49 FR 33718 (33720) (8-24-84).	Do.
84-1055	....Do	49 FR 33718 (33720) (8-24-84).	Do.
84-1056	....Do	49 FR 33718 (33720) (8-24-84).	Do.
84-1057	....Do	49 FR 33718 (33720) (8-24-84).	Do.
84-1058	Polymer of diethylene glycol, maleic anhydride and benzoic acid	49 FR 33718 (33721) (8-24-84).	Nov. 7, 1984.
84-1059	Generic name: Fluoropolyester modified toluene diisocyanate polymer	49 FR 33718 (33721) (8-24-84).	Do.
84-1060	Generic name: Polyamide-graft-polyacrylate polymer	49 FR 33718 (33721) (8-24-84).	Do.
84-1061	Generic name: Trisubstituted malonamide	49 FR 33718 (33721) (8-24-84).	Nov. 10, 1984.
84-1062	Methyl vinyl sulfone	49 FR 33718 (33721) (8-24-84).	Do.
84-1063	1,3-bis(1-phenylethenyl)benzene	49 FR 33718 (33721) (8-24-84).	Nov. 11, 1984.
84-1064	Generic name: Modified polyacrylamide anionic polymer	49 FR 33718 (33721) (8-24-84).	Do.

II. 68 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-1065	Generic name: Polymer of mixed fatty acids, unsubstituted aromatic dicarboxylic acids and an aliphatic triol	49 FR 33718 (33722) (8-24-84).	Do.
84-1066	Generic name: Substituted trisazo dye, salt	49 FR 33718 (33722) (8-24-84).	Do.
84-1067	Generic name: Substituted metal complex	49 FR 33718 (33722) (8-24-84).	Do.
84-1068	N-dimethylthiocarbamylthio-N'-phenyl urea	49 FR 33718 (33722) (8-24-84).	Do.
84-1069	Generic name: Substituted ether of alkoxylated fatty alcohol	49 FR 33718 (33722) (8-24-84).	Nov. 13, 1984.
84-1070	Generic name: Alkoxylated fatty alcohol	49 FR 33718 (33722) (8-24-84).	Do.
84-1072	Generic name: Copolyester polymer	49 FR 33718 (33722) (8-24-84).	Do.
84-1073	.....Do	49 FR 33718 (33722) (8-24-84).	Do.
84-1074	Generic name: Polyurethane polymer	49 FR 34572 (8-31-84)	Nov. 17, 1984.
84-1075	Generic name: Propargyl ester	49 FR 34572 (8-31-84)	Do.
84-1076	Benzene, 1-(1-phenylethenyl)-3-(1-phenylethyl)	49 FR 34572 (34573) (8-31-84).	Do.
84-1077	Generic name: Polyamine ion exchange resin	49 FR 34572 (34573) (8-31-84).	Do.
84-1078	Generic name: Partial sodium salt of aminomethylene phosphonic acid	49 FR 34572 (34573) (8-31-84).	Do.
84-1079	Generic name: Alkylated diphenyl oxide	49 FR 34572 (34573) (8-31-84).	Nov. 18, 1984.
84-1080	Generic name: Cyclic phosphite	49 FR 34572 (34573) (8-31-84).	Do.
84-1081	Generic name: Styrene acrylic co.olymer	49 FR 34572 (34573) (8-31-84).	Do.
84-1082	.....Do	49 FR 34572 (34573) (8-31-84).	Do.
84-1083	Generic name: Acrylic copolymer	49 FR 34572 (34573) (8-31-84).	Do.
84-1084	.....Do	49 FR 34572 (34573) (8-31-84).	Do.
84-1085	Generic name: Polymer of aliphatic diamines, and alkanediol polyester, a monoalcohol polyether, and aliphatic diisocyanates	49 FR 34572 (34573) (8-31-84).	Do.
84-1086	Generic name: Caprolactone modified by hydroxy ethyl acrylate	49 FR 34572 (34573) (8-31-84).	Do.
84-1087	Generic name: Modified polyester	49 FR 34572 (34573) (8-31-84).	Nov. 20, 1984.
84-1088	Generic name: Polyester	49 FR 34572 (34573) (8-31-84).	Do.
84-1089	Generic name: Modified, maleated metal resinate	49 FR 34572 (34574) (8-31-84).	Do.
84-1090	Generic name: Fatty acid, carbomonocyclic ester	49 FR 34572 (34574) (8-31-84).	Do.
84-1091	.....Do	49 FR 34572 (34574) (8-31-84).	Do.
84-1092	.....Do	49 FR 34572 (34574) (8-31-84).	Do.
84-1093	.....Do	49 FR 34572 (34574) (8-31-84).	Do.
84-1094	.....Do	49 FR 34572 (34574) (8-31-84).	Do.
84-1095	.....Do	49 FR 34572 (34574) (8-31-84).	Do.
84-1096	.....Do	49 FR 34572 (34574) (8-31-84).	Do.
84-1097	Generic name: Alkyl phosphate ester amine salt	49 FR 34572 (34574) (8-31-84).	Do.
84-1098	Generic name: Acetal interpolymer	49 FR 34572 (34574) (8-31-84).	Do.
84-1099	4-anilino-4'-hydroxy azo benzene	49 FR 34572 (34574) (8-31-84).	Do.

III. 121 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity/generic name	FR citation	Expiration date
83-1029	Generic name: Substituted heterocycle	48 FR 37699 (8-19-83)	Sept. 7, 1984.
83-1157	Generic name: Substituted oxirane	48 FR 41638 (41642) (9-16-83).	Sept. 25, 1984.
83-1222	Generic name: Substituted alkyl halide	48 FR 43397 (43399) (9-23-83).	Do.
83-1227	Generic name: Perhalo alkoxy ether	48 FR 43397 (43399) (9-23-83).	Do.
83-1228	.....Do	48 FR 43397 (43399) (9-23-83).	Do.
83-1229	.....Do	48 FR 43397 (43399) (9-23-83).	Do.
84-68	Generic name: Substituted anthraquinone	48 FR 50951 (50953) (11-4-83).	Sept. 2, 1984.
84-462	Generic name: Substituted urethane ester	49 FR 9013 (9015) (3-9-84)	Sept. 27, 1984.
84-464	Generic name: Halogenated aromatic ether	49 FR 9013 (9015) (3-9-84)	Sept. 15, 1984.
84-467	Generic name: Hydrogen 2-[alpha-(2-hydroxy-3-sulfo-5-ethenylsulfonyphenylazo)-benzilidenehydrazinol-5-substituted, cuprate, sodium salt.	49 FR 9013 (9016) (3-9-84)	Sept. 17, 1984.

III. 121 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-482	Urea, condensate with poly[oxy(methyl-1,2-ethanediyl), alpha-(2-aminomethylethyl)-omega-(2-aminomethylethoxy)	49 FR 9954 (9955) (3-16-84)	Sept. 29, 1984.
84-498	Generic name: Fatty alcohol, ethoxylated, propoxylated, fatty acid ester	49 FR 13746 (4-6-84)	Sept. 11, 1984.
84-499	Generic name: Alkyl furan	49 FR 13746 (4-6-84)	September 1984.
84-500	Generic name: Alkyl tetrahydrofuran	49 FR 13746 (4-6-84)	Do.
84-502	Generic name: Modified epoxy based resin	49 FR 13746 (13747) (4-6-84).	Sept. 19, 1984.
84-569	Generic name: Polychlorinated alkylated aromatic hydrocarbon	49 FR 14802 (14804) (4-13-84).	Sept. 26, 1984.
84-760	Generic name: Aromatic ester	49 FR 23916 (23918) (6-8-84).	Aug. 22, 1984.
84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Sept. 1, 1984.
84-797	N-ethyl-N-(4-nitrophenyl)ethanamide	49 FR 24782 (6-15-84)	Do.
84-798	N-[4-(ethylamino)phenyl]methansulfonamide	49 FR 24782 (24783) (6-15-84).	Do.
84-799	N-ethyl-4-nitrobenzeneamine	49 FR 24782 (24783) (6-15-84).	Do.
84-800	Generic name: Pentasubstituted naphthalenecarboxamide	49 FR 24782 (24783) (6-15-84).	Do.
84-801	N-ethyl-N-[4-[(methylsulfonyl] aminolphenyl] ethanamide	49 FR 24782 (24783) (6-15-84).	Do.
84-802	Generic name: Aromatic diamine polymer with epoxy phenol novolac	49 FR 24782 (24783) (6-15-84).	Sept. 2, 1984.
84-803	Generic name: Modified alkylphenol resin	49 FR 24782 (24783) (6-15-84).	Do.
84-804	.....Do	49 FR 24782 (24783) (6-15-84).	Do.
84-805	.....Do	49 FR 24782 (24783) (6-15-84).	Do.
84-806	.....Do	49 FR 24782 (24783) (6-15-84).	Do.
84-807	.....Do	49 FR 24782 (24783) (6-15-84).	Do.
84-808	.....Do	49 FR 24782 (24783) (6-15-84).	Do.
84-810	Generic name: Mixture of saturated terpenes	49 FR 24782 (24783) (6-15-84).	Do.
84-811	Generic name: Polysiloxane resin	49 FR 24782 (24783) (6-15-84).	Do.
84-812	Generic name: Acrylourethane	49 FR 24782 (24784) (6-15-84).	Do.
84-813	Generic name: Disubstituted, phenyl propanol	49 FR 24782 (24784) (6-15-84).	Do.
84-814	Generic name: Polysubstituted polyol	49 FR 24782 (24784) (6-15-84).	Do.
84-815	Polycaprolsctone diol, adduct with modified 4,4'-diphenylmethane diisocyanate and polypropoxylated glycerol	49 FR 24782 (24784) (6-15-84).	Sept. 3, 1984.
84-816	Generic name: Organophosphonium salt	49 FR 24782 (24784) (6-15-84).	Do.
84-817	Generic name: Metallic alkyl alkoxides complex	49 FR 24782 (24784) (6-15-84).	Do.
84-818	.....Do	49 FR 24782 (24784) (6-15-84).	
84-819	.....Do	49 FR 24782 (24784) (6-15-84).	Do.
84-820	Generic name: Phosphonium salt	49 FR 24782 (24784) (6-15-84).	Do.
84-821	Generic name: Acrylic modified epoxy resin	49 FR 24782 (24784) (6-15-84).	Sept. 4, 1984.
84-822	Generic name: Modified styrene-divinyl benzene polymer	49 FR 24782 (24784) (6-15-84).	Do.
84-823	Generic name: Substituted stilbene	49 FR 24782 (24784) (6-15-84).	Do.
84-824	Generic name: Brominated aromatic	49 FR 25676 (6-22-84)	Sept. 5, 1984.
84-825	Generic name: Polymer of substituted polyalkylene polyamine and substituted substituted alkane, alkyl carboxylate	49 FR 25676 (6-22-84)	Do.
84-826	Generic name: Polymer of aliphatic polyamines dihaloalkane, aliphatic diacid	49 FR 25676 (6-22-84)	Do.
84-827	Generic name: Polymer of aliphatic polyamines, dihaloalkane, organic diamine	49 FR 25677 (6-22-84)	Do.
84-828	Generic name: Polymer of substituted polyalkylene polyamine and substituted alkane	49 FR 25676 (25677) (6-22-84).	Do.
84-829	Generic name: Polymer of adipic acid, polyalkylene glycol and alkanepolyol	49 FR 25676 (25677) (6-22-84).	Sept. 8, 1984.
84-830	Generic name: Styrene, nitrile, acrylic copolymer	49 FR 25676 (25677) (6-22-84).	Do.
84-831	Generic name: Styrene acrylic copolymer	49 FR 25676 (25677) (6-22-84).	Do.
84-832	Generic name: Acrylic polymer	49 FR 25676 (25677) (6-22-84).	Do.
84-833	Generic name: Substituted anthraquinone	49 FR 25676 (25677) (6-22-84).	Do.
84-834	Generic name: Trisazo dye	49 FR 25676 (25677) (6-22-84).	Do.
84-835	.....Do	49 FR 25676 (25677) (6-22-84).	Do.
84-836	.....Do	49 FR 25676 (25677) (6-22-84).	Do.
84-837	Generic name: Polyurea urethane	49 FR 25676 (25677) (6-22-84).	Do.
84-838	Generic name: Tetrasubstituted naphthalenecarboxamide	49 FR 25676 (25677) (6-22-84).	Do.
84-839	Generic name: Polyfunctional aziridine	49 FR 25676 (25677) (6-22-84).	Do.

III. 121 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-842	Generic name: Disubstituted benzothiazolium salt	49 FR 25676 (25678) (6-22-84).	Sept. 9, 1984.
84-843	Generic name: Modified epoxy prepolymer	49 FR 25676 (25678) (6-22-84).	Do.
84-844	Generic name: Amine salt of a styrene-divinyl benzene ion exchange resin	49 FR 25676 (25678) (6-22-84).	Sept. 10, 1984.
84-845	Generic name: Vinyl trialkoxy silane	49 FR 25676 (25678) (6-22-84).	Do.
84-846	Generic name: Fatty acids, compound with diamines	49 FR 25676 (25678) (6-22-84).	Do.
84-847	Generic name: Acrylic copolymer, sodium salt	(49 FR 25676 (25678) (6-22-84).	Do.
84-848	Generic name: Alkyl thiophosphate amine salt	49 FR 25676 (25678) (6-22-84).	Sept. 11, 1984.
84-849	Generic name: Fatty polyacrylate	49 FR 25676 (25678) (6-22-84).	Do.
84-850	Generic name: Fatty acrylate polymers	49 FR 25676 (25678) (6-22-84).	Do.
84-851	Generic name: Alkyl phosphate amine salts	49 FR 26800 (6-29-84)	Sept. 12, 1984.
84-852	Generic name: Functional polymer of mixed acrylate and methacrylate based monomers	49 FR 26800 (26801) (6-29-84).	Do.
84-853	Generic name: Aromatic sulfonate of substituted phenylazo substituted heteromonocycle	49 FR 26800 (26801) (6-29-84).	Do.
84-854	(1,1':3',1''-terphenyl)-2'-o1,5'-(octadecyloxy)4-n-octadecyloxy-2,6-diphenylphenol	49 FR 26800 (26801) (6-29-84).	Do.
84-855	Generic name: Blocked isocyanate	49 FR 26800 (26801) (6-29-84).	Do.
84-856	....Do	49 FR 26800 (26801) (6-29-84).	Do.
84-857	Polymer of epichlorohydrin-bisphenol-A polymer, bisphenol-A, ethyltriphenyl-phosphonium iodine, formaldehyde, n-butyl alcohol, triethyl amine and phthalic anhydride.	49 FR 26800 (26801) (6-29-84).	Do.
84-858	Generic name: Polyalkylene glycol ether acrylate	49 FR 26800 (26801) (6-29-84).	Do.
84-859	Generic name: Halophthalimide	49 FR 26800 (26801) (6-29-84).	Sept. 15, 1984.
84-861	2[(2-hydroxy-1,1-bis(hydroxymethyl)ethyl)-amino]-ethanesulfonic acid, sodium salt (1:1)	49 FR 26800 (26801) (6-29-84).	Sept. 16, 1984.
84-862	4-(2-hydroxyethyl)piperazine-1-ethane-sulfonic acid, sodium salt (1:1)	49 FR 26800 (26801) (6-29-84).	Do.
84-863	Generic name: Protein crosslinked by a poly(aliphatic)isocyanate	49 FR 26800 (26801) (6-29-84).	Do.
84-864	Generic name: Vinyl acetate-acrylate copolymer	49 FR 26800 (26801) (6-29-84).	Sept. 17, 1984.
84-865	Generic name: ((Alkyl)(alkyl)amino)polyalkoxy ether sulfate halfester	49 FR 26800 (26802) (6-29-84).	Do.
84-866	Generic name: Alkyl methacrylate polymer	49 FR 26800 (26802) (6-29-84).	Sept. 17, 1984.
84-867	....Do	49 FR 26800 (26802) (6-29-84).	Do.
84-868	....Do	49 FR 26800 (26802) (6-29-84).	Do.
84-869	4-(Acetylamino)-3-nitrobenzoic acid	49 FR 26800 (26802) (6-29-84).	Sept. 18, 1984.
84-870	Generic name: Disubstituted nitrobenzoic acid	49 FR 26800 (26802) (6-29-84).	Do.
84-871	Generic name: Disubstituted benzotriazole	49 FR 26800 (26802) (6-29-84).	Do.
84-872	Polymer of epsilon-caprolactam, isophorone diisocyanate, dibutyl tin dilaurate, polycaprolactone triol	49 FR 28614 (7-13-84)	Sept. 19, 1984.
84-873	Generic name: Organo alumino silicate	49 FR 28614 (7-13-84)	Do.
84-874	Generic name: Hydroxyl-terminated polyurethane	49 FR 28614 (7-13-84)	Sept. 22, 1984.
84-875	Generic name: Isocyanate-terminated polyurethane	49 FR 28614 (7-13-84)	Do.
84-876	Generic name: Hydroxypropyl methylcellulose	49 FR 28614 (7-13-84)	Sept. 23, 1984.
84-877	Generic name: Polyamide polyether polymer	49 FR 28614 (7-13-84)	Do.
84-878	Generic name: Modified melamine/formaldehyde/alcohol resin	49 FR 28614 (7-13-84)	Do.
84-879	Generic name: Substituted heterocycle	49 FR 28614 (7-13-84)	Do.
84-882	3,5-dichloro-2-hydroxybenzenesulfonate, disodium	49 FR 28614 (28615) (7-13-84).	Do.
84-883	1,10-phenanthroline 1:1 salt with p-toluene-sulfonic acid (p-TSA)	49 FR 28614 (28615) (7-13-84).	Do.
84-884	Generic name: 1-methyl-1-phenylethyl peroxyester	49 FR 28614 (28615) (7-13-84).	Do.
84-885	Generic name: Carboxylic acid chloride	49 FR 28614 (28615) (7-13-84).	Do.
84-886	Generic name: Triazine derivative	49 FR 28614 (28615) (7-13-84).	Do.
84-887	Generic name: Alkanedioic acid, alkyloxy sulfonyl, ammonium salt	49 FR 28614 (28615) (7-13-84).	Do.
84-888	Generic name: Substituted styrene	49 FR 28614 (28615) (7-13-84).	Do.
84-889	Generic name: Substituted benzaldehyde	49 FR 28614 (28615) (7-13-84).	Do.
84-890	Generic name: Substituted polystyrene	49 FR 28614 (28615) (7-13-84).	Do.
84-891	Generic name: Epoxy polyurethane	49 FR 28614 (28615) (7-13-84).	Sept. 25, 1984.
84-892	Generic name: Quaternized urethane compound	49 FR 28614 (28615) (7-13-84).	Do.
84-893	Generic name: Blocked diisocyanate	49 FR 28614 (28615) (7-13-84).	Do.

III. 121 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-894	Generic name: Aromatic amine derivative	49 FR 28614 (28615) (7-13-84).	Do.
84-896	Indole-3-acrylic acid	49 FR 28616 (7-13-84)	Sept. 26, 1984.
84-897	3,3',5,5'-tetramethylbenzidine dihydro-chloride	49 FR 28616 (7-13-84)	Do.
84-898	Generic name: Polyester polyol	49 FR 28616 (28617) (7-13-84).	Do.
84-899	Generic name: Polyether polyol oligomer	49 FR 28616 (28617) (7-13-84).	Sept. 29, 1984.
84-904	Generic name: Unsaturated polyester resin	49 FR 28616 (28617) (7-13-84).	Sept. 30, 1984.
84-905	Generic name: Rosin modified phenolic resin	49 FR 28616 (28617) (7-13-84).	Do.
84-906	Generic name: Unsaturated polyester resin	49 FR 28616 (28617) (7-13-84).	Do.
84-907	Generic name: Rosin modified phenolic resin	49 FR 28616 (28617) (7-13-84).	Do.
84-908	Generic name: Functional polyester	49 FR 28616 (28617) (7-13-84).	Do.
84-909	Generic name: Modified alkyd resin	49 FR 28616 (28617) (7-13-84).	Do.
84-911	Cyclododecane, (2-methoxyethoxy)-	49 FR 28616 (28617) (7-13-84).	Do.

IV. 47 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
81-638	Generic name: Polyether reaction product with toluene diisocyanate-methacrylate terminated	46 FR 62687 (12-28-81)	On or about Sept. 28, 1984.
82-471	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7-12-82)	Sept. 26, 1984.
83-264	Condensation polymer of ethyl acrylate and ethanol amine	47 FR 55422 (55423) (12-9-82).	Sept. 14, 1984.
83-446	Iso hexadecyl isostearate	48 FR 6588 (6589) (2-14-83)	Aug. 9, 1984.
83-694	Generic name: Polyester of phthalic anhydride and polyhdric saturated alcohols	48 FR 21370 (21372) (5-12-83).	Sept. 13, 1984.
83-746	Generic name: Esterified vinyl, alkenyl polymer	48 FR 23903 (23905) (5-27-83).	Aug. 24, 1984.
83-1005	Generic name: Polycarboxylic acid, alkanolamine salt	48 FR 36647 (36648) (8-12-83).	Sept. 11, 1984.
83-1087	Generic name: Sodium poly[1-oxoalkyl-1-amino-2-(tert-butyl-2-sulfonate)-1-oxoalkyl-1-amino-(N,N-dimethane)]	48 FR 40782 (9-9-843)	Sept. 4, 1984.
83-1159	Generic name: Complex epoxy resin adduct	48 FR 41638 (41642) (9-16-83).	Dec. 12, 1983.
83-1305	Generic name: Naphthalene, dialkylated	48 FR 45842 (45843) (10-7-83).	Aug. 31, 1984.
83-1306	Generic name: Dialkylated naphthalene-sulfonic acid	48 FR 45842 (45843) (10-7-83).	Sept. 27, 1984.
83-1307	Generic name: Dialkylated naphthalene-sulfonic acid barium salt	48 FR 45842 (45843) (12-2-83).	Nov. 16, 1984.
84-221	Generic name: Ethoxylated alkyl quaternary amine	48 FR 54394 (54395) (12-2-83).	On or About Aug. 21, 1984.
84-225	Generic name: Polyester-imide resin	49 FR 55332 (12-12-84)	Sept. 14, 1984.
84-312	Methyltris(2-methyl-3-butyn-2-oxy)silane	49 FR 1787 (1788) (1-13-84)	Sept. 10, 1984.
84-327	Generic name: Epoxy ester resin	49 FR 9954 (3-16-84)	Sept. 11, 1984.
84-334	Generic name: Polyester-imide resin	49 FR 3523 (3524) (6-27-84)	Sept. 17, 1984.
84-370	Generic name: (Substituted-heterocycle) alkylamine derivative	49 FR 4980 (4981) (2-9-84)	Sept. 8, 1984.
84-381	Generic name: Polyphenyl ether	49 FR 6160 (6161) (2-17-84)	Sept. 4, 1984.
84-417	Generic name: Substituted phenol	49 FR 6991 (6993) (2-24-84)	Aug. 31, 1984.
84-498	Generic name: Fatty alcohol, ethoxylated, propoxylated, fatty acide ester	49 FR 13746 (4-6-84)	Sept. 20, 1984.
84-506	Generic name: Quinoline isoindole derivative	49 FR 13746 (13747) (4-6-84).	Aug. 28, 1984.
84-525	Generic name: Sulfo substituted phenyl azonaphthyl dye	49 FR 13744 (13745) (4-6-84).	July 13, 1984.
84-526	Generic name: Sulfophenyl azo naphthyle dye	49 FR 13744 (13475) (4-6-84).	Do.
84-619	Generic name: Tetrasubstituted indolium salt	49 FR 18034 (18035) (4-26-84).	Aug. 23, 1984
84-632	Generic name: Diisocyanate polyether urethane prepolymer	49 FR 19110 (19111) (5-4-84).	Aug. 28, 1984
84-671	Generic name: Substituted-[4,5-dihydro-3-methyl-5-oxo-(substituted carbomonocyclic)-1H-pyrazol-4-yl)azo]-benzenesulfonic acid	49 FR 20060 (20061) (5-11-84).	Sept. 7, 1984.
84-745	Generic name: Fatty alcohol, hydroxy stearate	49 FR 23916 (6-8-84)	Oct. 28, 1984.
84-746	Generic name: Polyalkylene glycols	49 FR 23916 (6-8-84)	Do.
84-747	....do	49 FR 23916 (6-8-84)	Do.
84-761	Generic name: Polyester/acrylic copolymer	49 FR 23916 (23918) (6-8-84).	Aug. 30, 1984.
84-772	Generic name: Mixed amidoamine	49 FR 23916 (23918) (6-8-84).	Sept. 15, 1984.
84-773	....do	49 FR 23916 (23918) (6-8-84).	Do.
84-774	....do	49 FR 23916 (23918) (6-8-84).	Do.
84-775	....do	49 FR 23916 (23918) (6-8-84).	Do.
84-776	....do	49 FR 23916 (23918) (6-8-84).	Do.
84-777	....do	49 FR 23916 (23918) (6-8-84).	Do.

IV. 47 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
84-778	....do	49 FR 23916 (23918) (6-8-84).	Do.
84-779	....do	49 FR 23916 (23918) (6-8-84).	Do.
84-784	Generic name: Polymer of substituted acrylic acid esters and disubstituted acrylamides	49 FR 23916 (23919) (6-8-84).	Sept. 4, 1984.
84-799	N-ethyl-4-nitrobenzenamine	49 FR 24782 (24783) (6-15-84).	Sept. 5, 1984.
84-810	Generic name: Mixture of saturated terpenes	48 FR 24782 (247893) (6-15-84).	Sept. 18, 1984.
84-822	Generic name: Modified styrene-divinyl benzene polymer	49 FR 24782 (24783) 6-15-84).	Sept. 25, 1984.
84-846	Generic name: Fatty acids, compound with diamines	49 FR 25676 (25678) (6-22-84).	Nov. 1, 1984.
84-852	Generic name: Functional polymer of mixed acrylate and methacrylate based monomers	49 FR 26800 (26801) 6-29-84).	Sept. 19, 1984.
84-857	Polymer fo epichlorohydrin-bisphenol-A polymer, bisphenol-A, ethyltriphenyl-phosphonium iodine, formaldehyde, n-butyl alcohol, triethyl amine and phthalic anhydride.	49 FR 26800 (26801) (6-29-84).	Sept. 21, 1984.
84-883	Generic name: 1,10-phenanthroline 1:1 salt with p-toluene sulfonic acid (p-TSA)	49 FR 28614 (28615) (7-13-84).	Sept. 24, 1984.

V. 95 Premanufacture Notice for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10-18-82)	Oct. 22, 1982.
83-333	Generic name: Reaction product of polycyclesulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/solium bisulfite alkali.	48 FR 72 (73) (1-3-83)	Mar. 14, 1983.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorortriazinylamino-methoxymethylphebnyl-azo	48 FR 5304 (2-4-83)	Aug. 18, 1983.
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethylphenylazo-sulfonaphthaleneazo-	48 FR 5304 (5306) (2-4-83)	Do.
83-461	Generic name: Substituted alkoxy silane	48 FR 7299 (7300) (2-18-83)	Apr. 25, 1983.
83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4-22-83)	July 5, 1983.
83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol	48 FR 20490 (5-6-83)	Aug. 5, 1983.
83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfophenylpyrazolone	48 FR 20490 (20491) (5-6-83).	Do.
83-755	4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6-3-83)	Aug. 17, 1983.
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24967 (24968) (6-3-83).	Aug. 15, 1983.
83-771	Generic name: Chromium complex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphthylazo-sulfonaphthol	48 FR 24967 (24968) (6-3-83).	* Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29054 (29055) (6-24-83).	Sept. 9, 1983.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30434 (30435) (7-1-83).	Sept. 21, 1983.
83-875	4-[2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino] benzene	48 FR 31460 (31462) (7-8-83).	Do.
83-876	4-[2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31460 (31462) (7-8-83).	Do.
83-913	Generic name: Copper sulfonylphenazopoly-hydroxy phenazobenzoate	48 FR 32381 (32383) (7-15-83).	Oct. 1, 1983.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted) (substituted) naphthalenedi-sulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedi-sulfonic acid, salts with sodium and potassium.	48 FR 36647 (36648) (8-12-83).	Oct. 14, 1983.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36647 (36648) (8-12-83).	Do.
83-1012	Generic name: Bis(sulfophenylchloro-triazineaminosulfophenylazo) hydroxyamino-disulfonaphthalene	48 FR 36647 (36648) (8-12-83).	Oct. 24, 1983.
83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]phenyl]derivative	48 FR 36647 (36649) (8-12-83).	Do.
83-1033	Generic name: C_{6-9} carboxylic acid	48 FR 37699 (37700) (8-19-83).	Dec. 8, 1983.
83-1238	Generic name: Substituted anthraquinone	48 FR 43397 (43400) (9-23-83).	Dec. 9, 1983.
84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83).	Jan. 3, 1984.
84-17	Do.	48 FR 48863 (48864) (10-21-83).	Mar. 1, 1984.
84-18	1(1,1 dimethylethoxy)-propan-2-ol	48 FR 48863 (48864) (10-21-83).	Jan. 6, 1984.
84-36	Generic name: Substituted heterocycloic metal complex	48 FR 48863 (48866) (10-21-83).	Mar.1, 1984.
84-50	Do.	48 FR 50951 (50952) (11-4-83).	Do.
84-64	Generic name: Substituted-phenylamino monochloro-triazinylamino sulfophenylazo-substituted-disulfonaphthalenylazo-naphthalene-disulfonic acid, hexasodium salt.	48 FR 50951 (59053) (11-4-83).	Jan. 5, 1984.
84-99	Generic name: Hydroxylalkyl ether	48 FR 50944 (50945) (11-4-83).	Jan. 11, 1984.
84-108	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50944 (50945) (11-4-83).	Mar. 3, 1984.
84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50944 (50946) (11-4-83).	Mar. 1, 1984.
84-306	Generic name: 2-((((2-[(2-methyl-1-oxo-2-propenyl)oxy)ethyl)amino)carbonyl)oxy-, methyl ester	49 FR 930 (932) (1-6-84)	Mar. 22, 1984.
84-307	2-propenoic acid, 2-methyl-, 2-[(hexahydro 2-oxo-1H-azepin-1-yl)carbonyl)amino)ethyl ester	49 FR 930 (932) (1-6-84)	Do.
84-341	Poly[oxy(1-oxo-1,6-hexanediyl)], alpha-hydro-omega-hydroxy-, ester with 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate (2:1), di-2-propenoate.	49 FR 3523 (3525) (1-27-84)	May 3, 1984.
84-342	Poly[oxy(1-oxo-1,6-hexanediyl)], alpha-(1-oxo-2-propenyl)-omega-[(tetrahydro-2-furanyl)methoxy]-	49 FR 3523 (3525) (1-27-84)	Do.

V. 95 Premanufacture Notice for Which the Review Period Has Been Suspended—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
84-343	Poly[oxy(1-,6-hexanediyl)], alpha-hydroxy-omega-hydroxy-, ester with 2,2'] oxybis(methylene)]bis[2-(hydroxymethyl)-1,3-propane-diol 2-propenoate.	49 FR 3523 (3525) (1-27-84)	Do.
84-344	2-propenoic acid, [2-[1,1-dimethyl-2-[(1-oxo-2-propenyl]oxy]ethyl]-5-ethyl-1,3-dioxan-5-yl]methyl ester	49 FR 3523 (3525) (1-27-84)	May 4, 1984.
84-358	Generic name: Polyaromatic urethane poly (unsataurated) ester	49 FR 6991 (2-24-84)	Apr. 26, 1984.
84-375	Generic name: Sodium salt of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	May 11, 1984.
84-376	Generic name: Aryl esters of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Do.
84-378	Generic name: Aromatic sulfonate of substituted heteropolycycle	49 FR 6160 (6161) (2-17-84)	Apr. 30, 1984.
84-379	Do.	49 FR 6160 (6161) (2-17-84)	Do.
84-380	Do.	49 FR 6160 (6161) (2-7-84)	Do.
84-382	2-propenoic acid 3-(2-hydroxyethoxy) 3-oxypropyl ester	49 FR 6160 (6161) (2-17-84)	June 11, 1984.
84-391	Generic name: Cuprate(5-), [5-hydroxy-2-[[4-[[5-hydroxy-6-[[2-methoxy-5-(substituted)phenyl] ozo]-7-sulfo-2-naphtholenyl]amino]-6-[(3-sulfophenyl)amino)]-1,3,5-triazin-2-yl]amino]-6-[(2-hydroxy-5-sulfophenyl)]ozo-1, -7-naphtholene-disulfonato pentasodium.	49 FR 6160 (6162) (2-17-84)	Apr. 27, 1984.
84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 6160 (6162) (2-17-84)	Do.
84-416	Dimethylbis(N-ethylacetamido)silane	49 FR 6991 (6993) (2-24-84)	May 11, 1984.
84-425	Generic name: Alkyl arylphosphonium salt	49 FR 7654 (7655) (3-1-84)	Apr.13 , 1984.
84-460	Copper ferrocyanide salt of C. I. basic green I and C. I. basic yellow I	49 FR 9013 (9015) (3-9-84)	May 9, 1984.
84-461	Copper ferrocyanide salt of C. I. basic blue II	49 FR 9013 (9015) (3-9-84)	Do.
84-485	Generic name: Poly(oxy-1,2-ethanediyl)alpha-acyl-w-alkyl	49 FR 11009 (11010) (3-23-84).	June 4, 1984.
84-490	Generic name: Substituted aminofluorane	49 FR 11009 (11010) (3-23-84).	Aug. 16, 1984.
84-491	Generic name: Substituted aliphatic acid halide	49 FR 11009 (11010) (3-23-84).	May 22, 1984.
84-492	Generic name: Substituted hydroxylamine	49 FR 11009 (11010) (3-23-84).	Do.
84-527	Generic name: Unsataurated amino alkyl ester salt	49 FR 13744 (13745) (4-6-84).	June 15, 1984.
84-537	Generic name: Unsaturated amino ester salt	49 FR 13744 (13745) (4-6-84).	Do.
84-558	Generic name: Caraboxylated alkane diol	49 FR 14802 (14803) (4-13-84).	June 27, 1984.
84-591	Generic name: Sodium salt of an alkylated, sulfonated aromatic	49 FR 16833 (16835) (4-20-84).	July 5, 1984.
84-597	Generic name: Blocked aliphatic poly-isocyanate	49 FR 16833 (16835) (4-20-84).	July 19, 1984.
84-649	Generic name: Chromate, bis(substituted substituted phenolato)inorganic salts	49 FR 19110 (19113) (5-4-84).	July 20, 1984.
84-650	Generic name: Chromate, bis(substituted substituted substituted pyrazolyl), sodium	49 FR 19110 (19113) (5-4-84).	Do.
84-651	Generic name: Chromate, bis(substituted substituted naphthalenolato)sodium	49 FR 19110 (19113) (5-4-84).	Do.
84-660	Generic name: Substituted aryl olefin	49 FR 19110 (19114) (5-4-84).	July 17, 1984.
84-664	Generic name: Chromate, (substituted substituted phenolato) (substituted substituted substituted substituted phenolato)sodium	49 FR 20060 (20061) (5-11-84).	July 20, 1984.
84-665	Generic name: Chromate, bis(substituted substituted substituted phenolato), sodium	49 FR 20060 (20061) (5-11-84).	Do.
84-669	Oleic, linoleic, palmitic acid ester of ethoxylated $C_{13}C_{14}$ alcohols	49 FR 20060 (20061) (5-11-84).	July 18, 1984.
84-673	Generic name: Chromate (substituted naphthalenolato) (substituted substituted naphthalenolato)inorganic salts	49 FR 20060 (20061) (5-11-84).	July 20, 1984.
84-698	Generic name: 9,10-Anthracenedione sulfonic acid, sodium salt	49 FR 22128 (22129) (5-25-84).	July 25, 1984.
84-703	Oxo-octyl acetate	49 FR 22128 (22130) (5-25-84).	Aug. 9, 1984.
84-704	Generic name: Substituted alkyl arene	49 FR 221298 (22130) (5-25-84).	Aug. 3, 1984.
84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22128 (22130) (5-25-84).	Do.
84-737	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84).	Aug. 15, 1984.
84-738	Do.	49 FR 22865 (22866) (6-1-84).	Do.
84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22865 (22866) (6-1-84).	July 23, 1984.
84-780	Generic name: Aliphatic diacrylate	49 FR 23916 (23919) (6-8-84).	Aug. 22, 1984.
84-792	Generic name: Disusbstituted anthraquinone-2-sulfonic acid, alkali metal salt	49 FR 23916 (23920) (6-8-84).	Do.
84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Aug. 17, 1984.
84-814	Generic name: Polysubstituted polyol	49 FR 24782 (24784) (6-15-84).	Aug. 27, 1984.
84-820	Generic name: Phosphonium salt	49 FR 24782 (24784) (6-15-84).	Aug. 29, 1984.
84-824	Generic name: Brominated aromatic	49 FR 25676 (6-22-84)	Aug. 29, 1984.
84-839	Generic name: Polyfunctional aziridine	49 FR 25676 (25677) (6-22-84).	Aug. 27, 1984.
84-858	Generic name: Polyalkylene glycol ether acrylate	49 FR 26800 (26801) (6-29-84).	Aug. 31, 1984.
84-860	Generic name: Disubstituted nitrobenzene	49 FR 26800 (26801) (6-29-84).	Sept. 26, 1984.
84-880	Generic name: Modified melamine formaldehyde polymer	49 FR 28614 (7-13-84)	Aug. 22, 1984.
84-881	Generic name: Modified polymer of styrene with alkyl acrylate and alkyul methacrylates	49 FR 28614 (28615) (7-13-84).	Aug. 30, 1984.
84-895	Generic name: Substituted-substituted benzenesulfonic acid coupled with substituted-substituted benzenes and substituted substituted naphthalenedi-sulfonic acid, sodium salt.	49 FR 28614 (28616) (7-13-84).	Sept. 19, 1984.
84-900	1,3,5-Triazine-2,4,6 (1H,3H,5H)-trione, 1,3,5-tris(2,3-dibromopropyl)-	49 FR 28616 (28617) (7-13-84).	Sept. 28, 1984.
84-901	Bis(tetrabromobisphenol A)Bis(tribromo-phenyl)ethylenetetracarbonate	49 FR 28616 (28617) (7-13-84).	Sept. 21, 1984.

V. 95 PREMANUFACTURE NOTICE FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
84-902	Hexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84).	Do.
84-903	N-methylhexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84).	Do.
84-910	Phenol, p-allyl	49 FR 28616 (28617) (7-13-84).	Sept. 26, 1984.
84-913	Generic name: N,N'-bis(2-(2-(3-alkyl)thiazoline)vinyl)-1,4-phenylene diamine double salt	49 FR 28616 (28618) (7-13-84).	Do.
84-916	Generic name: Mixed chromium complexes of substituted hydroxyphenyl azo hydroxy-naphthalenes, amine salts	49 FR 29451 (7-20-84)	Sept. 28, 1984.
84-927	Generic name: Carabopolycyclic alkenyl ether	49 FR 29451 (29452) (7-20-84).	Sept. 28, 1984.
84-1052	Generic name: Spent sulfite liquor, reaction product with an aromatic monomer	49 FR 33718 (33720) (8-24-84).	Aug. 28, 1984.

[FR Doc. 84-29258 Filed 11-7-84; 8:45 am]
BILLING CODE 6560-50-M

[OW-FRL-2713-4]

Allocation of FY 1985 Funds Under Section 106 of the Clean Water Act for State Ground-Water Protection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In FY 1985, the Environmental Protection Agency (EPA) will make available $7 million under section 106 of the Clean Water Act to support State ground-water protection activities. This notice is to inform States, interested groups, and the public of EPA's decisions concerning the management and allocation of these section 106 funds. A detailed description of the process for management of section 106 ground-water funds is provided in EPA guidance dated August 23, 1984.

FOR FURTHER INFORMATION CONTACT: Marian Mlay, Director, Office of Ground-Water Protection, 401 M St., S.W., Washington, D.C., 20460; 202-382-7077.

SUPPLEMENTARY INFORMATION:

Background

In August of 1984, the EPA published a Ground-Water Protection Strategy. The strategy reviews the seriousness of the ground-water pollution problem, identifies State agencies as having the principal role in ground-water protection, and describes steps EPA will take to support States in this area. The strategy also provides an assessment of unaddressed sources of ground-water contamination, establishes a common policy base for EPA programs, and outlines improvements to EPA's institutional capability to protect ground-water.

The principal element of the strategy is a description of opportunities for EPA to support and assist State ground-water protection programs. EPA support for State programs will include increased technical assistance to States by EPA. The strategy also indicates that EPA, will provide grant funds to support development and implementation of State ground-water programs.

In FY 1985, $61.2 million are available for grants under section 106 of the Clean Water Act. Section 106 funds traditionally support a wide range of water program development and implementation activities and are allocated among States according to an established formula. Based on Congressional intent underlying the FY 1985 appropriation act, the Agency will make available $7 million of section 106 funds to specifically support State ground-water protection programs. While this funding is the primary source of EPA support for State ground-water programs, States may also draw on other eligible EPA grants to support ground-water protection activities.

Management of Ground-Water Funds

States are to use section 106 ground-water grant funds to conduct a range of program development and implementation activities related to ground-water protection.

Program development activities include: (1) Develop a State ground-water action plan or strategy, (2) identify legal and institutional barriers to comprehensive ground-water management, (3) design or develop State ground-water protection programs, (4) conduct selected resource assessment activities, and (5) compile existing ground-water data and create systems to increase the usefulness of data.

States may also use section 106 funds for implementation of ground-water programs. States should assure that any ground-water program implementation activities take place in the context of a well designed and planned State ground-water protection program.

For the 1985 fiscal year, States are to give highest funding priority to ground-water program development activities. When considering various program development activities, States are to give highest priority to development of a State ground-water protection action plan or strategy.

States which choose to use funds for program implementation should direct funds to ground-water programs originated at the State level. The intent of this policy is to concentrate funds on ground-water programs which do not already have a base of Federal support. This policy will also foster a wide range of program responses to ground-water problems and demonstrate State capability to develop innovative control programs.

In addition, in FY 1985, EPA will require that each State prepare a discrete work program providing a single, consolidated statement of the State's ground-water program development and related activities in order to receive its full portion of section 106 ground-water funds. The work program must address all activities funded with section 106 ground-water funds, ground-water implementation activities funded with other section 106 grant funds, and ground-water program development activities funded under related EPA grants.

Allocation of Ground-Water Funds

The section 106 ground-water funds (i.e., $7 million) will be divided among States based on a minimum funding level and the existing formula for allocation of other section 106 grant funds (i.e., $54.2 million) among States.

A minimum allotment of $100,000 for each State and $50,000 for each Insular Area government has been established. The Agency Ground-Water Protection Strategy points to the existence of ground-water contamination problems in virtually every area of the country.

State responses to these problems have been variable, some States having taken only modest steps to control ground-water pollution. This minimum allotment assures that all States and Insular Areas will have the minimum funding necessary to begin assessment of ground-water pollution problems and development of management responses.

Section 106 ground-water grant funds above the minimum allotment will be alloted based on the current section 106 formula. This allotment will be limited to those States and Insular Areas which would have received funding above the minimum amount if the current formula had been used to allot all ground-water funds.

The Agency has decided that interstate agencies, which currently receive funds from the base amount of the section 106 grant, will not receive a direct allocation of earmarked funds at the national level. However, to the extent that a State determines that a particular activity should be performed by an interstate agency, it may enter into an intergovernmental agreement to have the interstate agency conduct the activity. In addition, with State consent, a Regional Administrator may award grants from allotted funds directly to interstate agencies.

This policy of not providing interstate agencies with section 106 ground-water funds as part of the national allocation is based on the priority given in EPA's Ground-Water Protection Strategy to supporting State institutions and building State programs. Interstate agencies were originally established to deal with surface waters and most have limited experience with ground-water issues. In addition, they do not have authority to implement protection programs directly and do not deal with major ground-water problems which need to be addressed in development of ground-water programs.

The total allotments of section 106 ground-water funds to States and Insular Areas will be provided in EPA's advice of allowance to Regional offices. These figures will be national grant allotments which may be used by the Regional Administrator in development of State planning targets. Planning targets should reflect Regional priorities and policies and Regional views of the needs of the States and Insular Area. Planning targets and any Regional ground-water funding policies, priorities, and procedures should be communicated to States in Regional guidance.

Dated: October 30, 1984.

Jack E. Ravan,

Assistant Administrator of Water.

[FR Doc. 84-29397 Filed 11-7-84; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2713-2]

Science Advisory Board, Subcommttee on Research Outlook; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Science Advisory Board's (SAB) Subcommittee on Research Outlook will be held on November 28, 1984 in Room 908 of the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D. C. The meeting will begin at 8:30 a.m. and the estimated time of adjournment is 12:00 noon.

The purpose of the meeting is to review the Agency's Draft Research Outlook 1985: The Agency's 5-year Research and Development Plan.

The meeting is open to the public; however, seating is limited. Any member of the public wishing to attend or obtain information should contact Mr. A. Robert Flaak, Executive Secretary, Subcommittee on Research Outlook, Science Advisory Board, by close of business November 21, 1984. The telephone number is (202) 382-2552.

Dated: November 1, 1984.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 84-29398 Filed 11-7-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51544; FRI-2713-6]

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 twenty-one PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 85-86, 85-87 and 85-88: January 23, 1985

PMN 85-89, 85-90, 85-91 and 85-92: January 26, 1985

PMN 85-93, 85-94, 85-95, 85-96, 85-97 and 85-98: January 27, 1985

PMN 85-99, 85-100, 85-101 and 85-102: January 28, 1985

PMN 85-103, 85-104, 85-105 and 85-106: January 29, 1985

Written comments by:

PMN 85-86, 85-87 and 85-88: December 24, 1984

PMN 85-89, 85-90, 85-91 and 85-92: December 27, 1984

PMN 85-93, 85-94, 85-95, 85-96, 85-97 and 85-98: December 28, 1984

PMN 85-99, 85-100, 85-101 and 85-102: December 29, 1984

PMN 85-103, 85-104, 85-105 and 85-106: December 30, 1984

ADDRESS: Written comments, identified by the document control number "[OPTS-51544]" 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, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential documant is available in the Public Reading Room E-107 at the above address.

PMN 85-86

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Coatings additive in open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: Dermal, a total of 32 workers.

Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 85-87

Manufacturer. Confidential.

Chemical. (G) Sulfonated carbocyclic diester.

Use/Production. (S) Company—limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: Dermal.

Environmental Release/Disposal. 0.5 kg/batch released with 102 kg/cleanup and 4 times/yr to water. Disposal by biological treatment system and incineration.

PMN 85–88

Manufacturer. Confidential.

Chemical. (G) Substituted phenylamino substituted carbopolycycle sulfonic acid, salt.

Use/Production. (S) Site-limited isolated intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

PMN 85–89

Manufacturer. Confidential.

Chemical. (G) Polyester from dimethyl terephthalate, ethylene glycol, isophthalic acid and a carboxylic acid.

Use/Production. (S) Industrial, commercial and consumer precursor for staple fibers for non-woven fabrics. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 255 workers, up to 10 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 2.0 to 3.0 kg/batch and 82 kg/day released to land. Disposal by sanitary landfill.

PMN 85–90

Manufacturer. Confidential.

Chemical. (S) Polymer of dimethyl terephthalate, ethylene glycol, dimethyl 5–sulfoisophthlate, sodium salt and polyethylene glycol.

Use/Production. (S) Industrial, commercial and consumer precursor for carrierless cationic dyeable fibers for home furnishing textiles. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 255 workers, up to 10 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 2.0 to 3.0 kg/batch and 82 kg/day released to land. Disposal by sanitary landfill.

PMN 85–91

Manufacturer. Confidential.

Chemical. (G) Alcohol ether sulfate, sodium salt.

Use/Production. (G) An additive used in the energy production industry. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 1 worker, up to 2–3 hrs/da.

Environmental Release/Disposal. 25 kg/day released.

PMN 85–92

Importer. Peerless Photo Products, Inc.

Chemical. (G) Hydroxyethylthiopolyalcohol.

Use/Import. (S) Commercial development accelerator for photographic chemistry. Import range: 20 to 60 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 4 workers, up to 4 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. No release.

PMN 85–93

Manufacturer. Confidential.

Chemical. (G) Rosin-modified phenolic resin.

Use/Production. (S) Industrial sheet-fed quickset and heat set web offset printing inks. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: Dermal and inhalation, a total of 4 workers.

Environmental Release/Disposal. Less than 0.1 kg/batch released to water with less than 4 kg/batch to land. Disposal by publicly owned treatment works (POTW) and sanitary landfill.

PMN 85–94

Manufacturer. H. B. Fuller Company.

Chemical. (G) Carboxylated styrene/acrylic multipolymer.

Use/Production. (G) Adhesive for synthetic and/or natural fibers. Prod. range: 92,000–196,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 4 workers, up to 6 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. 40 kg/batch released to air and water. Disposal by POTW.

PMN 85–95

Manufacturer. H.B. Fuller Company.

Chemical. (G) Carboxylated acrylic multipolymer.

Use/Production. (G) Adhesive for synthetic and/or natural fibers. Prod. range: 92,000–196,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 4 workers, up to 6 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. 40 kg/batch released to air and water. Disposal by POTW.

PMN 85–96

Manufacturer. Sandoz Chemicals Corporation.

Chemical. (G) Reaction product from the catalyzed reaction of 1,3–disubstituted benzene and an oxoalkane, reacted with sodium sulfide ($Na_2(Sx)$).

Use/Production. (S) Industrial colorant for cellulosic fibers. Prod. range: 16,500–33,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 120 workers, up to 12 hrs/da, up to 45 da/yr.

Environmental Release/Disposal. 5 to 90 kg/batch and 200 kg/yr released to water with 65 kg/batch to land. Disposal by landfill, off-site Resource Conservation and Recovery Act (RCRA) and National Pollution and Disposal elimination System (NPDES) permitted facility.

PMN 85–97

Manufacturer. Confidential.

Chemical. (G) Modified polymer of alkyl acrylates and alkyl methacrylates.

Use/Production. (G) Industrial coating resin. Prod. range: 100,000–2000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 28 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 10 to 100 kg/batch released to land. Disposal by incineration and approved landfill.

PMN 85–98

Importer. Confidential.

Chemical. (S) 2,2′-(1,3-phenylene)bis(4,5-dihydro-oxazole).

Use/Import. (G) Reactive modifier for synthetic resins. Import range: 3,000–30,000 kg/yr.

Toxicity Data. Acute oral: 745 and 1,610 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Slightly mutagenic; Bioaccumulation (Carp: Level 1—1.5 and 2.3 parts per million (ppm), Level 2—<3.1 ppm; TLm 48 hr (Orange-red killifish): 140 ppm.

Exposure. Processing: Dermal, a total of 5 persons/shift.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 85–99

Manufacturer. General Electric Company.

Chemical. (G) (Polyoxyalkylene)bis(N-trimellitimide).

Use/Production. (G) Polymerizations. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: Dermal, a total of 70 workers, up to 4 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. 10 kg/batch released to land. Disposal by RCRA landfill.

PMN 85–100

Manufacturer. Confidential.

Chemical. (G) Modified melamine formaldehyde resin.

Use/Production. (G) Industrial coating having a disperse use. Prod. range: 300,000–900,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 43 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 3 to 150 kg/batch released to land. Disposal by incineration and landfill.

PMN 85–101

Manufacturer. Confidential.

Chemical. (G) Modified melamine formaldehyde resin.

Use/Production. (G) Industrial coating. Prod. range: 165,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 43 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 2 to 150 kg/batch released to land. Disposal by incineration and landfill.

PMN 85–102

Manufacturer. Richardson-Vicks, Inc.

Chemical. (G) Modified soybean-tung alkyd resin.

Use/Production. (G) Polymeric binder for air-dry clear and pigmented finishes. Prod. range: 250,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–103

Manufacturer. Confidential.

Chemical. (G) Thermoplastic saturated polyester.

Use/Production. (G) Cured reinforced thermoset plastic composite. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, ½ shift/worker, 10 min./sample.

Environmental Release/Disposal. Essentially no release.

PMN 85–104

Manufacturer. Confidential.

Chemical. (G) Alkenyl substituted carbomonocyclic alkenyl ether.

Use/Production. (S) A site-limited chemical intermediate in the preparation of an adhesive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–105

Manufacturer. Confidential.

Chemical. (G) Poly alkenyl substituted carbomonocyclic ether.

Use/Production. (S) Site-limited intermediate for production of an adhesive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–106

Manufacturer. Confidential.

Chemical. (G) Alkenyl substituted carbomonocyclicalcohol.

Use/Production. (S) Site-limited intermediate for adhesive manufacture. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: November 5, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84–29440 Filed 11–7–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59175; FRL–2713–7]

Substituted Siloxane Polymer; 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 testing 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** on May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by November 23, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS–59175]" and the specific TME number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. 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, Rm. E–611, 401 M Street, SW, Washington, DC 20460, (202–382–3729).

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.

TME 85–5

Close of Review Period. December 13, 1984.

Manufacturer. Allied Corporation.

Chemical. (G) Substituted siloxane polymer.

Use/Production. (S) Industrial thin dielectric films in semiconductor device fabrication. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release.

Dated: November 5, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84–29439 Filed 11–07–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Notice of 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 15 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.: 207–010668.
Title: Overseas Containers Limited Agreement.
Parties:
Overseas Container Limited
The Peninsular & Oriental Steam Navigation Company
The British and Commonwealth Shipping Co., PLC.
Ocean Transport & Trading, PLC.
Synopsis: The proposed agreement would establish a joint service between the parties in the trade between U.S. Atlantic, Gulf, Pacific and Great Lakes ports and inland points and ports and points in Europe, Africa, West Asia, South Asia, Southeast Asia, the Indian Ocean and Australasia. The parties would offer service either by direct call or transshipment with up to eighteen direct sailings annually.

Dated: November 5, 1984.
By Order of the Federal Maritime Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 84–29414 Filed 11–7–84; 8:45 am]
BILLING CODE 6730–01–M

A. P. Moller-Maersk Line et al.; Notice of 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, DC 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, Wasington, DC 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.: 202–008900–025.
Title: The "8900" Rate Agreement.
Parties:
A. P. Moller-Maersk Line
Barber Blue Sea Line
The National Shipping Company of Saudi Arabia
Nedlloyd Lijnen, B.V.
Sea-Land Service, Inc.
United Arab Shipping Company (S.A.G.)
Waterman-Isthmian Line
Synopsis: The proposed amendment would delete interim mandatory provisions governing independent action and adds new provisions to provide for a right of independent action on ten days' notice and would authorize concerted action by the parties with respect to service contracts.

Agreement No.: 203–010667.
Title: Hapag-Lloyd AG/The National Shipping Company of Saudi Arabia Agreement to Avoid Conflicts of Interest.
Parties:
Hapaq-Lloyd AG (Hapag)
The National Shipping Company of Saudi Arabia (National)
Synopsis: Under the terms of the proposed agreement Hapag would not offer shipping services in competition with National in the trade between U.S. Atlantic, Pacific, Gulf and Great Lakes ports and points and ports and points in countries bordering on the Arabian Gulf. The proposed agreement will remain in effect so long as the agency agreement between National and Hapag-Lloyd (America), Inc. remains in effect and for one year thereafter.

Dated: November 5, 1984.
By Order of the Federal Maritime Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 84–29415 Filed 11–07–84; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

[Docket No. R–0532]

Fees for Federal Reserve Bank Check Collection; Request for Comment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board of Governors is requesting public comment on a proposal to assess different fees for certain checks deposited with the Reserve Banks for collection depending upon whether they are destined for high or low unit cost endpoints.

DATE: Comments must be received by January 11, 1985.

ADDRESS: Comments, which should refer to Docket No. R–0532, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 C.F.R. § 261.6(a).

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Associate Director (202/452–2231), or William S. Brown, Manager (202/452–3760), Division of Federal Reserve Bank Operations; Gilbert T. Schwartz, Associate General Counsel (202/452–3625), or Robert G. Ballen, Attorney (202/452–3265), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Under the current fee structure, Reserve Banks assess the same fee for all checks drawn on institutions within the same availability zone. For example, the fees imposed on the depositor are the same so long as the checks to be collected are drawn on institutions located in the same RCPC zone.

The Reserve Banks have been studying the feasibility of two-tiered pricing, that is, assessing a different fee depending upon whether the check is sent to a high or low unit cost endpoint. Unit costs generally are higher for items destined for low volume endpoints because transportation and fixed processing costs, which do not vary with volume, are spread across fewer items. Low unit costs endpoints are typically: (1) Large institutions or (2) smaller institutions that have their checks delivered to bank or nonbank processors that either receive relatively large volumes of checks or are located close to the Federal Reserve. Operational improvements are being implemented that would enable Reserve Banks to charge different fees for checks drawn on institutions located in the same zone without requiring depositing institutions to perform additional sorting. To assist commenters in evaluating the proposal, the fees that two Reserve Banks would charge depending upon whether the check is sent to high low unit cost endpoint are attached.

The Board believes two-tiered pricing has the potential for improving the efficiency of the check collection system by enabling Federal Reserve fees to reflect more closely the cost of clearing checks, based upon the actual mix of checks deposited. In this regard, two-tiered pricing could enable institutions depositing checks for collection to determine better the lowest cost method of collecting a particular check. In

addition, it is anticipated that two-tiered pricing should not have any significant operational effects on depository institutions nor result in any significant increase in Federal Reserve volume.

The impact of this proposal on small entities has been considered in accordance with the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. § 603). As indicated above, the proposal could result in a reduction in cost for small depository institutions to the extent that they are collecting banks by enabling them to determine better the lowest cost method of collection. Moreover, the proposal should not adversely impact the operations of such depository institutions. Finally, the proposal imposes no new reporting or recordkeeping requirements on depository institutions.

By order of the Board of Governors, November 2, 1984.

William W. Wiles,

Secretary of the Board.

SAMPLE TWO-TIERED PRICES

	Item prices for processed volume (RCPC)		Item prices for processed volume (country)	Item prices for fine sort (RCPC)	Item prices for fine sort (country)
	Regular	Premium			
Kansas City:					
Low unit cost	(1)	(1)	2.5	(1)	1.2
High unit cost	(1)	(1)	3.5	(1)	2.0
Minneapolis:					
Low unit cost	2.1	3.6	(1)	0.7	(1)
High unit cost	3.0	4.4	(1)	1.4	(1)

[1] Two-tiered pricing not applicable.

[FR Doc. 84-29367 Filed 11-7-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Alaska Native Claims Settlement Act 1985 Study Draft Report

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Hearings, request for comments.

SUMMARY: Notice is hereby given that the Department of the Interior has prepared a Draft Report on the status of Natives and Native Groups in Alaska, and a summary of the actions taken under the Alaska Natives Claims Settlement Act (ANCSA).

The Department will hold Public Hearings to build a record of opinion from those directly impacted by the Act, with emphasis on Alaska Natives or Native organizations who would not ordinarily have access to the Executive Branch Agencies and Congress to register their views, validate issues identified by the Draft Report and elicit views on recommendations for the Final Report.

Persons interested in attending or presenting testimony should contact the individual listed below at least 10 days in advance of the hearing they wish to attend. Persons who wish to submit comments or written statements may do so at the hearings or mail same to the Juneau BIA office at the address listed below.

DATES: Comments must be received on or before December 15, 1984.

The Hearings are scheduled as follows:

1. November 27, 1984, 9 a.m. to 5 p.m., Fairbanks, Alaska.

2. November 28, 1984, 9 a.m. to 5 p.m., Bethel, Alaska.

3. November 29, 1984, 1:30 p.m. to 5 p.m., Juneau, Alaska.

4. November 30, 1984, 9 a.m. to 5 p.m., Juneau, Alaska.

5. December 27, 1984, 9 a.m. to 5 p.m., Nome, Alaska.

6. December 4, 1984, 9 a.m. to 5 p.m., Anchorage, Alaska.

ADDRESSES: Comments may be submitted to the individual listed in the **FOR.**

FOR FURTHER INFORMATION CONTACT: Section. The Hearings will be held at the following locations.

SUPPLEMENTARY INFORMATION: .

1. November 27, 1984—Traveler's Inn (East Gold Room), 813 Noble Street, Fairbanks, Alaska.

2. November 28, 1984—KVNA Building, 841A River Street, Bethel, Alaska.

3. November 29 and 30, 1984—ANB Hall (Assembly Room), 320 Willoughby Avenue, Juneau, Alaska.

4. December 3, 1984—Mini Convention Center, River Street, Nome, Alaska.

5. December 4, 1984—Federal Building (Room C-105), 701 "C" Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Glen Robertson, (Special Assistant to the Area Director), Juneau Area Office, Bureau of Indian Affairs, Federal Building, P.O. Box 3-8000, Juneau, Alaska 99802, (907) 586-7177.

SUPPLEMENTARY INFORMATION: A copy of the subject ANCSA Study is available for public review at the following locations from 9:00 a.m. to 4:30 p.m. on normal business days.

1. Bureau of Indian Affairs, (Conference Room), 1675 "C" Street, Anchorage, Alaska.

2. AVCP Building, (Reception Area, 1st Floor), 311 Willow Street, and Bureau of Indian Affairs, (Realty Office), 3055 4th Street, Bethel, Alaska.

3. Federal Building and Courthouse, (Room 232), 101 12th Avenue South, Fairbanks, Alaska.

4. Federal Building, (Room 310), 709 West 9th Street, Juneau, Alaska.

5. Federal Building, (Room 107), Front Street, Nome, Alaska.

6. Federal Center South, (Building 1206), 4735 East Marginal Way, Seattle, Washington.

7. Bureau of Indian Affairs, (Room 530) 1500 Northwest Irving Street, Portland Oregon.

8. Bureau of Indian Affairs, Interior Building, (Room 4600), 18th and "C" Streets, NW., Washington, D.C.

Ken Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-29426 Filed 11-7-84; 8:45 am]

BILLING CODE 4010-02-M

Bureau of Land Management

Bureau Forms Submitted for OMB Review

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Review by OMB.

SUMMARY: The proposal for an extension of 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 information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's (BLM) clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the BLM's clearance officer and the

Office of Management and Budget's reviewing official at (202) 395–7340.

Title: 43 CFR Part 4700 Application for Adoption of Wild Horse(s) or Burro(s) Application for Title to Wild Horse(s) and Burro(s).

Abstract: Adoption applicants provide information about their qualifications and capability to provide humane care and treatment for wild horses and burros under conditions specified by Federal regulations so BLM may determine if an applicant will be given the opportunity to adopt wild horses or burros. Applicants requesting title to adopted wild horses or burros supply information about changes in name or address and about animals which they are presently maintaining. This information is needed by BLM to issue titles to animals as requested by the applicant.

Bureau form number: 4710–10 and 4710–11.

Frequency: Occasionally.

Description of respondents: Applicants desiring to adopt wild horses or burros and applicants desiring title to wild horses or burros for which they have provided humane care and treatment for 1 year.

Annual response: 15,000.

Annual burden hours: 1,300.

Bureau Clearance Officer (alternate): Evelyn Weeks (202) 653–8853.

Dated: October 23, 1984.

James M. Parker,

Associate Director.

[FR Doc. 84–29394 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–84–M

[C–36983]

Colorado; Proposed Reinstatement

Notice is hereby given that a petition for reinstatement of oil and gas lease C–36983 for lands in Garfield County, Colorado was timely filed and was accompanied by all the required rentals and royalties accruing from July 1, 1984, the date of termination.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5.00 and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee for the lease and has reimbursed the Bureau of Land Management for the estimated cost of this **Federal Register** notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920, as amended, (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective July 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Karen Purvis of the Colorado State Office at (303) 294–7600.

Cecilia L. Reynolds,

Acting Chief, Mineral Leasing Section.

[FR Doc. 84–29393 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–JB–M

Filing of Plats of Survey: Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on the dates hereinafter stated:

Willamettee Meridian

Oregon

T. 39 S., R. 2 E.;
T. 16 S., R. 21 E.;
T. 17 S., R. 21 E.;
T. 22 S., R. 5 W.;
T. 23 S., R. 7 W.

The above-listed plats were accepted and officially filed September 21, 1984.

T. 34 S., R. 1 W.;
T. 2 N., R. 2 W.;
T. 13 S., R. 28 E.

The above-listed plats were accepted and officially filed September 28, 1984.

T. 21 S., R. 4 W.;
T. 29 S., R. 11 W.;
T. 35 S., R. 2 E.;
T. 36 S., R. 3 E.

The above-listed plats were accepted October 5, 1984, and officially filed October 9, 1984.

The above-listed plats represent dependent resurveys, subdivisions, and corrective dependent resurveys.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 NE Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: October 30, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–29406 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–33–M

Proposed Planning Analysis for Isolated Tracts in the Salt Lake District, UT

November 1, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Planning Analysis for Isolated Tracts in Salt Lake District, Utah.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM), Salt Lake District, intends to prepare a planning analysis for isolated tracts of public land in Cache, Morgan, Summit, Weber, and Salt Lake Counties, Utah. A total of 19 parcels with 1,070.8 acres of public land will be encompassed by the plan. The purpose of the planning analysis is to determine whether disposal of these isolated tracts would better serve the public need than their retention in Federal ownership.

General land use issues such as livestock grazing, wildlife habitat, mineral development, recreation and landownership adjustments will be addressed in the plan.

The disciplines to be represented in preparing the analysis include: Range Conservation, Wildlife Biology, Soil Science, Outdoor Recreation, Archeology, Realty, Geology, Wilderness, Watershed, and Socioeconomics. Public input opportunities will be provided at several points in the planning process.

Address and date: Comments, including issues to be considered in the planning analysis, should be sent to Wayne Richards, Area Manager, Bear River Resource Area, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119. The deadline for receipt of comments is December 10, 1984.

John Stephenson,

Associate District Manager.

[FR Doc. 84–29395 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–DQ–M

Realty Action; Modified Competitive Sale of Public Land in Jackson County, OR; Correction

In the notice of realty action published in **Federal Register** Vol. 49, No. 194, page 39424, on Thursday, October 4, 1984, there are two corrections as follows:

The legal description for OR 37199 should be T.37S., R.4W., W.M., Sec 31 Lot 4.

Reservation number 3 should read, parcel serialized number OR 37199 (Lot 4) will be subject to a reservation for Jackson County's Kubli Road (43 CFR Part 1719).

Dated: October 29, 1984.

Hugh R. Shera,

District Manager.

[FR Doc. 84-29390 Filed 11-07-84; 8:45 am]

BILLING CODE 4310-33-M

[A 997]

Arizona; Partial Termination of Segregative Effect of Withdrawal Application

Notice of application, serial number A 997, for withdrawal and reservation of lands was published as FR Doc. 67-8213, pages 10518 and 10519 of the July 18, 1967 issue. The applicant agency has cancelled its application insofar as it involves the land described below. Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c) the land will be at 9:00 a.m., on December 12, 1984, relieved of the segregative effect on the above-mentioned application.

The land involved in this notice of termination is described as follows:

Gila and Salt River Meridian, Arizona

T. 4 N., R. 13 W., Unsurveyed,
Sec. 31, N½.

The area described contain 320 acres.

Dated: November 1, 1984.

Don R. Mitchell,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-29391 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-32-M

Salt Lake District, Multiple Use Advisory Council Meeting, Salt Lake City, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Salt Lake District Advisory Council will be held on December 6, 1984, beginning at 9 a.m. at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah.

The agenda of the meeting will remain the same as the one for the October 18 meeting which was cancelled due to bad weather conditions.

Anyone wishing to make a statement to the Council must notify the District Manager, 2370 South 2300 West, Salt Lake City, Utah 84119 at (801) 524-5348, before 4 p.m. on December 5. A time limit may be established per person by the District Manager.

John M. Stephenson,

Acting Salt Lake District Manager.

[FR Doc. 84-29387 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-DQ-M

[C-28245]

Colorado; Proposed Continuation of Withdrawals

November 2, 1984.

In **Federal Register** of Thursday, April 12, 1984, page 14593, column 2, number 2, make the following correction:

All of the land in T. 3. N., R. 75 W., Sixth Principal Meridian, appearing as public land, should be placed under the heading Sixth Principal Meridian, Arapaho National Forest.

Richard D. Tate,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-29389 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-JB-M

Realty Action; Exchange of Public Lands in Benton County, WA

The following described public lands have been determined to be suitable for disposal by exchange under sec. 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 9 N., R. 26 E.,
Sec. 21, NW¼NW¼.
T. 9 N., R. 27 E.,
Sec. 4, W½SW¼;
Sec. 28, NE¼, N½NW¼, N½S½NW¼.

The area described aggregates approximately 400 (±) acres in Benton County, Washington.

In exchange for these lands, the Federal Government will acquire the following described private lands from Milo B. Bauder:

Willamette Meridian

T. 9 N., R. 25 E.,
Sec. 24, SE¼SE¼ less SR-182 Highway right-of-way and gravel pit, approximately 36 (±) acres;
Sec. 25, NE¼ less SR-182 gravel pit, S½, approximately 440 (±) acres;
Sec. 36, N½NW¼, N½S½NW¼.
T. 9 N., R. 26 E.,
Sec. 19, those portions of the S½NE¼, SE¼NW¼, N½SW¼ and NW¼SE¼ lying south of SR-182 right-of-way, less approximately 5 acres. Approximately 140 (±) acres;
Sec. 20, S½NE¼, those portions of the N½NW¼ lying south of the Yakima River, less Burlington Northern and SR-182 right-of-way, S½NW¼, approximately 220 (±) acres;
Sec. 24, SE¼NW¼.

The area described above aggregates approximately 996 (±) acres in Benton County, Washington.

The purpose of the land exchange is to facilitate resource management opportunities in the Badger Slope Management Area as identified in the Spokane District's Resource Management Plan. The private lands being offered have very important values for recreation, wildlife habitat and livestock grazing. The public interest will be highly served by making this exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the values upon completion of the final appraisal of the lands.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Oil and gas rights may be reserved in the final patent. All existing oil and gas leases will remain in effect until expiration.

3. All other valid existing rights, including but not limited to any right-of-way, easement or lease of record.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Spokane District Office, E. 4217 Main Avenue, Spokane, WA 99202.

For a period of 45 days interested parties may submit comments to the Spokane District Manager at the above address.

Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of changes.

Dated: October 30, 1984.

Joseph K. Buesing,

District Manager.

[FR Doc. 84-29400 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-33-M

[F-14908-A, F-14908-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611 (1976), will be issued to Sitnasuak Native Corporation, for approximately 204 acres. The lands involved are within the Kateel River Meridian, Alaska:

T. 11 S., R. 33 W.
T. 12 S., R. 33 W.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the NOME NUGGET. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until December 10, 1984 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-29421 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14944-A]

Alaska Native Claims Selection

In accordance with Department regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611 (1976), will be issued to Tozitna, Limited, for approximately 1.39 acres. The lands involved are two parcels of land located within Sec. 16, T. 4 N., R. 22 W., Fairbanks Meridian, Alaska.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until December 10, 1984, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984), shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-29422 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-JA-M

[OR 37818]

Intent To Amend the Upper Willamette Management Framework Plan, Lane County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In accordance with 43 CFR 1610.2(c), notice is hereby given that the Bureau of Land Management, Eugene District, proposes to prepare a planning amendment to the Upper Willamette Management Framework Plan (MFP). The amendment is in response to a right-of-way application filed October 3, 1984 by Western Tele-Communications, Inc. for the construction of a microwave communications relay site and access road on the following public land:

Willamette Meridian, Oregon

T. 18 S., R. 1 W.
Sec. 9: Metes and Bounds within E½NE¼.
Comprising approximately 3 acres.

The subject land is identified in the existing MFP for intensive forest management. Approval of the right-of-way would remove the land from such management and reserve it for electronic communication site purposes.

An environmental assessment and the plan amendment will be prepared by an interdisciplinary team with expertise in the following areas: lands, wildlife, cultural resources, timber management, visual resources and vegetation.

Issues identified, and to be addressed in the plan amendment, include loss of approximately 3 acres of intensive forest base and consequent effects upon the annual allowable cut and timber revenues, and the visual impacts of the proposed 250 foot tower. Public input is invited to identify additional issues related to approval of the communication site. Written comments should be submitted within 30 days from the date of publication of this notice. All comments received will be considered in preparation of the environmental assessment and plan amendment.

The environmental assessment and proposed plan amendment decision will be made available for public review and comment at a later date. Availability will be announced through the local media and a mailing list of interested parties. Notice of approval of the final plan amendment will be published in the **Federal Register**, providing for a 30 day protest period prior to implementation

SUPPLEMENTARY INFORMATION: Those wishing to comment on the proposed amendment, or to obtain additional information, should contact Jon Strandjord, Planning and Environmental Coordinator, Eugene District Office, P.O. Box 10226, Eugene, Oregon 97440; (503) 687-6578. The Upper Willamette MFP and the right-of-way application are available for public review at the office and address noted above.

Dated: November 1, 1984.

Melvin D. Clausen,

District Manager.

[FR Doc. 84-29404 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-33-M

Colorado; Grand Junction District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of grand Junction District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Grand Junction District Grazing advisory Board will be held on: Thursday, December 13, 1984, at the Bureau of Land Management office, 50629 Highway 6 and 24, Glenwood Springs, Colorado. The meeting will begin at 9:00 a.m.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include: (1) Minutes of the previous meeting, (2) status of cooperative management agreements, (3) grazing deferment following vegetation treatment, (4) allotment management plan revisions, (5) update on the range improvement program for fiscal year 1985, (6) current status of project work, (7) proposed new advisory board projects, (8) advisory board election, (9) public presentations, and (10) arrangements for the next meeting. The meeting is open to the public. Interested persons may make oral statements to the board between 3:00 and 3:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the district Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, by December 11, 1984. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Further information on the meeting may be obtained at the above address or by calling (303) 243–6552.

John A. Buck,

Acting District Manager, Grand Junction District.

[FR Doc. 84–29409 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–JB–M

Arizona, Safford District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Safford District Advisory Council.

DATE: Thursday, December 13, 1984, 10:00 a.m.

ADDRESS: 425 E. 4th Street, Safford, Arizona.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579 and 43 CFR part 1780, that a meeting of the Safford District Advisory Council will be held Thursday, December 13, 1984 in Safford, Arizona at 10:00 a.m. at the Safford District Office, 425 E. 4th Street, Safford, Arizona.

Agenda for the meeting:

1. Eastern Arizona grazing Environmental Impact Statement.
2. Upper Gila water rights filing.
3. Proposed Threatened and Endangered species introduction.
4. BLM management update.
5. Business from the floor.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:15 and 2:15 p.m., or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must contact the District Manager at the above address by December 12, 1984. Depending upon the number of people wishing to make oral statements, a per person time limit may be considered.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (within regular business hours) within 30 days following the meeting.

Dated: Nobember 1, 1984.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 84–29486 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–32–M

Wyoming; Medicine Bow Bypass Lease Application; Call for Coal Resource Information; and Request for Public Comments on Fair Market Value and Maximum Economic Recovery

AGENCY: Bureau of Land Management (BLM), Rawlins District Office, Rawlins, Wyoming, Interior.

ACTION: Notice of completion of a Proposed Amendment to the Hanna Basin Management Framework Plan and draft environmental assessment; call for coal resource information for the Medicine Bow Bypass lease application; request for public comments on the fair market value and maximum economic recovery for the coal in the Medicine Bow Bypass; and notice of a public hearing.

SUMMARY: The Medicine Bow Resource Area of the Rawlins District has completed a proposed amendment to the Hanna Basin Management Framework Plan and a draft environmental assessment of the Medicine Bow Bypass Lease Application. This amendment would allow for development of federal coal resources along the eastern edge of Seminoe Reservoir that would otherwise be bypassed.

The application area, which is located in the Hanna/Carbon Basin of south-central Wyoming, contains 2,650 acres and 13 million tons of recoverable coal on federal lands. The proposed lease area is located immediately adjacent to and between Seminoe Reservoir on the west and the Medicine Bow Coal Mine on the east, approximately 50 miles from the town of Rawlins, Wyoming.

This notice also includes a call for coal resource information required in 43 CFR 3420.1–2. To assure that the amendment decision covers the fullest possible range of resource conditions, this call has been issued to obtain any coal resource information and identify areas of interest for possible coal leasing.

The public is also invited to submit written comments on the fair market value and the maximum economic recovery of this tract of coal. In accordance with Federal Coal Management regulations 43 CFR Parts 4322 and 3425, not less than 30 days before the publication of a notice of sale, the Secretary of Interior shall solicit public comments on fair market value appraisal and economic recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to BLM in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information.

In addition, notice is also given that a public hearing will be held on this lease application on December 5, 1984, at 7:30 p.m.

DATE: Comments must be received on or before December 31, 1984.

ADDRESS: The public hearing will be held at 7:30 p.m. in the West Room of the Jeffrey Memorial Center, 3rd and Spruce Streets, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: Gene Kolkman, Regional Planner, P.O. Box 670, Rawlins, Wyoming 82301.

SUPPLEMENTARY INFORMATION: Copies of the Proposed Amendment/Environmental Assessment are available at the BLM, Rawlins District Office, P.O. Box 670, 1300 3rd Street, Rawlins, Wyoming 82301, and the Medicine Bow Resource Area, 1719 Edinburgh Street, Rawlins, Wyoming 82301.

Comments may be submitted orally or in writing at the public hearing on December 5, 1984, or they may be sent to the addresses listed above by December 31, 1984.

Frank Noll,

Acting District Manager.

[FR Doc. 84–29461 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–22–M

Fish and Wildlife Service

Extension of Comment Period for Draft Environmental Impact Statement for the Restoration of Atlantic Salmon to New England Rivers

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

The public comment period on the Draft Environmental Impact Statement for the Restoration of Atlantic Salmon to New England Rivers (FWS 84/37) has been extended until January 31, 1985. Comments should be addressed to Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, Attention: (AFR).

Dated: November 2, 1984.

Howard N. Larsen,

Regional Director.

[FR Doc. 84-29463 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[M 41830, et al.]

Proposed Continuation of Withdrawals; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that 16 withdrawals for the Sun River Reclamation Project be all or partially continued through the year 2020. Of the 31,863 acres included in the continuation proposals approximately 13,122 acres would remain open to the mining laws but closed to surface entry. The remaining 18,741 acres would continue to be closed to both surface entry and the mining laws; however, the extraction of minerals from these lands will be permitted by the Bureau of Reclamation, provided this extraction can be performed in a manner that will not jeopardize or otherwise interfere with the purposes of the Sun River Project. All of the lands have been and would continue to be open to the mineral leasing laws.

ADDRESS: Comments should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM, Montana State Office (406) 657-6090.

The Bureau of Reclamation proposes that the existing land withdrawals made by Secretarial Orders of August 23, 1912, July 17, 1918, October 4, 1909, February 19, 1927, January 8, 1926, October 17, 1903, February 27, 1911, February 28, 1919, April 10, 1909, July 26, 1907, April 15, 1929, October 30, 1914, June 18, 1908, March 21, 1911, October 13, 1915, and Public Land Order Number 2606, be continued in their entirely or in part until the year 2020 pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The lands involved are located in Cascade, Teton and Lewis & Clark Counties and aggregate 31,863 acres in the state of Montana.

The purpose of the continuance of the withdrawals is to protect the Sun River Reclamation Project. The withdrawals will continue to segregate 31,863 acres from operation of the public land laws, generally and 18,741 acres from location under the United States mining laws; however, the extraction of minerals from these lands will be permitted by the Bureau of Reclamation, provided this extraction can be performed in a manner that will not jeopardize or otherwise interfere with the purposes of the Sun River Project. All of the lands continue to be open to the mineral leasing laws.

No change is proposed in the purpose or segregative effect of the withdrawals

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

James Binando,

Chief, Branch of Lands.

November 1, 1984.

[FR Doc. 84-29462 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-22-M

Fish and Wildlife Service

Upper Mississippi River National Wildlife and Fish Refuge; Intent To Prepare an Environmental Impact Statement on the Master Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (FWS) intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) on the Master Plan for the Upper Mississippi River National Wildlife and Fish Refuge. This refuge covers approximately 267 miles of the Mississippi River from river mile 764 to 497 in the states of Minnesota, Wisconsin, Illinois, and Iowa. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. This notice solicits the input and assistance from the interested public and invites the participation by affected federal and state agencies having special judisdiction and/or expertise as cooperating agencies.

DATES: Written comments should be received by December 10, 1984. Public meetings will be scheduled as required during the development of the statement, with the Draft EIS/Master Plan anticipated to be completed by October 1985 and the Final EIS/Master Plan anticipated to be completed by May 1986.

Locations and dates of scheduled meetings will be announced at least 30 days in advance in the refuge's master plan newsletter and area press releases. Anyone interested in being put on the newsletter mailing list should contact the address below.

FOR FURTHER INFORMATION CONTACT: Regional Director, North Central Region (Attn: Donna Kostka, Outdoor Recreation Planner), U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111, (612) 725-3306. Donna Kostka is the EIS team leader and primary author of the document.

SUPPLEMENTARY INFORMATION: The Upper Mississippi River National Wildlife and Fish Refuge, established by an act of Congress in 1924, is superimposed on approximately 267 river miles of a major commercial navigation waterway on the Mississippi River from approximately Wabasha, Minnesota to Rock Island, Illinois. Over

half of the 194,000 acre refuge was acquired by the Corps of Engineers for the nine foot navigation channel project in the 1930s. The navigation locks and dams formed a series of pools that greatly expanded the shallow marsh habitat on the flood plain to the benefit of many wildlife species, particularly waterfowl and aquatic furbearers. Much of the Corps acquired land is managed by the FWS as part of the refuge under a cooperative agreement. The states of Minnesota, Wisconsin, Illinois, and Iowa also are involved in river management and jurisdiction but have differing regulations and standards.

The decline of the fish and wildlife resource base on the river is well documented. Natural deterioration of the reservoir-like environment is generally accepted as a partial cause of this decline. However, increasing use of the river system for waste and by-product disposal, commercial navigation, and recreation are recognized as significant contributing factors.

The FWS proposes to utilize the extensive research conducted by various groups and agencies as they attempted to study conditions, stimulate public involvement, make recommendations for resolving problems, and implement improvement projects over the course of the past 15 years. These studies will be used as source of data or material to adopt completely through tiering in the EIS/Plan. Examples, listed chronologically, are:

"Upper Mississippi River National Recreation Area Study," U.S. Department of the Interior, Bureau of Outdoor Recreation (BOR), Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104, 1971. (The work of the BOR has been taken over by the National Park Service, Main Interior Building, 18th and C Streets, Washington, DC 20240.)

"Upper Mississippi River Comprehensive Basin Study—Main Report and Appendices A–Q," U.S. Department of Defense, North Central Division, Corps of Engineers (COE), 536 S. Clark St., Chicago, IL 60605, 1972.

"Operations and Maintenance for the Upper Mississippi River 9-Foot Navigation Channel—Final Environmental Impact Statement, Pools 11–22," Rock Island District, COE, Clock Tower Building, Rock Island, IL 61201, 1974.

"Upper Mississippi River Wilderness Study Summary," U.S. Department of Interior, Bureau of Sport Fisheries and Wildlife (now the U.S. Fish and Wildlife Service), Federal Building, Fort Snelling, Twin Cities, MN 55111, 1974.

"Wilderness (Restudy) Study Report," Upper Mississippi River National Wildlife and Fish Refuge, Exchange Bldg., 51 E. 4th St., Winona, MN 55987 (unpublished), 1977.

"The Upper Mississippi River Main Stem Level B Study," Upper Mississippi River Basin Commission, 7920 Cedar Avenue S., Bloomington, MN 55420, 1980.

"A Study of the Upper Mississippi River—GREAT I, Main Report, Volumes 1–9," Great River Environmental Action Team (GREAT I), 1135 U.S. Post Office and Custom House, St. Paul, MN 55101, 1980.

"GREAT II Main Report," Great River Environmental Action Team (GREAT II), c/o Rock Island District, Corps of Engineers, Clock Tower Building, Rock Island, IL 61201, 1980.

"Visions for Our Rivers—A Citizens Proposal for the Upper Mississippi and Illinois Rivers," River Country Voices, 142 W. Gorham, Madison, WI 53703, 1981.

"Comprehensive Master Plan for the Management of the Upper Mississippi River System" and "In Your Hands—The Master Plan for the Upper Mississippi River (Summary)," Upper Mississippi River Basin Commission, 7920 Cedar Avenue S., Bloomington, MN 55420, 1982.

"Our Rivers—A Citizens' Plan for the Upper Mississippi and Illinois Rivers," River Country Voices, 142 W. Gorman, Madison, WI 53703, 1982.

"Land Use Allocation Plan—Master Plan for Public Use Development and Resource Management (Part I and Part II)," St. Paul District, COE, 1135 U.S. Post Office and Custom House, St. Paul, MN 55101, 1983.

The FWS began its master planning process in 1980 by inventorying the physical, legal, and management history of the refuge; mapping natural resources by means of aerial photos and field reconnaissance; computerizing the data base in a Geographic Information System; studying habitat suitability to meet the needs of various fish and wildlife species; and analyzing conflicting land uses which threaten wildlife.

The FWS solicited written comments from the public and met with affected agencies to prepare a statement of refuge goals and objectives, which it distributed through its newsletter and news releases in early 1983. The following is a short form of that statement:

Upper Mississippi River National Wildlife and Fish Refuge Mission—To provide for public benefits associated with fish, wildlife and wild areas, by preserving the Upper Mississippi River flood plain ecosystem for the enjoyment and use of this and future generations.

Goal I—Environmental Quality

To preserve and enhance the environmental quality, wild character, and natural beauty of the River's flood plain ecosystem.

Objectives

A. To reduce the adverse impacts of sedimentation and turbidity entering the River system.

B. To eliminate or reduce the adverse impacts of water quality degradation.

C. To protect and reclaim Refuge acreage base from encroachments unless adequately mitigated.

D. To reduce the adverse impacts of navigation and channel maintenance to the River ecosystem.

E. To eliminate or reduce the adverse impacts to the River ecosystem from spills or discharges of oil or hazardous substances.

F. To preserve unique and/or representative ecotypes.

G. To reduce adverse impacts to the Refuge resulting from off-refuge developments.

Goal II—Migratory Birds

To provide the life requirements of waterfowl and other migratory birds occurring naturally along the Upper Mississippi River.

Objectives

A. To restore species that are in critical condition (such as canvasbacks) and to achieve national population or distribution objectives.

B. To maintain or improve the habitat of migrating waterfowl using the Upper Mississippi River.

C. To maintain or increase the current population and distribution of colonial nesting birds.

D. To promote use by the maximum number of species of migratory birds at optimum population levels.

E. To increase production of historically nesting waterfowl.

F. To contribute to the achievement of national population and distribution objectives identified in the national waterfowl plan and flyway management plans.

Goal III—Fisheries and Aquatic Resources

To conserve and enhance the habitats of fish and other aquatic plant and animal life.

Objectives

A. To maintain and enhance, in cooperation with the states, the habitat

of fish and other aquatic life on the Upper Mississippi River.

B. To assist the states in the continuing process of standardizing the management of sport and commercial fisheries in the Mississippi waters of the four states contiguous with the Refuge.

Goal IV—Other Wildlife

To provide the life requirements of resident wildlife species.

Objectives

A. To maintain or increase species diversity and abundance.

B. To maintain furbearer populations at levels compatible with fisheries and waterfowl management and other objectives.

Goal V—Endangered Species

To conserve, restore and enhance federally listed endangered and threatened species and the habitats upon which they depend.

Objectives

A. To protect and enhance Upper Mississippi River habitat and to maintain or increase its use by native species historically found in this area.

B. To carry out the recommendations of Recovery Plans applicable to the Refuge.

Goal VI—Historic Preservation

To foster conditions under which prehistoric and historic resources can exist in productive harmony with the refuge mission and the social, and economic uses of the Upper Mississippi River.

Objectives

A. To identify and evaluate the current state of knowledge about cultural resources within the refuge.

B. To evaluate all known cultural resources on the refuge in terms of National Register criteria, including final determination by the National Park Service.

C. To establish appropriate methods of treatment for each site on or eligible for the National Register.

D. To provide compatible economic and public uses of cultural resources to the extent that their National Register significance is not endangered.

Goal VII—Interpretation and Recreation

To gain active public support for the preservation of the vulnerable floodplain ecosystem; to provide interpretation and education opportunities; to provide a wide range of opportunities for compatible, wildlife/wildlands-oriented recreation; to allow other compatible recreation.

Objectives

A. To prepare people for informed participation in decision making which involves resource-use and environmental values.

B. To encourage considerate use of the Refuge natural and cultural resources by visitors.

C. To provide outdoor recreation opportunities oriented towards wildlife and wildlands.

D. To allow compatible levels of non-wildlife/wildlands-oriented recreation, including traditional forms.

Goal VIII—Public Involvement

To encourage the public and public agencies to play a vital role in the planning and management decisions of the U.S. Fish and Wildlife Service for the Upper Mississippi River Refuge.

Objectives

A. To determine affected/interested publics' views concerning existing and potential uses of the Refuge.

B. Solicit views of interested public at major steps in planning or management.

C. Keep internal and external publics' interest by informing them of decisions made and other progress in refugee planning or management.

D. To explain the relationship between uses, resource capabilities, and management actions.

Special cooperation between the St. Paul District of the U.S. Army Corps of Engineers (COE) and the FWS resulted in inter-agency meetings and public hearings to resolve jurisdictional and policy questions on lands cooperatively managed by the two agencies in Pools 4–10. A Land Use Allocation Plan (described above) was printed in 1983 to document this process. Similar discussions are underway with the Rock Island District of the COE, with public meetings and completion of a Land Use Allocation Plan for Pools 11–14 anticipated in 1985.

During the remainder of the master planning process, the FWS will examine management alternatives through the EIS procedure in conformance with the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4371 et seq.), NEPA Regulations (40 CFR Parts 1500–1508), and other appropriated Federal regulations. The EIS will be used to analyze and select the best alternative to accomplish refugee management objectives for fish and wildlife to the fullest extent possible within existing Congressional authorities and FWS mandates.

Dated: October 24, 1984.

James M. Lutey,

Senior Staff Specialist, Programing Services for Wildlife.

[FR Doc. 84-29385 filed 11-7-84; 8:45 am]

BILLING CODE 4310-07-M

Minerals Management Service

Alaska OCS Region; Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Meeting

AGENCY: Minerals Management Service, Alaska OCS Region, Interior.

ACTION: Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee; Notice and Agenda for Meeting.

SUMMARY: This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463.

The Alaska Regional Technical Working Group Committee (RTWG) of the Outer Continental Shelf (OCS) Advisory Board is scheduled to meet from 8:30 a.m. to 4:00 p.m., December 5, 1984, and 8:30 a.m. to noon, December 6, 1984, in the Banquet Room of the Golden Lion Hotel, 1000 East 36th Avenue, Anchorage, Alaska. The Alaska RTWG is one of six such committees of the OCS Advisory Board that provide advice to the Director, Minerals Management Service, on technical matters of regional concern regarding OCS prelease and postlease sale activities.

The agenda for December 5 will include the following topics:

(a) Summary of the OCS Policy Committee Meeting (October 23–25, 1984).

(b) The status of Alaskan OCS oil and gas lease sales and the 5-year leasing program.

(c) Coordination efforts for Sale 92 (North Aleutian Basin).

(d) Boundary issues.

(e) Transportation plans for exploration and development of oil and gas resources in the Bering Sea.

(f) Geophysical activities offshore Alaska.

The agenda for December 6 will include the following topics:

(a) Regional Studies Program and Information Transfer Meeting.

(b) Alternate uses/disposal of gravel islands.

(c) Concrete Island Drilling System (CIDS).

The Alaska RTWG meeting will be open to the public. Public seating may be limited. Interested persons may make oral or written presentations to the Committee. Such requests should be

made no later then November 19, 1984, to Alan D. Powers, Regional Director, Alaska OCS Region, P.O. Box 101159, Anchorage, Alaska 99510, (907) 261–2307. Requests to make oral statements should be accompanied by a written summary of the oral statement. Written statements should be submitted by November 28, 1984.

Minutes of the meeting will be available 30 days after the meeting for public inspection and copying at the Minerals Management Service, Alaska OCS Region 949 East 36th Avenue, Anchorage, Alaska, and at the Office of Offshore Information Services, Minerals Management Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Dated: November 2, 1984.

Alan D. Powers,

Regional Director, Alaska OCS Region.

[FR Doc. 84-29448 Filed 11-07-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Amerada Hess Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amerada Hess Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4081, Block A–550, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on October 31, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 31, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-29410 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 5169 and 6032, Blocks 518, 519, and 520, Matagorda Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Port O'Connor, Texas.

DATE: The subject DOCD was deemed submitted on October 30, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 30, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-29405 Filed 11-7-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Corpus Christi Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Corpus Christi Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5300, Block 289, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on October 31, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 31, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84–29411 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Amerada Hess Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amerada Hess Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4138, Blocks 558 and 565, Matagorda Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on October 31, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 31, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84–29412 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Availability of Joint Management Plan for the Chaco Archeological Protection Site System, Arizona, Colorado and New Mexico

Pursuant to Pub. L. 96–550, the Chaco Interagency Management Group, represented by the National Park Service, the Bureau of Indian Affairs, the Navajo Tribe, the Bureau of Land Management, the U.S. Forest Service, and the State of New Mexico, has prepared a Joint Management Plan for the Chaco Archeological Protection Site System. While most of the 33 Chacoan Outliers are located in San Juan, McKinley and Cibola Counties, New Mexico, one of the additions to the outlier system, Allentown, is located in Apache County, Arizona. Three new sites (Chimney Rock, located in Archuleta County, Colorado; and Guadalupe and Casamero, located in Sandoval and McKinley Counties, New Mexico) are recommended for addition to the system; and five others (Hunters Point, located in Apache County, Arizona; and the Holmes Group, Stairway Ruin, Manuelito Canyon, and Salmon Ruin, located in San Juan and McKinley Counties, New Mexico) are recommended for further study.

The Joint Management Plan will direct planning, management, and use of the 33 Chacoan Outlier Sites as well as any new sites that may be added to the system to provide for the preservation, protection, research, and interpretation of the sites and for continued cooperation among the public and private entities with interests in the area to achieve coordinated preservation, research and development efforts.

The draft plan was the subject of public meetings held at Farmington, New Mexico, on March 22, 1983; Crownpoint, New Mexico, on March 23, 1983; and Albuquerque, New Mexico, on March 24, 1983. An estimated 158 people participated in the meetings, and 32 written comments were received. The comments and written responses have been incorporated into this document.

This final plan received final review and approval by the Department of the Interior and was formally transmitted to the Senate and House of Representatives by the Secretary of the Interior on September 11, 1984.

Copies of the Joint Management Plan are available, while supplies last, from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501; and Aztec Ruins National Monument, Post Office Box U, Aztec, New Mexico 87410.

Dated: October 24, 1984.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 84–29363 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–70–M

Boston National Historical Park Advisory Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Boston National Historical Park Advisory Commission. The matters to be discussed at this meeting include:

1. Reports of Standing Subcommittees and Sites,
2. Review of 1984 Visitor Season, inclusive of Visitor Statistics,
3. Review of Anticipated Planning and Development Funding Projects, FY 85,
4. People and Places Project,
5. Parking and Transportation (Especially Navy Yard),
6. Report of Superintendent.

DATE: December 6, 1984, 11:00 a.m. to 3:00 p.m.

ADDRESS: Boston National Historical Park, Boston Marine Society, Building 32, Charlestown Navy Yard.

FOR FURTHER INFORMATION CONTACT: John J. Burchill, Superintendent, Boston National Historical Park, 15 State Street, Boston, Massachusetts 02109 (617–242–5644).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92–463. The Commission was established by Public Law 93–431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park. If handicapped accessibility is required, please notify the Superintendent at least five working days prior to the meeting.

Dated: October 26, 1984.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region.

[FR Doc. 84–29263 Filed 11–07–84; 8:45 am]

BILLING CODE 4310–70–M

Upper Delaware Citizens Advisory Council; Meeting

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: November 16, 1984, 7:00 p.m.

ADDRESS: Town of Tusten, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159, (717) 729–7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. § 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include items regarding continuance of discussion of requirements for a river management plan. The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: October 31, 1984.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 84–29366 Filed 11–7–84; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–221 (Preliminary)]

Certain Cast-Iron Pipe Fittings From Brazil; Determination

Determinations

On the basis of the record[1] developed in the subject investigation, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury[2] by reason of imports from Brazil of nonalloy, nonmalleable cast-iron pipe fittings, of standard pressure rating (125 pounds per square inch (p.s.i.)) and of heavy-duty pressure rating (250 p.s.i.), other than for cast-iron soil pipe, provided for in items 610.62 and 610.65 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Government of Brazil.

The Commission further determines that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury,[3] by reason of imports from Brazil of nonalloy, malleable cast-iron pipe fittings, of standard pressure rating (150 p.s.i.) and of heavy-duty pressure rating (300 p.s.i.), provided for in (TSUS) items 610.70 and 610.74, which are alleged to be subsidized by the Government of Brazil.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairwoman Stern and Commissioner Lodwick determine that there is a reasonable indication of material injury.

[3] Chairwoman Stern determines that there is a reasonable indication of threat of material injury. Commissioner Lodwick determines that there is a reasonable indication of material injury.

Background

On September 18, 1984, counsel for the Cast Iron Pipe Fittings Committee filed petitions with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or threatened with material injury by reason of imports from Brazil and India of certain cast-iron pipe fittings which are allegedly subsidized by the Governments of Brazil and India. Accordingly, effective September 18, 1984, the Commission instituted preliminary countervailing duty investigations under section 703(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of September 26, 1984 (49 FR 37856). The conference was held in Washington, D.C., on October 12, 1984, and all persons who requested the opportunity were permitted to appear in person or by counsel.

On October 5, 1984, the Commission received a letter from counsel for the petitioners withdrawing the petition relating to imports of the subject merchandise from India. Accordingly, on October 9, 1984, the Commission discontinued the investigation on India (investigation No. 701–TA–222 (Preliminary)). The notice of withdrawal of the petition was published in the **Federal Register** of October 17, 1984 (49 FR 40676). On the same date, counsel for the petitioners filed an amendment to the petition, modifying the product description to include only malleable and nonmalleable cast-iron pipe fittings that fall within the standard and heavy-duty pressure classes.

The Commission transmitted its report on the investigation to the Secretary of Commerce on November 2, 1984. A public version of the Commission's report, *Certain Cast-Iron Pipe Fittings from Brazil* (investigation No. 701–TA–221 (Preliminary), USITC Publication 1597, 1984), contains the views of the Commission and information developed during the investigation.

Issued: November 2, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-29459 Filed 11-7-84; 8:45 am]

BILLING CODE 7020-02-M

[332-200]

Competitive Position of U.S. Producers of Semiconductors; Institution of Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) for the purpose of presenting information on factors affecting world competition in semiconductors and comparing the position of U.S.-based industry with that of foreign-based industries.

EFFECTIVE DATE: October 10, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Hogge or Mr. Scott Baker, Machinery and Equipment Division, Office of Industries, United States International Trade Commission, Washington, D.C. 20436, telephone 202-523-0377 or 202-523-0361, respectively.

Background and Scope of Investigation

The Commission instituted the investigation on its own motion in recognition of the rapid growth in the use of semiconductors brought about by the growth of computers and other end products. The Commission expects to measure and analyze world production, trade flows, and technology transfer in semiconductors. The movement of associated firms and technology will also be analyzed.

The Commission expects to complete its study by September 1985.

Public Hearing

A public hearing in connection with the investigation will be held in Palo Alto, Calif., beginning at 10:00 a.m., P.s.t., on June 19, 1985, to be continued on June 20, 1985, if required. At least 60 days prior to the hearing, a **Federal Register** notice will be posted giving the exact location in Palo Alto, Calif. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than noon, June 12, 1985.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on June 12, 1985. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFC 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: November 5, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-29460 Filed 11-7-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-183 (Final)]

Large Diameter Carbon Steel Welded Pipes From Brazil

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of the hearing to be held in connection with the subject investigation.

SUMMARY: The Commission hereby announces the rescheduling of the hearing to be held in connection with the subject investigation from 10:00 a.m. on November 20, 1984 to 10:00 a.m. on January 24, 1985.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general applications, consult the Commission's Rules of Practice and Procedures, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: November 2, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202-523-0399), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

On September 5, 1984, the Commission instituted the subject investigation and scheduled a hearing to be held in connection therewith for November 20, 1984 (49 FR 37859, September 26, 1984). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from November 13, 1984 to January 16, 1985. The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule. As provided in section 735(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(2)(B)), the Commission must make its final determination in antidumping investigation within 45 days of Commerce's final determination, or in this case by March 4, 1985.

Staff Report

A public version of the prehearing staff report in this investigation will be placed in the public record on January 11, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on January 24, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC 20436. Requests to appear at the hearing were to be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 9, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on January 21, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is January 21, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 297.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analysis, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Confidential material submitted in connection with the hearing should be filed in accordance with the procedures described below. Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on January 31, 1985.

Written Submissions

As mentioned, parties to this investigation may file prehearing and

posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before January 31, 1985. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6), as amended by 49 FR 32569, August 15, 1984.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: November 5, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-29458 Filed 11-7-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-222)A]

Burlington Northern Railroad, Co.; Abandonment in Umatilla County, OR; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 11.02 mile rail line between railroad milepost 3.50 near Duroc and milepost 14.52 near Athena, in Umatilla County, OR. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be countinued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later then 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-29363 Filed 11-7-84; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348 and 50-364]

Alabama Power Co.; Environmental Assessment and Findings of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of certain reliefs from the requirements of ASME Code Section XI to Alabama Power Company (the licensees), for the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, located near the City of Dothan, Alabama.

Environmental Assessment

Identification of Proposed Action: The relief will permit the licensee to test the full stroke capability of one of the six accumulator check valves by disassembly of a different one of these valves on a rotating schedule each refueling outage to verify operational readiness. By letter dated January 26, 1984, the Commission previously granted relief from these requirements of Section XI until the end of the Unit 1 fifth refueling outage and the Unit 2 second refueling outage. A second relief will permit the licensee to test the full stroke capability of the check valve between the refueling water storage tank and containment spray pumps by disassembly during each refueling outage.

The operational readiness verification would be done in a manner different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code, as required by 10 CFR 50.55a, because of required plant modifications which the licensee states would be required to peform full stroke testing of the check valves.

The relief is responsive to the licensee's application for relief dated June 1, 1984, supplemented October 24, 1984.

The Need for the Proposed Action: The proposed relief is needed because the normally closed check valves cannot be operated (full stroke) during normal plant operation or during each cold shutdown.

Environmental Impacts of the Proposed Action: The proposed relief will provide a degree of assurance of operability as discussed in our Safety Evaluation issued with the relief letter that is equivalent to that prescribed by the ASME Code. Consequently, the probability of the check valves not being operational or not operating properly will not be increased and post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents. Based on the licensee's stated radiological impact of 3.5 manrem in a July 5, 1983 letter, we conclude that this value is less than 0.3% of the annual occupational dose commitment to workers at Farley. Therefore, the Commission concludes that there are not significant radiological environmental impacts associated with this proposed relief.

With regard to potential non-radiological impacts, the proposed relief involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed relief.

Alternative Use of Resources: This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applications for the relief dated June 1, 1984 and October 24, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the George S. Houston Memorial Library, 212 W.

Burdeshaw Street, Dothan, Alabama 36301.

Dated at Bethesda, Maryland, this 2nd day of November, 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director, Operating Reactors, Division of Licensing.

[FR Doc. 84-29436 Filed 11-7-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Diablo Canyon Nuclear Power Plant, Unit 1, Pacific Gas Electric Co.; Issuance of Facility Operating License DPR-80

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. DPR-80 (the License), to Pacific Gas and Electric Company (PG&E or the licensee) which authorizes operation of the Diablo Canyon Nuclear Power Plant, Unit 1 (the facility or Diablo Canyon Unit 1) at reactor core power levels not in excess of 3338 megawatts thermal (100% rated power) in accordance with the provisions of the license, the Technical Specifications and Environmental Protection Plan. Diablo Canyon, Unit 1 is a pressurized water reactor located in San Luis Obispo County, California.

On September 22, 1981, the Commission issued to Pacific Gas and Electric Company Facility Operating License No. DPR-76, which authorized fuel loading and operation up to 5% of rated power. On November 19, 1981, the Commission suspended Facility Operating License DPR-76 following PG&E's discovery of errors in seismic design. After substantial effort and review by the licensee and the staff, the Commission reinstated the license on November 8, 1983, CLI-83-27, to the extent of authorizing fuel loading and cold system testing. Hot system testing was subsequently authorized on January 25, 1984, CLI-84-2. Full reinstatement of the License to permit criticality and low power testing (up to 5% of rated power) was authorized on April 13, 1984, CLI-84-5. Following additional review, the Commission, on August 10, 1984, authorized issuance of a full-power license, CLI-84-13. On August 17, 1984, the U.S. Court of Appeals, responding to a petition of the Joint Intervenors, granted a stay of issuance of a full-power license pending the Court's review of certain issues. On October 31, 1984 the U.S. Court of Appeals lifted the stay.

Facility Operating License No. DPR-80 incorporates changes to the technical specification that were made subsequent to the issuance of Facility Operating License No. DPR-76, updates and amends the license conditions in Facility Operating License No. DPR-76 in accordance with the NRC evaluation as contained in Supplement 27 to the Safety Evaluation Report and in the Safety Evaluation dated November 2, 1984, and supersedes Facility Operating License No. DPR-76, as amended.

The application for license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license authorizing full-power operation was published in the **Federal Register** on October 19, 1973 (38 FR 29105).

The Commission has determined that the issuance of this License will not result in any environmental impacts other than those evaluated in the Final Environmental Statement (issued in May 1973, 38 FR 14183) and its Addendum (issued in May 1976, 41 FR 22895), the NRC Flood Plain Review (dated September 9, 1981) and the NRC Discussion and Environmental Effects of the Uranium Fuel Cycle (dated September 9, 1981) since the activity authorized by this License is encompassed by the overall action evaluated in those documents.

For further details with respect to this action, see (1) the Commission's Memorandum and Order (CLI-83-27) dated November 8, 1983, Commission Memorandum and Order (CLI-84-2), dated January 25, 1984, Commission Memorandum and Order (CLI-84-5) dated April 13, 1984 and Commission Memorandum and Order (CLI-84-13) dated August 10, 1984; (2) Facility Operating License No. DPR-76 for fuel load and 5% power dated September 22, 1981; (3) Facility Operating License No. DPR-80 with Technical Specifications (NUREG-1102) and the Environmental Protection Plan; (4) the reports of the Advisory Committee on Reactor Safeguards dated June 12, 1975, August 19, 1977, July 14, 1978, November 12, 1980, February 14, 1984, April 9, 1984, June 20, 1984 and July 16, 1984; (5) the Commission's Safety Evaluation Report (NUREG-0675, Supplements 1 through No. 27); (6) the Final Environmental Statement dated May 1973 and its Addendum dated May 1976; (7) NRC Flood Plain Review of Diablo Canyon Nuclear Power Plant Site dated September 9, 1981; (8) Discussion of the Environmental Effects of Uranium Fuel Cycle dated September 9, 1981; and (9) Safety Evaluation dated November 2, 1984. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407. A copy of the Facility Operating License No. DPR-80 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of NUREG-0675 and the Final Environmental Statement and its Addendum may be purchased by calling (301) 492-9530 or by writing to the Publications Service Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Bethesda, Maryland, the 2nd day of November 1984.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 84-29438 Filed 11-7-84; 8:45 am]

BILLING CODE 7590-01-M

Availability of Site-Specific Procedural Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the availability of a DOE/NRC Site-Specific Procedural Agreement for geologic repository site investigation and characterization programs.

ADDRESS: This document is available in the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C., Telephone (202) 634-3273, in Project File WM-1.

FOR FURTHER INFORMATION CONTACT: Hubert J. Miller, Chief, Repository Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 427-4177.

SUPPLEMENTARY INFORMATION: On September 7, 1984, an agreement was signed between the Nuclear Regulatory Commission (NRC) and the Department

of Energy (DOE) entitled "Agreement Between the Department of Energy's Office of Geologic Repositories Projects (BWIP, NNWSI, SRP, CRP) and the Nuclear Regulatory Commission's Division of Waste Management During the Site Investigation and Characterization Programs and Prior to the Submittal of an Application for Authorization to Construct a Repository." This agreement implements, on a project-specific basis, the Procedural Agreement made Between the NRC and DOE. The NRC/DOE Procedural Agreement, entitled "Procedural Agreement between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy Identifying Guiding Principles for Interface During Site Investigation and Site Characterization," was published in the Federal Register on August 25, 1983 (48 FR 38701). The site/specific agreement supersedes all previous project-specific agreement(s) between the NRC's Division of Waste Management and DOE's Office of Geologic Repositories regarding information exchange and consultation for potential repository sites. This agreement implements section 6 of the DOE/NRC Procedural Agreement which requires that project-specific agreements, tailored to the specific project and reflecting differences in sites and project organizations, be negotiated to implement the principles established in the Procedural Agreement.

Dated at Silver Spring, Maryland, this 1st day of November 1984.

For the Nuclear Regulatory Commission.

John J. Linehan,

Acting Chief, Repository Projects Branch, Division of Waste Management.

[FR Doc. 84-29433 Filed 11-7-84; 8:45 am]

BILLING CODE 7590-01-M

Waste Package Reliability; Availability of Draft Technical Position

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) has completed the draft generic technical position, "NRC Draft Generic Technical Position: Waste Package Reliability."

DATE: The comment period expires January 7, 1985.

ADDRESSES: Send comments to Hubert J. Miller, Chief, Repository Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail-Stop 623-SS, Washington, D.C. 20555. Copies of this document may be obtained free of charge upon written request to Nancy Still, Docket Control Center, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop 623-SS, Washington, D.C. 20555, (301) 427-4426.

FOR FURTHER INFORMATION CONTACT: Dr. Timothy C. Johnson, Section Leader, Engineering Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop 623-SS, Washington, D.C. 20555, Telephone Number (301) 427-4088.

SUPPLEMENTARY INFORMATION: The Nuclear Waste Policy Act 1982 (Pub. L. 97-425) and Commission Regulation 10 CFR Part 60 promote interaction between Department of Energy (DOE) and NRC prior to submittal of a license application for a geologic repository. These interactions are to fully inform DOE about the level of information that must be provided in a license application so as to allow a licensing decision to be made by the NRC.

The principal mechanism for providing guidance to the DOE is completion by the NRC staff of Site Characterization Analyses (SCA's) which document staff reviews of DOE Site Characterization Plans (SCP's) submitted according to the Nuclear Waste Policy Act and 10 CFR Part 60. Additional means have been developed to supplement the guidance provided in the SCA's. These include staff technical positions on both generic and site specific issues. Generic Technical Positions establish the staff's position on broad technical issues that would be applicable to any site. Site Technical Positions establish the staff's position on a site specific technical issue.

Staff technical positions will be issued in a manner intended to provide the NRC staff with the benefit of outside comment. At an appropriate stage in the development of each technical position, notice of availability will be published in the Federal Register and copies will be placed in the Public Document Rooms and distributed to DOE, host states and potentially affected tribes for comment. Interested members of the general public will be able to obtain copies upon request and will be encouraged to comment. At the close of the comment period (normally 60 days), the staff will consider the comments received and issue a final position.

This announcement is a notice of availability of a Generic Technical Position (GTP) and solicits comments on the draft GTP, "NRC Generic Technical Position: Waste Package Reliability." In the GTP, the NRC staff describes a method that it would consider acceptable for demonstrating that the waste package will meet the performance objectives and design criteria of 10 CFR Part 60. The method includes performing a quantitative reliability analysis of the waste package.

Principles to be followed in performing such a quantitative reliability analysis are discussed. The staff considers that the guidance should provide an approach that will help guide the detailed decisions regarding waste package design and analysis that must be made in the future by DOE.

Dated at Silver Spring, Maryland, this 31st day of October 1984.

For the Nuclear Regulatory Commission.

John J. Linehan,

Section Leader, Repository Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 84-29434 Filed 11-7-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142-SP]

[ASLBP No. 85-506-01 SP]

Establishment of Atomic Safety and Licensing Board To Preside in Proceeding; the Regents of the University of California

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
UCLA Argonaut-Type Research Reactor
Facility Operating License No. R-71

This Board is being established pursuant to a notice published by the Commission on September 24, 1984 in the Federal Register (49 FR 37484-85) entitled, "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts of (sic) Terminating Facility License." The proposed orders would authorize the University of California, Los Angeles (licensee), to dispose of the component parts of the research reactor in their possession, and terminate Facility Operating License No. R-71 in accordance with the licensee's application dated July 26, 1984.

The Board is comprised of the following Administrative Judges:

John H Frye, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Emmeth A. Luebke, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dated at Bethesda, Maryland, this 2nd day of November, 1984.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 84-29435 Filed 11-7-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358]

Cincinnati Gas & Electric Co. et al.; Withdrawal of Application for Operating License and Termination of Proceeding

On March 20, 1984, Cincinnati Gas & Electric Company on its own behalf and on behalf of Dayton Power & Light Company and Columbus & Southern Ohio Electric Company (Applicants) filed a motion for an order authorizing the withdrawal of the application for an operting license for the Wm. H. Zimmer Nuclear Power Station, Unit 1. On August 29, 1984, the NRC Atomic Safety and Licensing Board issued a Memorandum and Order granting the motion.

The authorization is conditioned upon implementation of the Applicants' June 1, 1984, site restoration plan, such implementation to be verified by the NRC Staff within six months from the date of the Atomic Safety and Licensing Board's Memorandum and Order, dated August 29, 1984.

The site of the Wm. H. Zimmer Nuclear Power Station, Unit 1 is located in Washington Township, Clermont County, Ohio. The Construction Permit CPPR-88 was issued on October 27, 1972. By letter, dated November 24, 1982, the Applicants requested an extension of the construction completion date to December 31, 1984. By letter, dated October 18, 1984, Applicants have requested termination of the construction permit.

Correspondence concerning this application will continue to be maintained at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and in the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103 for at least one year.

Dated at Bethesda, Maryland, this 31st day of October 1984.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 84-29437 Filed 11-7-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 22-13280]

Pullman Leasing Co. and Pullman Rail Leasing Inc.; Application and Opportunity for Hearing

November 2, 1984.

Notice is hereby given that Pullman Leasing Company and Pullman Rail Leasing Inc., (the "Company") the wholly owned, consolidated subsidiary of Pullman Leasing Company, have filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Harris Trust and Savings Bank ("Harris") under an Indenture of the Company dated as of August 1, 1979 (the "Series 7 Indenture"), which was heretofore qualified under the Act, and the proposed trusteeship of Harris as successor trustee under an Indenture of the Company dated as of June 1, 1980 (the "Series 8 Indenture"), heretofore qualified under the Act with the Northern Trust Company as Trustee, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Harris from acting as Trustee under the Series 7 Indenture and the Series 8 Indenture.

The provisions of section 310(b) of Act, provide in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act, seeks to exclude the Series 8 Indenture from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the Series 8 Indenture may be excluded from the operation of section 310(b)(1) of the Act with respect to the Series 7 Indenture if the Company shall have sustained the burden of proving, by this application to the Commission and after opportunity for hearing thereon, that the trusteeship of Harris under the Series 7 Indenture and under the Series 8 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Harris from acting as trustee under the Series 7 Indenture and the Series 8 Indenture. In support of its application the Company alleges that:

(1) August 31, 1984, the Company had outstanding $29,750,000 of its 9⅝% Equipment Trust Certificates due August 1, 1999 (the "Series 7 Certificates") issued under the Series 7 Indenture and $40,000,000 of its 12¼ Equipment Trust Certificates due June 1, 2000 (the "Series 8 Certificate") issued under the Series 8 Indenture. Both the Series 7 and Series 8 Certificates were registered under the Securities Act of 1933 (File Nos. 2-65058 and 2-67850, respectively) and the Series 7 Indenture and the Series 8 Indenture were qualified under the Trust Indenture Act of 1939.

(2) The Northern Trust Company advised the Company in writing that it intends to resign its trusteeship under the Series 8 Indenture, such resignation to become effective upon acceptance of appointment of a successor trustee. The formal notice of resignation required under § 9.09 of the Series 8 Indenture is being deferred pending the Commission's decision on this application.

(3) Harris has agreed with the Company to accept appointment as successor trustee under the Series 8 Indenture, subject to the formal termination of the trusteeship of the Northern Trust Company and to a finding by the commission that the trusteeship of Harris under the Series & Indenture and the Series 8 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors or holders of the Series 7 or Series 8 Certificates to

disqualify Harris from acting as trustee under the Series 7 Indenture and the Series 8 indenture. Harris has agreed to file the requisite statement as to its eligibility and qualifications to serve as Trustee under the Trust Indenture Act.

(4) The Series 7 and Series 8 Indentures are similar in all material respects except for inherent differences as to amounts, dates, interest rates, railroad equipment covered and certain other figures. The Series 7 and Series 8 Certificates are secured by a separate lot of identified railroad cars. In the event that the Trustee should have occasion to proceed, under either Indenture, against the cars securing said Indenture, the security or use of any such security under the other Indenture would not be effected. Accordingly, the existence of the other Indenture would in no way inhibit or discourage the actions of the Trustee serving under the two Indentures.

(5) The Company is not in default under the Series 7 or Series 8 Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after December 3, 1984, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indentures Act of 1939. Any interested person may, not later than, December 3, 1984, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29413 Filed 11-7-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0184]

Grocers Capital Company, Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company, Inc. (Grocers), 2600 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.903 of the Regulations governing small business investment companies (13 C.F.R. 107.903 (1984)) for approval of conflict of interest transactions.

Grocers proposes to make loans to the following companies:

Oscar's Market, Inc. ($100.000), 2289 W. Main Street, Alhambra, California 91802

Trans Coast Trading Co., Inc. ($65,000), 14124 E. Lambert Road, Whittier, California 90605.

The proceeds of the loans will be used to purchase equipment or inventory from Grocers Equipment Company (GEC), and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocers' stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. GEC, a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to these companies falls within the purview of sections 107.3 and 107.903(b)(5) of the SBA Regulations. These loans require prior written approval of SBA.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in the Alhambra, Whittier, and Los Angeles, California areas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 5, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-29430 Filed 11-7-84; 8:45 am]

BILLING CODE 8025-01-M

[License Application No. 02/02-5480]

United Capital Investment Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 *et seq.*), has been filed by United Capital Investment Corp., 4 Fern Court, North Brunswick, New Jersey 08902, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1984).

The officers, directors, and shareholders of the Applicant are as follows:

Paul Pao Loo Lee, 4 Fern Court, North Brunswick, NJ 08902; President, Treasurer, Director, 45 percent shareholder

Burgis B. Coates, 12 Maryland Road, Maplewood, NJ 07040; Vice President, General Manager

Robert Ding Liang Lee, 17 Malcott Lane, Tenafly, NJ 07670; Vice President, Secretary

Pei Chung Lee, 83 Repulse Bay Road, Hong Kong, B.C.C.; Director, 35 percent shareholder

Simon Hsing-Wen Lai, 182-04 Henley Road, Jamaica Estates, NY 11432; Director, 10 percent shareholder

James S. Yu, 103 Birch Road, Briarcliff Manor, NY 10510; 9.5 percent shareholder

The Applicant, a New York corporation, has two classes of stock authorized: 2,000 shares of common stock, par value $1.00 per share, and 4,000 shares of 3 percent cumulative preferred stock, par value $1,000 per share. It will begin operations with $1,030,000 of private capital, derived from the sale of 1,000 shares of common stock.

Initially the Applicant will conduct its operations principally in the New York City Metropolitan area. If this license application is approved, the Applicant's

office will be immediately relocated to 60 East 42nd Street, New York, New York 10165. It expects to begin its financing operations in established fields such as restaurants and groceries, garment industry, retail, manufacturing and construction.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this notice, submit to SBA in writing, comments on the proposed licensing of this company. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newpaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 5, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-29431 Filed 11-7-84; 8:45 am]

BILLING CODE 8025-01-M

Louisiana; Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of New Orleans, will hold a public meeting at 10:30 a.m. on Friday, November 30, 1984, at 333 St. Charles Avenue, Room 900, New Orleans, Louisiana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call T.A. Aboussie, District Director, U.S. Small Business Administration, 1661 Canal Street, New Orleans, Louisiana 70112-2890, (504) 589-2744.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 2, 1984.

[FR Doc. 84-29428 Filed 11-7-84; 8:45 am]

BILLING CODE 8025-01-M

New York; Region II Advisory Council; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of New York City, will hold a public meeting at 9:30 a.m. on Wednesday, November 14, 1984, at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2208 (22nd Floor), New York, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Bert X. Haggerty, District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10278, (212) 264-1318.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 2, 1984.

[FR Doc. 84-29429 Filed 11-7-84; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appears below. Questions or comments should be directed to the Agency Clearance Officer and also to the Officer of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: Cheryl C. Thomas, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2522, FTS 858-2522.

Type of Request: Regular submission for new collection.

Title of Information Collection: Consumer Outreach Followup Questionnaire.

Frequency of Use: On Occasion.

Type of Affected Public: Individuals.

Small Businesses or Organizations Affected: None.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Response: 20,000.

Estimated Total Annual Burden Hours: 5,000.

Estimated Annual Cost to TVA: $27,204.

Need For and Use of Information: Information is needed to determine the effectiveness of TVA's Consumer Outreach Program. Information will be collected from consumers who have participated in a workshop or Solar Information Services (SIS) presentation to determine what actions they have taken and their attitudes toward the program.

Dated: October 31, 1984.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 84-29464 Filed 11-07-84; 8:45 am]

BILLING CODE 8120-06-M

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: Cheryl C. Thomas, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2522, FTS 858–2522.

Type of Request: Regular submission for an expired collection.

Title of Information Collection: Annual Report on Distribution and Use of TVA Fertilizers.

Frequency of Use: Annually.

Type of Affected Public: Businesses.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 200.

Estimated Total Annual Burden Hours: 215.

Estimated Annual Cost to TVA: $10,520.

Need for and Use of Information:

TVA-developed fertilizers are used by cooperating fertilizer distributors under contractual agreement. Educational programs conducted by distributors are an important part of the overall objective of TVA to lower the cost of fertilizer to the farmer. Information is needed to complete contractual agreements and provide evaluation and direction of TVA programs.

Dated: October 31, 1984.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 84-29485 Filed 11-7-84; 8:45 am]

BILLING CODE 8120-06-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-84-21]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: November 28, 1984.

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

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final dispositon 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), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on November 2, 1984.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24293	Trans-Mediterranean Airways, S.A.L.	14 CFR 91.330	To allow petitioner to operate Stage 1 Boeing 707 aircraft into New York in noncompliance with the operating noise limits until January 1, 1988, or until "hush kits" are installed, or whichever is sooner.
24297	RDC Marine, Inc.	14 CFR 91.303	To allow petitioner to operate two Stage 1 Boeing 707-441 aircraft until January 1, 1988, in noncompliance with the operating noise limits.
24288	Caribbean Air Cargo Co., Ltd.	14 CFR 91.303	To allow petitioner to operate two Stage 1 Boeing 707 aircraft to New York until "hush kits" are installed. Petitioners request for an exemption to operate to Miami will be considered pursuant to Pub. L. 98-473.
24237	Dept. of the Air Force	14 CFR 91.119(a)(2)(ii) & 91.121(b)(1)	Petitioner requests relief from the provisions of these sections along prescribed routes for the purpose of low altitude navigation training.
24289	Buffalo Airways, Inc.	14 CFR 91.303	To allow the petitioner to operate one Stage 1 Boeing 707 in noncompliance with the operating noise limits until June 30, 1985, or until "hush kits" are installed, whichever occurs first.
24292	Lowa Ltd.	14 CFR 91.303	To allow petitioner to operate one Stage 1 Boeing 707 in noncompliance with the operating noise limits until January 1, 1986, or until "hush kits" are installed, whichever is earlier.
24256	Dalfort Corp.	14 CFR Portions of Parts 61 and 121	To allow petitioner to establish training courses and programs using Phase II simulators and to permit airlines utilizing their own training programs to receive certain qualifications, general experience requirements, proficiency checks, practical tests, and flight tests as appropriate to the approval status of the specific similator.
24207	Charles R. Downs	14 CFR 65.104	To allow petitioner to apply for a repairman certificate even though he is not the primary builder of his experimental aircraft.
24259	Schlumberger, Ltd.	14 CFR 21.181	To allow petitioner to operate MDA-50, HS125-700A, and KA200A aircraft utilizing the provisions of minimum equipment lists.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23840	Safe Flight Instruments Corp.	14 CFR 91.213	To permit petitioner to operate a Citatin II aircraft, certified under Part 25, with a single pilot, provided that all requirement of a type certificate, applicable to the Citation II, under Part 23 are met. *Cancelled 10/25/84.*
24119	Pennsylvania State Police	14 CFR 45.23, 45.27 & 45.29	To allow petitioner to operate its helicopter fleet, used in law enforcement activities, displaying 3-inch registration markings instead of the required 12-inch marks. *Denied 10/29/84.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24094	David Allen Smith	14 CFR 135.243(a)	To allow petitioner to serve as pilot in command in scheduled commuter operations holding a commercial pilot certificate with an instrument rating. Although petitioner successfully completed practical tests, he did not meet the minimum age requirement for issuance of an airline transport pilot certificate. *Denied 10/26/84.*
24177	Arthur J. Steadman	14 CFR 121.383(c)	To allow petitioner to serve as a pilot in Part 121 operations after reaching his 60th birthday. *Denied 10/26/84.*
21844	Airborne Express, Inc (ABX)	14 CFR 121.623	To extend the October 31, 1984, termination date of Exemption 3443, as amended, to permit ABX, a supplemental air carrier to operate its DC-9 and YS-11 aircraft in accordance with the domestic air carrier alternate airport provisions of § 121.619 of the Federal Aviation Regulations (FAR) and to use the fuel requirements of § 121.639 of the FAR in lieu of the fuel requirements of § 121.643 in its all cargo operations. *Denied 10/25/84.*
23644	Dow Chemical Co	14 CFR 21.181	To amend Exemption 3833 to allow petitioner to operate an AMD-BA Falcon 50 aircraft utilizing the provisions of a minimum equipment list. *Granted 10/29/84.*
23521	Singapore Airlines	14 CFR 21.181	To amend Exemption 3768 to add a sixth B-747-312 aircraft to the approval to operate these aircraft utilizing the provisions of a minimum equipment list. *Granted 10/26/84.*
24267	Aspen Airways, Inc	14 CFR 121.411(a)(1), (2), (3) & (6) 121.413(c).	To permit petitioner to use British Aerospace, Ltd., instructors for initial flight training for the pilot crews of its two BAE-146 jets. *Granted 10/25/84.*
24265	Pan American World Airways	14 CFR 121.411 & 121.413	To permit Aeroformation simulator and flight instructors to train petitioners pilots without holding a U.S. certificate and rating. *Granted 10/25/84.*
21061	Air Methods	14 CFR 135.261	To extend the October 31, 1984, termination date of Exemption 3105A, which allows petitioner, to conduct helicopter hospital emergency medical evacuation services without complying with the flight and duty time limitations. *Granted 10/25/84.*
22633	Virgin Islands Seaplane Shuttle, Inc	14 CFR 135.175(a)	To extend Exemption 3487A, which terminates on 10/31/84, and which allows petitioner to conduct day, VFR fligths in large, multiengine aircraft without approved airborne weather radar equipment installed. *Granted 10/25/84.*
21789	Air Transport Assoc	14 CFR 61.49	To allow airman employees of member airlines and airman employees of similarly situated Part 121 certificate holders to retake a written or flight test without waiting 30 days provided that the Part 121 authorized instructor has given the applicant flight or ground instruction, as appropriate, and finds that applicant competent to pass the test. *Granted 10/26/84.*
22588	Omniflight Airways Inc	14 CFR 135.261	To allow petitioner to operate a helicopter in hospital emergency service form the University of Massachusetts Medicl Center without complying with the duty-time limitations. *Granted 10/30/84.*
24152	Aetna Life Casualty	14 CFR 21.181	To permit petitioner to operate its corporate Hawker Diddeley HS-125-700A aircraft, N151AE, N152AE, and Sikorsky SK-76 aircraft, N101PB, N103PB, and N900SK, using a Federal Aviation Administration (FAA)-approved minimum equipment list (MEL). *Granted 10/23/84.*
24280	American Standards, Inc	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 BAC 1-11: N40AS *Granted 10/26/84.*
22451	People Express Airlines, Inc	14 CFR 121.613, 121.619 & 121.625	To extend the termination date of Exemption 3585A for an additional two years. The exemption allows petitioner and similarly situated Part 121 certificate holders to (1) dispatch an airplane, under IFR, to a destination airport; and (2) list an alternate airport for that destination airport when the weather forecasts for either one or both of those airports indicate by the use of conditional words such as "occasionally," "intermittently," "briefly," or "a chance of," in the remarks section of such reports that the weather could be below authorized weather minimums at the time of arrival, provided that the information contained in the main body of the weather reports or forecasts used by the certificate holder's dispatch center show, for each flight to be dispatched, that the weather at the destination airport and the alternate airport for that destination airport, listed in the dispatch release, will be at or above authorized weather minimums at the time of arrival subject to certain conditions and limitations. *Granted 10/30/84.*
24272	Quebecair	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 3 BAC 1-11: C-GQBR, C-GQBP, and C-GQBV *Granted 10/26/84.*

[FR Doc. 84-29371, Filed 11-7-84; 4:45 am]
BILLING CODE 4910-13-M

Proposed Advisory Circular—Flight Test Guide for Certification of Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed Advisory Circular 25-XX and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidelines for the flight test evaluation of transport category airplanes. The methods and procedures described in the proposed AC have evolved through many years of flight testing of transport category airplanes and, as such, represent current certification practice.

DATES: Comments must be received on or before February 6, 1985.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Regulations & Policy Office, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Pat Siegrist, Regulations & Policy Office, at the above address, telephone (206) 431-2126.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the proposed AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested

persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify AC 25–XX and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Regulations & Policy Office before issuing the final AC.

Discussion

FAR Part 25 flight test certification procedures have experienced numerous changes as new methods for demonstrating compliance have evolved. The Engineering Flight Test Guide for Transport Category Airplanes, FAA Order 8110.8, has been revised in only a limited number of areas to reflect these changes. The proposed AC is an update of Order 8110.8 in the areas of performance and flying qualities. This edition covers Part 25, Subpart B—Flight. Guidance material covering additional sections will be published as soon as practicable.

Issued in Seattle, Washington, on October 2, 1984.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 84–29369 Filed 11–7–84; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications to Become a Party To An Exemption; Dowell Schlumberger Inc., et al.

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B, notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc. they are described in footnotes to the application number. Application numbers with the suffix "A" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes November 27, 1984.

ADDRESSES: Send comments to Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
3095–X	Dowell Schlumberger Inc., Tulsa, OK.	3095
3498–X	U.S. Department of Defense, Washington, DC.	3498
4338–X	Stauffer Chemical Company, Westport, CT.	4338
5649–X	Great Lakes Chemical Corp., Adrian, MI.	5649
6267–X	Bio-Lab, Inc., Conyers, GA	6267
6296–X	Uniroyal Chemical, Bethany, CT	6296
6563–X	Bemco Inc., Chatham, Ontario, Canada [1].	6563
6762–X	Main Line Distributors, Inc., King of Prussia, PA.	6762
6762–X	Continental Products of Texas, Odessa, TX.	6762
6874–X	ICI Americas, Inc., Wilmington, DE	6874
6874–X	Mitsui & Co., (U.S.A., Inc.), New York, NY.	6874
7096–X	Fike Metal Products Corp., Blue Springs, MO.	7096
7286–X	Liquid Carbonic Corp., Chicago, IL	7286
7834–X	U.S. Department of Defense, Washington, DC.	7834
7862–X	General Electric Co., Milwaukee, WI [2].	7862
7969–X	Crosby & Overton Inc., Long Beach, CA.	7969
8009–X	Oklahoma Gas Transport, Inc., Oklahoma City, OK.	8009
8084–X	Ireco Chemicals, Salt Lake City, UT	8084
8086–X	U.S. Department of Defense, Washington, DC.	8086
8099–X	Union Carbide Corp., Danbury, CT	8099
8119–X	B-J Hughes Services, Houston, TX	8119
8120–X	Starflight Inc., Smyrna, TN	8120
8144–X	Hercules, Inc., Wilmington, DE	8144
8407–X	Occidental Chemical Corp., Niagara Falls, NY.	8407
8445–X	Advanced Environmental Technology Corp., Flanders, NJ.	8445
8445–X	Environmental Transfer Corp., Flanders, NJ.	8445
8453–X	Atlas Powder Co., Dallas, TX [3]	8453
8489–X	Ciba-Geigy Corp., Ardsley, NY	8489
8498–X	Hunter Drums Ltd., Burlington, Ont., Canada [4].	8498
8507–X	U.S. Department of Energy, Washington, DC.	8507
8509–X	BASF Wyandotte Corp., Parsippany, NJ.	8509
8519–X	Polish Ocean Lines, Gdynia, Poland	8519
8526–X	3M Co., Saint Paul, MN	8526
8536–X	Pennwalt Corp., Buffalo, NY	8536
8554–X	Austin Powder Co., Cleveland, OH	8554
8564–X	Altus Corp., San Jose, CA	8564
8818–X	Ethyl Corp., Baton Rouge, LA	8818
8873–X	Stauffer Chemical Co., Westport, CT.	8873
8898–X	Petrolane Gas Service, Seattle, WA	8898
8921–X	Hoover Universal, Inc., Beatrice, NE [5].	8921
8932–X	Catalyst Resources, Inc., Elyria, OH [6].	8932
8933–X	Ford Aerospace & Communications Corp., Newport Beach, CA.	8933
8938–X	Cryogenic Services Inc., Canton, GA.	8938
8942–X	Poly Processing Co., Inc., Monroe, LA.	8942
8950–X	Structural Composites Industries, Inc., Pomona, CA.	8950
9014–X	Hunter Drums Ltd., Burlington, Ont., Canada [7].	9014
9016–X	Van Leer Verpackungen GmbH, Hamburg, West Germany [8].	9016
9272–X	Halocarbon Products Corp., Hackensack, NJ [9].	9282
9328–X	Petersburg Oil Co., Inc., Petersburg, WV.	9328

[1] To modify the flattening test requirement for cylinders.
[2] To authorize an additional xenon detector device similar to the one presently authorized.
[3] To authorize an additional cargo tank for shipment of various blasting agents.
[4] To renew and to authorize hydrobromic acid solutions of up to 63%, and up to 60% hydrogen peroxide as additional commodities.
[5] To authorize re-use of portable tanks after specific reconditioning procedures.
[6] To authorize shipment of an organic peroxide as an additional commodity.
[7] To authorize shipment of hydrogen peroxide solutions not to exceed 60% and hydrobromic acid not to exceed 63% as additional commodities.
[8] To authorize the non-DOT specification fiber drums to be used to ship those commodities presently authorized in a Specification 21C fiber drum.
[9] To authorize rail and cargo vessel as additional modes of transportation.

Application No.	Applicant	Parties to exemption
3095–P	Dow Chemical Co., Midland, MI	3095
7052–P	Halliburton Services, Duncan, OK	7052
7052–P	General Dynamics, Fort Worth, TX	7052
7076–P	Thomas Scientific, Philadelphia, PA	7076
7595–P	Rhone-Poulenc Inc., Monmouth Junction, NJ. [1].	7595
8129–P	D & J Transportation Specialist, Inc., Liverpool, NY.	8129
8129–P	Resource Recovery Corp., Seattle, WA.	8129
8129–P	Thomas Gray & Associates, Inc., Orange, CA.	8129
8129–P	University of Washington, Seattle, WA.	8129
8129–P	Chemical Processors, Inc., Seattle, WA.	8129
8129–P	U.S. Department of Defense, Washington, DC.	8129
8129–P	James H. Stewart and Associates, Inc., Fort Collins, CO.	8129
8129–P	HazMat Environment Group, Inc., Buffalo, NY.	8129
8445–P	Resource Recovery Corp., Seattle, WA.	8445
8445–P	Chemical Processors, Inc., Seattle, WA.	8445
8526–P	Servicemaster Manufacturing Corp., Lancaster, PA.	8526
8582–P	The Kansas City Southern Railway Co., Kansas City, MO.	8582
8627–P	LaSalle Tester & Service, Inc., Jena, LA.	8627
8877–P	American Hoechst Corp., Somerville, NJ.	8877
9110–P	Huron Chemicals of America, Jacksonville, FL.	9110

Application No.	Applicant	Parties to exemption
9110-P	ERCO Industries Ltd., Islington, Ont., Canada.	9110
9169-P	Keystone Steel & Wire Co., Peoria, IL.	9169
9222-P	Bryson Industrial Services, Inc., Lexington, SC.	9222

[1] Request party status and to authorize an additional class B poison.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 1, 1984.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-29457 Filed 11-7-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.; Public Debt Series—No. 33-84]

Treasury Notes of November 15, 1987; Series Q-1987

November 1, 1984

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes of November 15, 1987, Series Q-1987 (CUSIP No. 912827 RL 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated November 15, 1984, and will bear interest from that date, payable on a semiannual basis on May 15, 1985, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:30 p.m., Eastern Standard time, Monday, November 5, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Sunday, November 4, 1984, and received no later than Thursday, November 15, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumetalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful

competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5. must be made or completed on before Thursday, November 15, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 13, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Thursday, November 15, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-29379 Filed 11-5-84; 3:23 pm]

BILLING CODE 4810-40-M

[Dept. Circ.; Public Debt Series—No. 34-84]

Treasury Notes of November 15, 1994; Series C-1994

November 1, 1984.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $5,750,000,000 of United States securities, designated Treasury Notes of November 15, 1994, Series C-1994 (CUSIP No. 912827 Rm 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated November 15, 1984, and will bear interest from that date, payable on a semiannual basis on May 15, 1985, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1994, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities

are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserved Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, November 7, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 6, 1984, and received no later than Thursday, November 15, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Baureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5. must be made or completed on or before Thursday, November 15, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 13, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Thursday, November 15, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment

will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Band or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-29380 Filed 11-5-84; 3:23 pm]

BILLING CODE 4810-40-M

[Dept. Cir.; Public Debt Series—No. 35-84]

Treasury Bonds of 2009-2014

November 1, 1984.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $5,250,000,000 of United States securities, designated Treasury Bonds of 2009-2014 (CUSIP No. 912810 DN 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated November 15, 1984, and will bear interest from that date, payable on a semiannual basis on May 15, 1985, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 2014, but may be redeemed at the option of the United States on and after November 15, 2009, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2 The securities are subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Thursday, November 8, 1984. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, November 7, 1984, and received no later than Thursday, November 15, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield (to maturity) with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States; and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield (to maturity) bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield (to maturity) of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in § 3.5. must be made or completed on or before Thursday, November 15, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 13, 1984. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for allotted securities for their own accounts and for account of customers by credit to their Treasury Tax and Loan Note Accounts on or before Thursday, November 15, 1984. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to be bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrounded to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20239. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-29378 Filed 11-5-84; 3:25 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Report of New Matching Program

AGENCY: Veterans Administration.

ACTION: Notice of Matching Program—Veterans Compensation Pension, Education and Rehabilitation Records/State Vital Statistics Records.

SUMMARY: The Veterans Administration is providing notice that the Office of Inspector General will conduct a series of computer matches of VA compensation pension, education and rehabilitation records with State vital statistics records.

The goal of these matches is to detect unwarranted compensation, pension, death compensation, dependency and indemnity compensation, nonservice-connected death pension payments or educational assistance benefits that may have been provided to non-entitled veterans or ineligible spouses of disabled or deceased veterans. This ineligibility or non-entitlement may occur as a result of a remarriage of a surviving spouse of a deceased veteran or the divorce or annulment of the marriage of a veteran and spouse.

DATE: It is anticipated the matches will commence in approximately November 1984.

ADDRESS: Interested individuals may comment on the proposed matches by writing to the Assistant Inspector General for Policy, Planning and Resources (53), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Mr. Renald P. Morani, Assistant Inspector General for Policy, Planning and Resources (53), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, area code 202-389-2915.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: November 1, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Report of Matching Program: Veterans Administration Compensation, Pension, Education and Rehabilitation Records/State Vital Statistics Records.

a. *Authority:* The Inspector General Act of 1978, Pub. L. 95-452.

b. *Program Description:*

(1) Purpose: The Office of Inspector General (OIG) plans to match lists of veterans and spouses of disabled or deceased veterans receiving compensation, pension, death compensation, dependency and indemnity compensation, nonservice-connected death pension payments or educational assistance benefits, with the vital statistics records of up to forty-seven States to identify recipients who may be ineligible or not fully entitled to such benefits. Title 38, U.S.C. 3012 specifies that compensation, dependency and indemnity compensation or pension payments may be reduced or discontinued by reason of the remarriage, annulment or divorce of the spouse of a disabled or deceased veteran. Under the provisions of Title 38, U.S.C., Section 1711, dependents educational assistance benefits may be terminated or reduced in the event of a remarriage of the surviving spouse of a deceased veteran or the divorce of a spouse from a veteran.

It is planned that the initial matches will be conducted with two States and subsequent matches will be conducted with the remaining States, generally by order of largest recipient population. Three States, do not have the automated records needed to perform a computer match.

(2) Procedures: An initial match will be made of VA records with the vital statistics records of two States, to be subsequently determined. The match will be performed by the VA OIG. If this match demonstrates the effectiveness of matching VA and State vital statistics records to detect overpayments of veterans benefits, the Inspector General may direct that additional matches be conducted. All such matches of VA and State vital statistics records will be conducted by the VA OIG. In order to conduct the matches, the OIG will request that the States provide computerized excerpts of records containing names, identifying data and descriptions of the records. When necessary to resolve the identity of recipients who may be listed in State records, the OIG will request that the States furnish additional information or the OIG may conduct appropriate, independent inquiries. The OIG may release identifying data to the States, other than name and address in accordance with a published routine use. The names of veterans and beneficiaries will not be provided at State agencies except in connection with a proceeding for the collection of a debt owed the U.S. resulting from the receipt of VA benefits, or as otherwise provided by Title 38, U.S.C. 3301. These matches may be cyclical or may be repeated periodically.

In the event of a "hit", i.e., the determination through the matching program that the VA has not been notified of a change in the eligibility of a recipient, the identity of the recipient will be verified by the OIG and if confirmed, the information will be referred to the Chief Benefits Director of the VA for consideration of reduction or suspension of the benefit and action to recover any overpayment. Where there are reasonable grounds to believe there has been a violation of criminal law, the matter will be investigated and referred for prosecutive consideration.

c. *Records to be Matched:* Lists extracted from the following system of records will be matched with State vital statistics records:

Compensation, Pension, Education and Rehabilitation Records–VA (58VA21/22/28) (47 FR 372–375, January 5, 1982; 47 FR 16132, April 14, 1982; 47 FR 40742, September 15, 1982). The disclosure of information from this system of records, for the purpose of the matching program, is permitted by a published routine use.

d. *Period of Match:* Intermittently from approximately November 1984.

e. *Safeguards:* Records used in the matches and data generated as a result, will be safeguarded from unauthorized disclosure. Access will be limited to those persons who have a need for the information in order to conduct the matches or follow-up actions. All of the material will be stored in locked containers when not in use. The matching files to be used in this project will remain under the control of the OIG and will be returned to the Department of Veterans Benefits or destroyed upon completion of the match. The matching file will be used and accessed only to match files in accordance with this notice; will not be used to extract information concerning "non-hit" individuals for any purpose; and will not be disseminated outside the OIG unless

authorized by the Chief Benefits Director.

f. *Retention and Disposition:* Records not resulting in "hits" will be destroyed by burning, shredding or electronic erasing within two months of the completion of the individual match. Records resulting in "hits" will be retained by either the OIG or the Department of Veterans Benefits until the completion of any necessary administrative or legal action and will then be disposed of in accordance with approved records control schedules and/or approved disposition authority from the Archivist of the United States.

[FR Doc. 29485 Filed 11-7-84; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 218
Thursday, November 8, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 49. No. 211 p. 43612.

PREVIOUSLY ANNOUNCED TIME AND PLACE OF MEETING: Wednesday, October 31, 1984.

CHANGES IN THE MEETING: Agenda revised 10/26/84 to delete previous items 1 and 2 concerning First Aid Labeling and FHSA Conspicuousness Labeling Rule and to add new item 2 concerning enforcement matter 3085.

Listed below is the revised agenda:

Commission Meeting, Wednesday, October 31, 1984, 10:00 a.m. Third Floor Hearing Room, 111—18th Street, NW., Washington, D.C.

Open to the public

1. Apparel Guaranty Testing: Final Rule
The staff will brief the Commission on final amendments to rules implementing the Flammability Standard for Clothing Textiles to allow persons and firms issuing initial guaranties of items subject to that standard to devise and implement their own reasonable testing programs to support such guaranties.

Closed to the Public

2. Enforcement Matter OS #3085
The Commission will consider issues related to enforcement matter OS #3085.
3. DEHP CHAP: Selection of Members
The Commission will consider candidates for membership on the Chronic Hazard Advisory Panel on DEHP.

For a recorded message containing latest agenda information call: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492–6800.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 84–29473 Filed 11–6–84; 10:07 am]
BILLING CODE 6355–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:35 p.m. on Friday, November 2, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to an administrative enforcement proceeding against a certain individual participating in the conduct of the affairs of an insured bank (name of person and name and location of bank authorized to be exempt from disclosure pursuant to 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)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter 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 matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to 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)).

Dated: November 5, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84–29520 Filed 11–6–84; 2:00 pm]
BILLING CODE 6714–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:30 p.m., Friday, November 16, 1984.

PLACE: In the Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6677).

MATTERS TO BE CONSIDERED: Conversion Regulations.

DATED: November 6, 1984.

J. J. Finn,
Secretary.

[FR Doc. 84–29548 Filed 11–6–84; 3:51 pm]
BILLING CODE 6720–01–M

4

FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 43836, October 31, 1984.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 12:00 noon, Monday, November 5, 1984.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added: Proposed purchase of computer equipment within the Federal Reserve System. (This item was previously announced for a closed meeting on October 24, 1984.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 5, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84–29492 Filed 11–6–84; 12:08 pm]
BILLING CODE 6210–01

5

FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 49, October 29, 1984, Page No. 43528

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., November 7, 1984.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the time of its previously announced open meeting of November 7, 1984, from 10:00 a.m., to 11:00 a.m.

CORRECTION TO PREVIOUS ANNOUNCEMENT: The telephone number of Susan B. Ticknor, Office of Public

Affairs, now reading "(202) 532–1892" should have read "(202) 523–1892".

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 84–29491 Filed 11–6–84; 1:09 p.m.]

BILLING CODE 6750–01–M

6

PAROLE COMMISSION:

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: Thursday, November 8, 1984—2:00 p.m.

PLACE: Room 420–F, One North Park Builiding, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately two cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

Dated: November 5, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–29524 Filed 11–6–84; 2:37 pm]

BILLING CODE 4410–01–M

federal register

Thursday
November 8, 1984

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Piping Plover Proposed as an Endangered and Threatened Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Piping Plover Proposed as an Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list various populations of the piping plover (*Charadrius melodus*) as endangered and threatened under the authority contained in the Endangered Species Act of 1973, as amended. The bird's breeding population consists of three distinct subpopulations, the northern plains population (Alberta to Manitoba; Montana to Nebraska), the Great Lakes population (Great Lakes States and Ontario), and the Atlantic Coast population (Maritime Provinces and Atlantic Coast States from Newfoundland to North Carolina). The bird winters along the coast from North Carolina to Florida and Mexico and in the Bahamas and Greater Antilles. Endangered status is proposed for the population on the Great Lakes region and threatened status for the populations in the winter range, northern plains, and Atlantic Coast. The primary threats to this species are habitat disturbance and destruction. This proposal, if made final, will implement the protection provided by the Endangered Species Act of 1973, as amended, for *Charadrius melodus*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by January 7, 1985. Public hearing requests must be received by December 24, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Endangered Species Coordinator, 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 at the above address, by appointment.

A large wall map is available for public inspection that shows specific localities of the species' occurrence. This map may be seen at the Office of Endangered Species, 1000 N. Glebe Road, Suite 500, Arlington, Virginia, by appointment (703–235–1975) during the public comment period.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Engel, Endangered Species Coordinator (see **ADDRESSES** above) (612/725–3276).

SUPPLEMENTARY INFORMATION:

Background

The piping plover is a small, stocky shorebird first described in 1824. Adults weigh from 42–64 gm with a length up to 17.7 cm and a wingspread up to 35.4 cm (Palmer, 1967). Both sexes are similar in size and color, upper parts are pale brownish and the underparts are white. A dark band encircling the neck and a dark stripe across the forecrown are distinguishing marks in summer adults, but obscure in winter.

Two subspecies are currently recognized (A.O.U., 1957): *Charadrius melodus melodus* (Atlantic Coast of North America) and *Charadrius melodus circumcinctus* (interior Great Plains of U.S. and Canada). The birds found nesting in the Great Lakes were intermediate, but referred to *circumcinctus*.

Piping plovers occupy their breeding grounds from late March to August. Nest sites are sandy beaches along ocean and inland lakes, bare areas on dredge and natural alluvial islands in rivers, and salt-encrusted bare areas of sand, gravel, or pebbly mud on interior alkali lakes and subsaline semi-permanent ponds and lakes (Cairns, 1982; Stewart, 1975). Nests are shallow, scraped depressions, sometimes lined with small pebbles, and usually contain four eggs (Bent, 1929). The bird winters along the coast from North Carolina to Florida and Mexico and in the Bahamas and Greater Antilles.

The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) requires determination of whether species of wildlife and plants are endangered or threatened, based on the best available scientific and commercial data. On December 30, 1982, the Service published a notice of review in the **Federal Register** (47 FR 58454) identifying vertebrate animal taxa, native to the U.S., being considered for addition to the List of Endangered and Threatened Wildlife. This notice included the piping plover. A review of existing data, including recent status surveys, and consultation with biologists forms the basis for the present rule to list this species as endangered and threatened.

Historical references of population trends of this bird are largely qualitative or lacking altogether. Consequently, it is not possible to give a detailed and precise tabulation of plover numbers and densities for each State since 1900. However, there is enough available information to indicate a substantial decline in the species and continued threats to the species' habitat. By 1900, the piping plover, described by early naturalists such as Audubon and Wilson as a common resident on the beaches of the Atlantic Coast, had been greatly reduced by year-round shooting, mostly for the millinery trade. In some areas, the plover was close to extinction. With Federal protection the bird had recovered by the 1920's along the Atlantic Coast and was considered common (Bent, 1929). Since that time there has been a decrease in the population over most of its range and it has vanished as a nesting species from many areas. Since 1972, the National Audubon Society's "Blue List," a list designed to serve as an early warning system for North American breeding birds, has continued to include the piping plover each year as a bird in potential danger.

The Canadian Committee on the Status of Endangered Wildlife in Canada (COSEWIC), an organization of specialists from Federal agencies, all provincial and territorial governments, and from nationally based private conservation organizations, assigned the status "Threatened" to the piping plover on May 2, 1978 (Bell, 1978). Their report summarized an "alarming decline" in the population in the Great Lakes region and Maritime Provinces and estimates no more than 350 breeding pairs in those parts of Canada. At Long Point on Lake Erie, Ontario, for example, a population of over 100 pairs in the 1920's had steadily declined to only 2 pairs by the late 1970's. The plover no longer breeds at several sites in Quebec and Nova Scotia. Preliminary results from a survey carried out to update the COSEWIC report indicates that the plover continues to decline in the Great Lakes and Maritime Provinces (S. Haig, pers. comm., 1984). The status of the plover in the Canadian prairie provinces is poorly known. Renaud *et al.* (1979) reported plover densities at the Quill Lakes, Saskatchewan in 1979 to be similar to those recorded in 1909 and estimated 1,000 to 1,500 adults in the province. However, recent surveys at Quill Lakes found less than one-third of Renaud's reported numbers. The 1979 estimate for the province is now considered overly optimistic (S. Haig, pers. comm., 1984). Less than 100 pairs remain in Alberta and the species has almost disappeared from Manitoba.

There are estimated to be 900 breeding pairs on the Atlantic Coast of North America, about ⅔ in the United States (Cairns and McLaren, 1980). It is

absent from many former nesting beaches. On Long Island, New York, the population has declined from over 500 pairs in the 1930's to the present 100 pairs (Wilcox, 1939; Cairns and McLaren, 1980). The scarcity of the plover is evident in other coastal states of the bird's breeding range. There are estimated to be 10 breeding pairs in Rhode Island, 100 pairs in Massachusetts, 6 pairs in Maine, 14 pairs in Connecticut, less than 100 pairs in New Jersey, 5 pairs in Deleware, 10–15 pairs in Maryland, 100 pairs in Virginia, and perhaps 20 pairs in North Carolina. The plover is extirpated from New Hampshire. In light of the bird's 1920 status as "one of our common summer residents" (Bent, 1929), it is evident from today's low number that a substantial decline has occurred.

In the Great Lakes region the plover numbers less than 20 pairs from an estimated historical population of over 500 pairs and has been extirpated as a breeding bird from Indiana, Illinois, Ohio, the New York shore of the Great Lakes, and Pennsylvania (see Russell, 1983, for comprehensive summary in this region). Barrows (1912) cited the bird as a "very common summer resident" along the Lake Michigan shoreline in Illinois. Three pairs remain in Wisconsin where it was once a common nesting bird along both the Lake Michigan and Superior shores. In Michigan, the range of the plover has been greatly reduced and the 77 adults in 1979 (Lambert and Ratcliff, 1981) declined to 14 by 1982 (Russell, 1983). The number of breeding plovers in Minnesota is less than 20 pairs. Because of the plover's drastic decline in the Great Lakes region, the species is believed to be in danger of extinction and endangered status is proposed for the species in the Great Lakes watershed.

On the northern plains the piping plover occurs sparingly in northeastern Montana and on the Missouri River in South Dakota. Stewart (1975) estimated 500 pairs in North Dakota. In Nebraska, there are an estimated 100–300 pairs and the species is almost extirpated from Iowa.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; revision published October 1, 1984; 49 FR 38900–38912) state that the Secretary of the Interior shall determine whether any species is 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 the piping plover are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Loss of sandy beach habitat by recreational and commercial developments in the Great Lakes region and on the Atlantic and Gulf Coasts is responsible for some decrease in the population. However, some suitable habitat remains but breeding success is curtailed primarily because of human disturbance (The Nature Conservancy, 1983).

In contrast to the high human use of plover habitat on the Great Lakes and Atlantic Coast, the bird's nesting sites on interior saline wetlands of North Dakota and Saskatchewan receive almost no human use. These remote and sparsely populated areas probably support the highest numbers and densities of plovers in North America. Although some saline wetlands have been privately drained, the drainage of these wetlands has been far less common than the drainage of other types of wetlands.

The damming and cannelization of rivers in the midwest has resulted in the elimination of nesting sandbar habitat along hundreds of miles of rivers in the Dakotas, Iowa, and Nebraska. Along those stretches of rivers not inundated by reservoirs, sudden water releases from dams subject remaining sandbar habitat to alteration and flooding during nesting, incubation, and brooding periods. Channelization and withdrawal of water for irrigation have altered water flows in the Platte River, Nebraska, and elsewhere. This has led to the elimination of the scouring of sandbars by high water and ice and the formation of dense vegetation less suitable for nesting (Faanes, 1983; U.S. Fish and Wildlife Service, 1981). The interior least tern (*Sterna antillarum athalassos*) occupies very similar habitat as this plover on the Platte, Missouri, and other Rivers. The tern was proposed as endangered on May 29, 1984 (49 FR 22444–22447).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable for the piping plover.

C. *Disease or predation.* Along with increasing urbanization and use of beaches on the Great Lakes and Atlantic Coast there has been an increasing number of unleashed pets as well as feral dogs and cats. The result can be predation of piping plover chicks and eggs, and abandonment of nesting areas. Human developments near beaches have probably attracted an increased number of predators such as skunks and raccoons. On the northern plains, the raccoon has greatly expanded its range since the 1940's and is a common predator of American avocets, which nest in similar habitat as the piping plover (Sidle and Arnold, 1982). Predation by gulls, which have increased rapidly in portions of the Great Lakes and Atlantic Coast over the past 20 years, may be a significant factor in reducing piping plover numbers. Trampling by large confined herds of cattle on the nesting grounds in the northern plains may be adverse to breeding success.

D. *The inadequacy of existing regulatory mechanisms.* Several States (Iowa, Illinois, Michigan, Minnesota, New Jersey, New York, Virginia, and Wisconsin) list the piping plover as threatened or endangered. At a few nesting sites, human intrusion is prohibited during the breeding season. The Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.)* protects the bird from taking, and bans trade in piping plovers and their parts. However, this protection does not currently protect habitat and, by itself, will not be adequate to prevent the species' further decline. The Endangered Species Act would offer additional protection for the species, largely through the recovery and consultation process.

E. *Other natural or manmade factors affecting its continued existence.* Over the past forty years the number of vehicles and people on beaches has greatly increased. Plovers are attracted to unvegetated beach areas in early spring only to be disrupted after human recreational and vehicular activities have intensified in the late spring and summer. Foot traffic, dune buggies, and other vehicles can crush eggs and chicks. Human presence can disrupt incubation or separate chicks from parents (Flemming, 1984). A lack of undisturbed habitat has been cited as a reason for the decline of other sand nesting birds such as black skimmer (*Rynchops niger*) and least tern (*Sterna antillarum*). Piping plovers often nest near least terns. Because of increased recreational use of rivers, remaining bare alluvial islands are subjected to frequent human disturbance.

Periodic severe drought on the northern plains may seriously reduce numbers. The small size of the Great Lakes population and a portion of the Atlantic Coast population increases the possibility of loss of a major portion of the remaining numbers as a result of any accidental of natural catastrophe.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires that, to maximum extent prudent and determinable, the Secretary shall specify any habitat of a species that is considered to be critical habitat at the time of determining the species to be endangered or threatened. The Service has determined that critical habitat for the piping plover would not be prudent because of the often ephemeral nature of the plover's nesting habitat. The plover's breeding and wintering habitats are speading over a large geographic area. Alluvial islands in rivers appear, disappear, and reappear depending upon water conditions. Beaches and interior wetlands may or may not be used each year because of varying water levels or changes in beach characteristics. Accordingly, it is not possible to designate areas which, if given protection, would be used by the plover in the future and whose protection would advance the plover's conservation. The effect of a given action upon the plover will have to be assessed in terms of its effect upon the species itself at the time of the action.

Available Conservation Measures

The Migratory Bird Treaty Act already makes it illegal to take, possess, sell, deliver, carry, transport, or ship piping plovers, their parts, eggs, nests, and young. However, it affords no protection to their habitat. Subsection 7(a) of the Endangered Species Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Agencies are required under Section 7(a)(3) to informally confer with the Service on any action that is likely to jeopardize any species that has been proposed to be listed under the Act. If published as a final rule, Section 7(a)(2) would require Federal agencies to consult with the Service concerning any action that may affect the species, to ensure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the piping plover. Provisions for interagency cooperation are codified at 50 CFR Part 402 and are now under revision (see proposed rule at 48 FR 29989; June 29, 1983).

The Service intends to keep the public informed on those activities that may affect the piping plover or be affected by its being listed as endangered. As indicated elsewhere in this proposal, the plover is a widely distributed species that has suffered from habitat losses throughout most of that range. Those losses, as well as those in the future, have been largely caused by the dredging of rivers and lakes, damming of rivers to control floods, and development of beaches in the Great Lakes and along the Atlantic Coast.

No authorized water projects are presently known to the Service that could pose a significant threat to the plover. The routine management of some existing water control systems and the development of some beaches pose widespread and continued threats to this bird, although no one such action would be likely to pose a significant threat to the species. It is this loss of one pair of plovers here and one or two there that pose, in the aggregate, the principal threat to the species' continual existence. The Army Corps of Engineers and the Bureau of Reclamation are the two principal Federal agencies that are expected to be impacted by the listing of the piping plover. Private developers, who are working without any Federal permits and other such authorizations or monies, will be unaffected under this rule with respect to Section 7(a).

The proposed rule would also bring Sections 5 and 6 of the Endangered Species Act into effect with respect to the piping plover. Section 5 authorizes the acquisition of lands for the purpose of conserving endangered and threatened species. Pursuant to Section 6, the Service would be able to grant funds to affected states for management actions aiding the protection and recovery of the piping plover.

Listing the piping plover as threatened and endangered would provide for development of a recovery plan for this bird. Such a plan would bring together both State and Federal efforts for conservation of the plover. The plan would establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan would set recovery priorities and estimate the cost of the various tasks necessary to accomplish them. It would assign appropriate functions to each agency and a time frame within which to complete them. The plan would also identify specific areas needed to be monitored and possibly managed for plovers.

The Act and implementing regulations found at 50 CFR 17.21 for endangered species and §§ 17.21 and 17.31 for threatened species set forth a series of general prohibitions and exceptions that apply to all endangered or threatened 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 would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Certain exceptions would also apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened animal species under certain circumstances. Regulations governing permits are at §§ 17.22, 17.23, and 17.32. For birds in the endangered population, permits are available for scientific purposes or to enhance the propagation or survival of the species. 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. A broader category of permits are available at 50 CFR Section 17.32 for those birds in the proposed threatened population.

The Service will review the piping plover to determine whether it should be considered for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, and whether it should be considered for other appropriate international agreements. Because the plover is not in international trade, the Service is not considering proposing the species for inclusion in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and 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, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological, commercial or other relevant data concerning any threat (or the lack thereof) to the piping plover;

2. The location of and the reasons why any habitat of this bird should or should not be determined to be critical habitat as provided for by Section 4 of the Act;

3. Additional information concerning the range and distribution of this bird; and

4. Current or planned activities that may adversely modify the habitat of this bird.

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 this proposal. Such requests should be made in writing to the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Final promulgation of the regulations on *Charadrius melodus* will take into consideration the comments and any additional information received by the Service and such communications may lead it to adopt a final rule that differs from this proposal.

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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Author

The primary author of this proposed rule is Mr. John G. Sidle, Endangered Species Office, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Minnesota 55111 (612/725–3276).

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, Subpart B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife, under "BIRDS:"

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
BIRDS							
Plover, piping	*Charadrius melodus*	U.S.A. (Great Lakes, northern Great Plains, Atlantic and Gulf Coasts, PR), Canada, Mexico, West Indies.	U.S.A. (Great Lakes watershed in States of MN, WI, MI, IL, IN, OH, PA, NY), Canada (ON).	E		NA	NA
Plover, piping	*Charadrius melodus*	....do....	Everywhere found in the wild, except those areas where listed as endangered as set forth above.	T		NA	NA
*	*	*	*	*	*	*	

Dated: October 16, 1984.

Susan E. Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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federal register

Thursday
November 8, 1984

Part III

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL 2653-7]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing to amend its regulations under the Resource Conservation and Recovery Act (RCRA) by listing two wastes generated during the production of ethylene dibromide (EDB). The effect of this proposed regulation would be to subject these wastes to the hazardous waste management standards contained in 40 CFR Parts 262–266, Part 124, and the permitting requirements of Parts 270 and 271.

DATES: EPA will accept public comments on this proposed rule until December 24, 1984. Any person may request a hearing on this amendment by filing a request with Eileen B. Claussen, whose address appears below, by November 23, 1984.

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Streets, S.W., Washington, D.C., 20460. Comments should identify the regulatory docket "Listing EDB." The Background Document and the Health and Environmental Effects Profile (HEEP) for this listing are available from the Docket Clerk (above address) as well as at eacn EPA Regional Library. Requests for a hearing should be addressed to Eileen B. Claussen, Director, Characterization and Assessment Division, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

The public docket for this amendment is located in Room S-212A, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424-9346 or at (202) 382-3000. For technical information contact Wanda LeBleu-Biswas, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460, (202) 382-5096.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published a list of hazardous waste generated from specific sources. This list has been amended several times, and is published in 40 CFR 261.32. In today's action, EPA is proposing to amend the list and add two wastes from the production of ethylene dibromide (EDB) via bromination of ethene. These wastes are wastewaters and spent adsorbent solid[1] from the production and subsequent purification of EDB.

The hazardous constituent in these wastes, EDB, has carcinogenic, mutagenic, teratogenic, reproductive, and otherwise chronically and acutely toxic effects. EDB typically is present in high concentrations in each waste stream. This constituent also is mobile and persistent, and can reach environmental receptors in harmful concentrations if these wastes are mismanaged. Evaluated against the criteria for listing hazardous wastes [40 CFR 261.11(a)(3)], EPA has determined that these wastes are hazardous because they are capable of posing a substantial present or potential threat to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

II. Summary of the Regulation

This proposed regulation would list as hazardous two wastes generated during the production of ethylene dibromide (EDB). These residual wastes are:

- K117—Wastewaters from the reactor vent gas scrubber in the production of ethylene dibromide via the bromination of ethene.
- K118—Spent adsorbent solids from the purification of ethylene dibromide in the production of ethylene dibromide via the bromination of ethene.

In 1982, four domestic companies were producing EDB at four locations, with a total annual production capacity of 138,000 kkg; total production of EDB in 1982 was 77,100 kkg. EDB is a commercial chemical product[2] with the following uses.

- Component of tetra-alkyl lead anti-knock gasoline additives;
- Soil and post-harvest commodity fumigants;
- Intermediate in chemical synthesis; and
- Nonflammable solvent for resins, gums, and waxes.

There have been recent actions [3] by the Administrator under authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which have been suspended and subsequently cancelled certain uses of EDB as a fumigant for agricultural purposes. Since the suspension action provides for some uses of existing stock until September 1, 1984, the Agency expects that little of this unused EDB will require disposal. Some producers and users of EDB, however, may need to dispose of the remaining unused commercial chemical product. Under the authority of FIFRA, under certain circumstances, the Administrator may indemnify the owners of any quantity of pesticides which have been cancelled after suspension [see section 15(a)]. In addition, Section 19 of FIFRA calls for the Administrator to ". . . accept at convenient locations for safe disposal a pesticide the registration of which is cancelled under section 6(c) [after suspension] if requested by the owner of the pesticide."

EDB production typically is a continuous process consisting of bromination of ethene and subsequent product purification. The total annual volume of the organic residual wastes from EDB production by the process described here is approximately 24,000 kkg of waste K117, and 130 kkg of waste K118. These wastes are formed as residuals at two points in the production of EDB. Waste K117 is produced after the reaction, and is an aqueous effluent from the scrubber used to remove traces of EDB and other organics from the noncondensable gases. Waste K118, spent adsorbent solids, is generated

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[1] This listing does not include still bottoms from the purification of EDB, which would be expected to contain significant concentrations of EDB. Although the literature indicates that still bottoms may be generated, the Agency has insufficient data to determine if it is currently generated. Therefore, the Agency specifically solicits comments on its generation. If the Agency determines that it is being generated or is likely to be generated, we would include still bottoms from the production of EDB in the final listing.

[2] EDB already is a hazardous waste under 40 CFR 261.33(f) when discarded in commercial grade, technical grade, or off-specification form, or when present as the sole active ingredient in a formulation (EPA Hazardous Waste No. U067). However, discarded formulations containing EDB as one of a number of ingredients are not presently considered to be hazardous wastes (unless they exhibit a characteristic of hazardous waste). These multi-ingredient formulations nevertheless are likely to be just as toxic as sole active ingredient mixtures, since the concentration of toxic ingredients is the same or highe.. Therefore, we are specifically soliciting comments on listing as hazardous when discarded those multi-ingredient formulations containing EDB.

[3] On October 11, 1983 (see 48 FR 46226–46248), EPA suspended the use of EDB as a soil fumigant and on February 3, 1984 (see 49 FR 4452–4457), also suspended the use of EDB as a fumigant for stored grain and grain milling machinery.

during product purification; purification involves filtration, or drying over an activated adsorbent packing or similar solid to remove inorganic solids or reduce color.

The listing Background Document and the sources cited there describe these production processes in detail.

As derived from both questionnaires and sampling analyses, these wastes typically contain significant concentrations of EDB:

Waste Nos.	Estimated range of concentrations (percent)
K117	0.01 to 0.22.
K118	1 to 75.

The Agency's Carcinogen Assessment Group (CAG) has identified EDB as a potential human carcinogen. EDB also has mutagenic, teratogenic, reproductive, and other chronic effects, and is acutely toxic at relatively low exposure. It has been demonstrated to be mutagenic in a number of microbial, cell culture, mammalian, and plant systems. EDB has also caused several abnormalities in fetuses of exposed rates, indicating teratogenicity. Other reproductive effects include atrophy of reproductive organs, reduced serum testosterone levels, and infertility in male rats, and abnormal estrous cycles during exposure in female rats. Infertility effects of EDB also have been observed in bulls, rams, and chickens. In addition, EDB at doses of about 15–150 mg/kg in humans causes signs of toxicity and death regardless of the route of exposure, affecting kidneys and liver, as well as the central nervous system. This compound, therefore, exhibits toxicological properties of regulatory concern. It has been estimated that lifetime exposure to 100 ppb of EDB in drinking water (*i.e.*, one-sixth of the level found near an EDB facility—see below) engenders an excess cancer risk as high as 1 in 7 [USEPA/OPP, 1983. Ethylene Dibromide: Position Document 4].

EDB, moreover, is mobile and persistent in the environment. The exposure pathways of principal concern are leaching to groundwater or volatilization. Leaching is a concern because EDB is very soluble in both water (4000 mg/l at 20 °C) and organic solvents, such as acetone, benzene, alcohol, and ether, and so could leach out of the wastes, potentially contaminating groundwater. In addition, it is volatile (vapor pressure, at ambient temperature, 11 mm Hg), and poses an additional threat to human health and the environment if these wastes are improperly managed. EDB is also persistent, having the following half-lives: approximately two months in soil, exceeding 100 days in air, and approximately fourteen years in water. In fact, EDB has been found in ground and surface water, air, and soil, demonstrating its mobility and persistence in the environment. For example, EDB has been detected in groundwater at the Occidental Chemical Company, located in Lathrop, CA; off-site from the Great Lakes Chemical Corporation, located in El Dorado, AR, in groundwater, surface water, drinking water, air, and soil; as well as at a number of other locations. (See the Background Document and the Health and Environmental Effects Profile for additional details on the fate and transport, and mismanagement of EDB).

In addition, very high concentrations of EDB have been measured on separate occasions in air at six different EDB or organobromine production plants. The values ranged from trace levels of EDB to 18,000 ng/m^3, and averaged 4800 ng/m^3. Although these monitoring efforts found no soil contamination, EDB was found at concentrations of 22 and 620 ppb in the two samples of surface water that were analyzed. The potential excess cancer risk that can be calculated from these exposures is extremely high. For residents living near an EDB facility, the upper limit of the estimated lifetime excess cancer risk from breathing air polluted with EDB is also appreciable, *viz.*, 2 in 100,000.[4] Although one cannot directly correlate the above monitoring data with a particular industrial practice, improper waste disposal is one likely source of the EDB. (See the Background Document for this listing for details of these calculations.)

Consequently, by virtue of the high concentrations of EDB in these wastes, which are generated in large volume, as well as its mobility (via both leaching and volatilization) and persistence in the environment, EPA has determined that these wastes pose a substantial present or potential hazard to human health and the environment when improperly stored, transported, disposed of, or otherwise managed. Therefore, the Agency is proposing to add these wastes to the hazardous waste list in 40 CFR 261.32.

[4]Assuming 100-fold dilution between the site and a residence about 1 km downwind [ICF, 1984. The RCRA Risk-Cost Analysis Model Phase III Report. Submitted to USEPA/OSW January 13, 1984], a person who weighs 70 kg and breathes 20 m^3 of air per day, engenders the following potential EDB exposure, and consequent potential excess cancer risk:

Exposure

$= 48 \text{ ng EDB/m}^3 \times 10^{-6} \text{ mg/ng} \times 20 \text{ m}^3\text{/day} \times 1/70 \text{ kg}^{-1} = 1.4 \times 10^{-5} \text{ mg EDB/kg/day.}$

upper limit cancer risk = potency × exposure = 1.17 per mg/kg/day × 1.4×10^{-5} mg/kg/day = 2×10^{-5}

III. Regulatory Status of Hazardous Wastewaters

Under the existing hazardous waste regulations, tanks that are treating or storing hazardous wastewaters are exempt from the Parts 264 and 265 management standards when the treatment unit is part of a wastewater treatment facility that is subject to regulation under either section 402 or section 307(b) of the Clean Water Act. Treatment units, such as concrete basins, which may or may not be inground, routinely provide for certain steps in a wastewater treatment process such as equalization, neutralization, aeration (in biological treatment facilities), settling (in both biological and physical/chemical treatment facilities), flocculation or treated wastewater storage prior to recycling. Where such units are constructed primarily of non-earthen materials designed to provide structural support, they are defined as tanks for purposes of the hazardous waste regulations. See 40 CFR 261.10 (defintion of "tank"). In applying this definition, the Agency has provided guidance that a unit is to be evaluated as if it were freestanding and filled to its design capacity with the material it is intended to hold. If the walls or shell of the unit alone provide sufficient structural support to maintain the structural integrity of the unit under these conditions, the unit is considered to be a tank. Alternatively, if the unit is not capable of retaining its structural integrity without supporting earthen materials, it is considered to be a surface impoundment.

Therefore, when wastewaters, including those covered by the listing proposed today, are stored or treated in tanks, they are presently exempt from the Part 264 and 265 management standards.

IV. Test Methods for Appendix VII Compounds

The Agency has proposed, as noticed in 49 FR 38786–38809, Monday, October 1, 1984, test methods (both those newly designed, as well as those previously available in SW–846—see below) for use in detecting specified substances by applicants who wish to conduct waste evaluations in support of delisting petitions, and by owners or operators of hazardous waste management facilities who must conduct ground water monitoring (see 40 CFR 264.99) or

incinerator monitoring (see 40 CFR 264.341).

Since Methods Nos. 8010 and 8240 were proposed in the above cited amendment (see 49 FR 38802) for use in detecting EDB, we will not propose them again in this action. These methods can be found in "Test Methods for Evaluating Solid Waste: Physical/ Chemical Methods," SW–846, 2nd ed., July 1982, as amended, which is available from: Superintendent of Documents, Government Printing Office, Washington, DC 20402, (202) 783–3238 as document number: 055–002–81001–2. A subscription to this manual sells for $55.00.

V. CERCLA Impacts

All hazardous wastes designated by today's proposed rule will, upon the effective date if this rule is finalized, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (See CERCLA section 101(14).) CERCLA requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center of the release. (See CERCLA Section 103 and 48 FR 23552, May 25, 1983.)

For those hazardous waste streams containing constituents which have already been assigned RQs, and RQ assigned to the waste stream will represent the lowest RQ associated with the constituents. Since EDB, the only hazardous constituent of both K117 and K118, has a statutory RQ assigned at 1000 pounds, then both these waste streams also have RQs of 1000 pounds, unless other hazardous substances, which have RQs of less than 1000, are present. (Since EDB is being assessed for carcinogenicity, no RQ has been proposed yet, so the statutory RQ of 1000 pounds applies.) (See 48 FR 23552–23605.)

VI. State Authority

Once a State receives interim or final authorization, it operates the RCRA program instead of EPA. If promulgated, this listing and the related management standards will not apply in interim authorized States unless the State listed these EDB wastes at the time it received interim authorization. Unless a State received final authorization on the basis of a universe of hazardous wastes which included these EDB wastes, this listing and the related standards would not apply in States with final authorization until the State revises its program to add these EDB wastes to the universe of hazardous wastes and the revision is approved by EPA. The process and schedule for State adoption of these regulations is described in 40 CFR 271.21, as amended by 49 FR 21678–21682, May 22, 1984.

If this proposed listing is made final, States which now have final authorization would have to revise their programs within one year from the date of promulgation if only regulatory changes are necessary and within two years from the date of promulgation if statutory changes are required. This deadline may be extended in exceptional cases (see 40 CFR 271.21(e)(3)). States now in the process of applying for final authorization would be able to receive final authorization without including these EDB wastes in their universe of hazardous wastes if the official state application is submitted less than 12 months after this listing, if made final, is promulgated. The date by which States must modify their programs is governed by 40 CFR 271.21(e)(iii).

VII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The total combined cost for disposal of the wastes as hazardous is approximately $4,532, well under the $100 million constituting a major regulation. This cost is insignificant and results from minimal additional compliance requirements, such as manifesting these additional wastes.

We know, however, that the manufacturers of EDB generate and manage other currently regulated hazardous wastes. Therefore, we believe that the total combined cost estimate is actually much lower than that provided above.

In addition, we do not expect that there will be adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Because this proposal is not a major regulation, no Regulatory Impact Analysis is being conducted.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection in Room S–212A at EPA.

VIII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on small entities.

The hazardous wastes proposed to be listed here are not generated by small entities (as defined by the Regulatory Flexibility Act), and the Agency does not believe that small entities will dispose of them in significant quantities. Accordingly, I hereby certify that this proposed regulation would not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

IX. List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: November 1, 1984.

William D. Ruckelshaus,

Administrator.

For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In § 261.32, add the following waste streams to the subgroup 'Organic Chemicals':

§ 261.32 Hazardous waste from specific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
* * * * *		
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
* * * * *		

3. Add the following entries in numerical order to Appendix VII of Part 261:

Appendix VII—Basis for Listing Hazardous Waste

EPA hazardous waste No.	Hazardous constituents for which listed
* * *	* * *
K117	Ethylene dibromide.
K118	Ethylene dibromide.
* * *	* * *

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Thursday
November 8, 1984

Part IV

Department of Agriculture

Agricultural Marketing Service

7 CFR Parts 53 and 54

Standards for Grades of Carcass Beef and Standards for Grades of Slaughter Cattle; Proposed Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 53 and 54

Standards for Grades of Carcass Beef and Standards for Grades of Slaughter Cattle

AGENCY: Agricultural Marketing Service, (AMS), USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the official U.S. standards for grades of beef carcasses and the related standards for grades of slaughter cattle. The proposal would revise the current yield grade standards to allow those portions of the industry desiring to remove kidney, pelvic, and heart (KPH) fat for economic or efficiency reasons an opportunity to do so, but would not require the removal of KPH fat which could adversely affect some segments of the industry. The proposal would not affect the current quality grade standards. The present yeild grades are determined by consideration of four factors—external fat thickness, hot carcass weight, ribeye area, and percent KPH fat. The proposed revisions would eliminate the consideration of KPH fat, and the method of determining yield grades would be on a KPH fat out basis. Carcasses graded with KPH fat in would be identified in a manner that would clearly distinguish them from carcasses graded with KPH fat removed. Both the yield grade equation and the proposed shortcut method would be recognized as official methods for determining yield grade. The proposed changes would improve the accuracy of application of the yield grade formula and increase the uniformity of fat and muscling characteristics within each of the yield grades. The changes that are proposed will improve the effectiveness of the standards in meeting the various needs of users of the system.

DATES: Comments must be received on or before February 1, 1985. See Supplementary Information for date of public hearing.

ADDRESSES: Written comments to: Standardization and Review Branch, Livestock Division, Agricultural Marketing Service, 2649 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. See Supplementary Information for location of public hearing.

FOR FURTHER INFORMATION CONTACT: Dr. Michael L. May, Chief, Standardization and Review Branch, Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4486. Copies of the Special Analysis are available from Dr. May.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The proposed revision of the beef carcass (7 CFR Part 54) and slaughter cattle (7 CFR Part 53) standards was reviewed under USDA procedures established to implement Executive Order 12291 and was classified as a non-major rule pursuant to sections 1(b)(1), (2), and (3) of that order because (1) it would not have an annual effect on the economy of $100 million or more, (2) it would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it would not 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.

Effect on Small Entities

The requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), which deals with the impact of regulations on small entities, have been satisfied, in that William T. Manley, Deputy Administrator, Agricultural Marketing Service (AMS), has certified that this rule would not have a significant economic impact on a substantial number of small entities that utilize the beef grading service because the changes would only eliminate the consideration of KPH fat in the yield grade determination, not require its removal, and would allow the beef slaughtering and fabricating industry to determine the point of removal depending upon its economic benefit. Further, the beef grades are applied equally to all size entities covered by these regulations, and the use of the grades is voluntary.

Special Analysis

The Assistant Secretary for Marketing and Inspection Services requested that a Special Analysis be conducted to examine the impacts that would be expected on the beef industry and the ancillary independent rendering industry if the Department would amend the requirements for yield grading to allow a more viable option for the removal of KPH fat prior to grading. The Special Analysis is available for public inspection at the office of the Standardization and Review Branch, Livestock Division, AMS, 2649 South Building.

Although the proposed rule allows the removal of KPH fat to remain a voluntary industry practice as requested by the National Renderers Association, the extent to which voluntary KPH fat removal is accepted by the industry is anticipated to have some impact on the independent renderers located in areas removed from slaughtering centers, since these renderers do obtain some of their raw materials from this source. In this connection, the Special Analysis indicates that this segment of the rendering industry is already experiencing a continual decline in the availability of beef fat for rendering because of the rapid drop in the volume of fed beef carcasses being shipped into metropolitan areas. Since this trend is expected to continue regardless if changes are made in the grade standards, the Department, therefore, believes the proposal would make a positive contribution toward increasing the overall efficiency of the total beef industry.

Comments and Hearings

It is anticipated that there will be widespread interest in the changes proposed in the beef standards by all parts of the livestock and meat industry and the consuming public. In order that all those affected have ample opportunity to comment, oral as well as written views, data, or arguments will be received on the proposal. In this regard, a public hearing will be held on the proposed changes contained in this notice. The public hearing will be held at the location listed below beginning on the date shown:

December 19, 1984, Washington, D.C. 20250, Room 104–A, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW.

The hearing will commence at 9 a.m., local time, and may be continued beyond 1 day if necessary. To facilitate conduct of the hearing, persons who wish to be heard are requested to notify the Chief, Standardization and Review Branch, Livestock Division, AMS, Washington, D.C. 200250, on or before December 14, 1984, stating that they wish to present a statement and how much time they will need to present the statement. However, any person who wishes to be heard at the hearing will be afforded an opportunity to be heard, whether or not that person has given such advance notice. A written copy of the speaker's statement is requested and may be presented to the presiding official at the hearing.

In addition, all persons who desire to submit written data, views, or comments

on this proposal are invited to submit such material in duplicate, to the Standardization and Review Branch, Livestock Division, AMS, 2649 South Building, U.S. Department of Agriculture, Washington, D.C. 20250 on or before February 1, 1985. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the Federal Register. Since the comments will be considered in the resolution of this proposal, they should include definitive information which explains and supports the sender's views. All written submissions and transcripts of the comments at the public hearing will be made available for public inspection at the office of the Standardization and Review Branch, Livestock Division, AMS, 2649 South Building, during regular business hours.

Background

The grading of beef by AMS is a voluntary service, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), which is designed to facilitate the marketing of livestock and meat. Beef grades are used to segregate the beef supply into groups of carcasses with similar attributes of palatability and yields of cuts. These attributes are of concern to consumers and the beef industry as they affect the acceptability of beef and to a great extent the value and consumption of beef. Grades provide a common language and basis for marketing of livestock and meat as well as providing an opportunity for consumer desires to be communicated through the marketing channel so that necessary changes in livestock feeding and production may be made.

Beef grading is a service provided by the Department for a fee to users who request the service. Because beef grading is voluntary, not all marketed beef is graded. When beef is graded, the official grade consists of both a quality grade and a yield grade. The quality grades are intended to identify differences in the palatability of cooked beef principally through the characteristics of marbling and maturity. The official USDA quality grades are Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner. The yield grades identify differences in the percentage of meat that may be obtained from carcasses of varying leaness. The official USDA yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest yield of cuts (highest cutability). Four factors—external fat thickness; percent KPH fat; ribeye area; and carcass weight—are considered in determining the present yield grades. Increases in external fat thickness, percent KPH fat, and carcass weight have a negative effect on retail cut yields. Increased ribeye area has a positive effect.

Grades need to be as compatible as possible with efficient production practices although the most desirable grade(s) is not necessarily the most efficient to produce. In addition, grades should be based on criteria that can be evaluated as rapidly and accurately as possible while still identifying attributes of importance. When it appears that a change in the standards is needed, a proposal is published and interested parties are provided an opportunity to comment. A decision regarding adoption of the proposed change is made only after receipt and analysis of all comments.

Changes are usually made in the standards for one or more of the following reasons: (1) To clarify the intent of the standards or to otherwise improve the ease of application or uniformity of their interpretation; (2) to incorporate the results of research findings with respect to the importance of various grade factors; or (3) to keep the standards abreast of established changes in consumer preferences and industry production practices.

On May 5, 1983, the American Meat Institute (AMI) submitted a request to the Department of Agriculture that USDA regulations be amended to require that most KPH fat be removed from beef carcasses before they are offered for grading. The stated purpose of the requested action would be to increase efficiency in beef operations and marketing and to improve the application and uniformity of yield grades. Other trade groups have indicated varying amounts of support or opposition to the AMI request.

Alternatives

To fully explore the KPH fat removal issue, staff members of AMS's Livestock Division have met with representatives of national organizations representing the beef production, slaughter, and processing industries and renderers, restaurateurs, retailers, and consumers. Information gained through these meetings allowed three viable alternatives to be identified. They are: (1) Maintain the status quo, (2) require removal of KPH fat prior to grading, or (3) eliminate consideration of KPH fat in determining yield grade, but not require its removal.

Under the present system for determining the yield grade or beef carcasses, the amount of KPH fat considered in determining yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. The estimated percent of KPH fat present is then compared to a constant (3.5 percent) and adjustments are made in the grade for variations from 3.5 percent. If the amount of KPH is less than 3.5 percent the yield grade is lowered (improved), and if it is more than 3.5 percent the yield grade is raised. Current grading regulations allow beef carcasses to be graded with the KPH fat either present or removed, with the yield grade being based on the amount of KPH fat actually present when graded. However, because the removal of KPH fat prior to grading affects the relative yield from different parts of the carcass, carcasses so treated are presently identified by the grade designation being placed on the carcass upside down (reverse roll). Although the Department believes that regular and reverse rolled carcasses of the same yield grade under the current system are essentially equal in total value, the "reverse roll" was established to alert buyers of parts of carcasses to the possible effects on yields.

As a result of the way yield grades are determined, when KPH fat is removed, a carcass may qualify for a better yield grade with either more external fat, less ribeye area, or a combination of these factors. Thus, many parts of these carcasses will have yields more typical of the next higher (less desirable) grade. In fact, at the present time the industry generally treats reverse rolled carcasses as being one yield grade higher (worse) than labeled and discounts them in price; and while some meat packers have expressed interest in KPH fat removal on the slaughter floor, as a consequences of the "reverse roll", the practice is seldom employed even though the grading regulations allow it. From an industry standpoint the present system for allowing KPH fat to be removed has not proven to be a viable practice. Consequently, virtually all beef carcasses presently have the KPH fat intact when graded.

Removal of KPH fat prior to grading offers a number of benefits over the present system, particularly for slaughterers with rendering facilities and for "boxed beef" operations. Slaughterers with rendering facilities would be able to remove KPH fat while still "hot"and eliminate chilling and reheating during rendering. This potentially offers considerable energy

savings associated with approximately two-thirds of the beef supply produced by slaughterers who have their beef graded and have either edible or inedible rendering facilities. The slaughterers of the other one-third of the beef supply are generally lower volume, independent operations that do not have rendering facilities and could possibly be economically disadvantaged if KPH fat were required to be removed.

It is generally considered easier to remove KPH fat hot than after it is chilled. However, most slaughter floor employees receive higher wages than processing employees, and this would partially negate the labor efficiency of hot removal. Also, slaughterers may need to modify to some extent their present slaughter floor operations to accommodate removal of KPH fat. Slaughterers without rendering facilities would have increased labor costs associated with increased handling of these fats if their removal was mandatory. Thus, while there are potential efficiencies available to some slaughterers in these areas, other slaughterers could have additional costs, at least in the short term, associated with KPH fat removal.

Further, a concern is that removal of KPH fat could potentially expose the beef tenderloin to damage and deterioration. While this would not generally be a problem at plants that fabricate carcasses from their own slaughtered animals, it would be of concern to beef processors and purveyors who purchase carcass beef.

A yield grading system in which KPH fat is not considered as a grade factor would provide an option that would accommodate those slaughterers desiring to remove these fats on the kill floor, and at the same time allow carcasses with KPH fat intact to be graded. Under such a system the "standard dress" would reflect KPH fat removal from carcasses and those carcasses which had not had KPH fat removed would be identified with the "reverse roll."

Under this alternative the yield grade on carcasses graded with KPH fat in would be a useful measure of the total dollar value of the carcasses, but it would not necessarily be a good measure of value per pound for these carcasses. To illustrate, we begin with two identical carcasses before KPH fat removal. One is graded with KPH fat in and the other is graded with KPH fat removed. Both would receive the same yield grade under the system that does not consider KPH fat and both would yield the same total pounds of retail cuts worth the same total dollars. However, the carcass graded with KPH fat in would have a lower value per pound and a lower percentage yield of retail cuts because of its heavier carcass weight due to KPH fat being present. Most beef purchasers would not buy beef graded with KPH fat present unless it were appropriately priced to reflect the expected yields.

The value of live cattle and beef carcasses would essentially remain unchanged except for reduced costs associated with energy savings and other efficiencies that might be gained. However, the per pound pricing of live cattle purchased on a rail basis and beef carcasses and cuts would undergo an initial adjustment to reflect the new yields associated with removing these fats. Additionally, many cattle and carcasses (generally near the borderlines of grades) would change yield grade depending on how much KPH fat was present prior to removal, and the retail yields of cuts from carcasses of a given yield grade would change from the present system.

A drawback of required KPH fat removal is the potential impact it could have on the beef slaughterers who currently are without rendering facilities, beef processors and purveyors, and independent renderers. Removal of KPH fat at slaughter would alter the location of removal of most KPH fat and decrease the amount of fat available to "independent" renderers. Packers unable to either render these fats or find a commensurate outlet would be placed at an economic disadvantage if removal were required. It should be pointed out that the industry trend toward "boxed beef" has already significantly reduced the amount of this fat that is available to independent renderers, and this trend is expected to continue. However, removal at slaughter would be a closer trim than is normal for most "boxed beef" cuts.

Presently, the amount of KPH fat is subjectively determined. Although yield grades determined with KPH fat present are slightly more precise than yield grades determined with KPH fat removed, it is believed that elimination of KPH fat from the yield grade equation could improve the accuracy of yield grade application. But, this benefit in accuracy of application would basically be offset by the decreased precision of the yield grades in identifying cutability differences. Also, since some minimal amount of KPH fat would remain, either measurements or another subjective evaluation would have to be made to determine if carcasses either qualify for grading or for "regular" or reverse roll application of the official grade identification.

Maintaining the status quo would not prevent slaughterers from removing KPH fat if the marketplace would accept the reverse roll. However, no major packer is currently removing KPH fat prior to grading on a regular basis even though certain efficiencies are purported. We suggest this is a result of the current negative view associated with carcasses marketed with the "reverse roll" and the attendant market reaction. Further, because reverse roll Yield Grade 3's may have external and seam fat typical of Yield Grade 4's, which are generally substantially discounted, buyers have historically shyed away from these carcasses. On the other hand, some of these same borderline carcasses would become Yield Grade 3's if KPH fat was either removed prior to grading or not considered. Another reason that "reverse roll" beef has not been generally accepted is that a higher price per pound must be received for carcasses and cuts from which KPH fat has been removed and, purportedly, buyers are hesitant to pay these higher prices even with the resultant higher yields.

Proposed Yield Grade Standard

Consideration of all the available data and information and an evaluation of the alternatives available indicated that a modification of the yield grade standards could allow the beef industry to realize the benefits associated with KPH fat removal. However, the proposed changes would allow the industry to determine when KPH fat would be removed by not requiring its removal prior to grading.

The proposed changes would change the method for determining yield grade to a KPH fat out basis. The amount of KPH fat would not be considered in determining the yield grade, and packers would have the option of removing KPH fat or allowing it to remain depending upon the economic considerations in their situation. A minimal amount of KPH fat would be allowed to remain in carcasses without requiring alternative identification such as a "reverse roll." The alternative identification would be required on graded carcasses that had not had KPH fat removed.

These changes would allow packers with rendering facilities to remove KPH fat hot and realize the economic benefits associated with decreased chilling and reheating costs as well as any labor savings that are associated with hot removal of these fats. Slaughterers without rendering facilities or who for other reasons would choose not to remove these fats would not be required

to do so in order to obtain grading service.

The proposed changes would increase the uniformity of external fat and muscling characteristics within each of the various yield grades. The subjective evaluation of KPH fat would be eliminated as a yield grade factor. The elimination of subjective factor should contribute to increased accuracy in the determination of the yield grade as well as simplify many determinations. However, a subjective evaluation as to the amount of these facts present would have to be made to determine the manner of application of the official grade designation.

A major consideration during the development of an equation to predict yield grade without considering KPH fat was the selection of the research study upon which to base the standards. The present yield grade standards, which were adopted in 1965, are based on studies conducted by USDA in the 1950's. These studies were reported by Murphy *et al.* (1960) at the 62nd meeting of the American Society of Animal Production. In 1974 USDA undertook another yield grade study to compare the results from the original study with data from a new population and to provide information for future revisions of the yield grade standards. The results of this study were reported by Abraham *et al.* (J. Animal Sci. 50:841). Although equations from both studies using the same three variables (adjusted fat thickness, hot carcass weight, and ribeye area) are essentially equal in their ability to rank carcasses for their yield of cuts, the 1974 USDA study, which is the most complete USDA study, has been selected for development of the proposed changes for several reasons.

First, the 1974 study more closely predicts actually yields of boneless, closely trimmed retail cuts from the round, loin, rib, and chuck than the 1960 study. Also, the present standards recognized the necessity to adjust the thickness of fat over ribeye measurement to reflect unusual fat deposition on other parts of the carcass. Although values for adjusted thickness of fat over the ribeye were not recorded in the 1960 study, provision was made in the official standards for such an adjustment and for the use of this value in conjunction with the regression coefficient for actual fat thickness that was developed in the related yield grade equation. However, the 1974 study included both actual and adjusted fat measurements that were used in the development of regression equations for predicting carcass yields. The 1974 study also included a larger sample size than the 1960 study (280 vs. 162 steer, heifer, and cow carcasses) and does represent a wider variation of breed types associated with the changing cattle population. Although these differences individually might not support changing the data base for determining yield grades, collectively, these and other minor, non-substantive differences between the two studies support use of the 1974 study for development of a yield grade equation that does not consider the amount of KPH fat.

The development of the proposed yield grade equation was also based on several other considerations. First, it was determined that, to the extent possible, carcasses should remain within the same yield grade that they would be in under the present standards and thereby minimize the effect on the industry. However, when KPH fat is not considered, all carcasses will not remain in the same grade but some will shift into an adjacent grade. Generally, carcasses with less than the "normal" amount of 3.5 percent KPH fat will go up in yield grade (lower yield of cuts) and carcasses with more than 3.5 percent will go down in yield grade (higher yield of cuts). Also, when three rather than four variables are used, the relative importance of the remaining three variables will change. There would also be some shifts of carcasses into different yield grades due to use of the 1974 rather than the 1960 study because of a slight change in the relative importance of the three variables—external fat thickness, hot carcass weight, and ribeye area. Although it was recognized that there would be some shifts in yield grade consist (population), it was determined that by maintaining the current yield grade width—external fat thickness relationship at 0.4 inch equals 1 yield grade and by setting the intercept in the yield grade equation at 3.0, the most desirable shift in yield grade consist would occur. Maintaining the current yield grade width—external fat thickness relationship also keeps carcasses in the proposed grades with essentially the same fat thickness characteristics as they would have under the current standards. For example, under the current standards if the other variables are considered normal for a given weight, the range in fat thickness for a yield Grade 3 to 0.4 to 0.79 of an inch. Under the proposed standards, this same relationship would hold. This relationship would eliminate the retraining of graders to recognize a different external fat deposition pattern for a given yield grade. It also would allow buyers and sellers to continue to purchase and sell beef with similar fat characteristics in each of the yield grades as they are currently accustomed.

The proposed yield grade equation, however, does not maintain the present yield grade width—ribeye area or hot carcass weight relationships. Under the present standards, a change of 1 square inch in area of ribeye changes the yield grade by approximately 30 percent of a yield grade. A change of 100 pounds in hot carcass weight currently changes the yield grade by approximately 40 percent of a yield grade. Under the proposed standards, a change of 1 square inch in area of ribeye and a change of 100 pounds in hot carcass weight would both change the yield grade by approximately 20 percent of a grade.

To evaluate the potential shift in yield grade consist, information collected by the Standardization; and Review Branch, AMS, from 1980 to 1983 on a sample of 5,846 carcasses was analyzed. The yield grade consist for this sample under the current standards and the proposed standards is as follows:

Yield grade	Current (percent)	Proposed (percent)
1	3.9	1.1
2	28.8	26.8
3	48.2	58.7
4	17.0	12.3
5	2.1	1.1

Using this sample, there was a decrease in the percentage of carcasses in Yield Grades 1, 2, 4, and 5 and an increase in the percentage of carcasses in Yield Grade 3. This shift of carcasses toward the middle of the yield grades; i.e., Yield Grade 3, would be expected primarily due to the elimination of KPH fat as a variable in determining yield grades. As carcasses vary from the mean percent KPH fat, they are currently adjusted accordingly, but elimination of KPH fat as a variable eliminates this adjustment as well as adjusting the carcass weight which shifts the ribeye area—carcass weight relationship. The shift in consist by grades for the sample carcasses would be as follows:

Present yield grade	Percent distribution in proposed yield grades				
	1	2	3	4	5
1	26.4	73.6			
2	0.2	74.9	24.9		
3		4.9	93.3	1.8	
4			38.9	60.9	0.2
5				50.8	49.2

This data indicates that most Yield Grade 3 carcasses would be expected to remain in Yield Grade 3 and a high percentage of Yield Grade 2 carcasses

would remain in Yield Grade 2. Overall, 78.9 percent of the sample carcasses would remain in the same yield grade. Thus, it would be expected that carcasses would continue to have external fat and muscling characteristics similar to those associated with each of the present grades. Although it would be possible to shift the intercept in the proposed yield grade equation to increase either the percentage of Yield Grade 2 or 4 carcasses, such a change would further decrease the percentage in the other grade. Therefore, the proposed equation would appear to continue to place the greatest number of carcasses within the same yield grade that they would be in under the present standards.

The percent yield of carcass weight in boneless, closely trimmed, retail cuts from the round, loin, rib, and chuck by corresponding yield grade will change under the proposed changes. Under the current standards, each yield grade includes a range of 2.31 percent in yield of major boneless retail cuts and the estimated yield of a 3.0 Yield Grade is 50.0 percent. Each yield grade under the proposed standards would include a range of 2.84 percent in yield of major boneless retail cuts and the estimated yield of a 3.0 Yield Grade would be 54.58 percent. The higher yields for a given yield grade are reflective of the higher yields found in the 1974 study as well as the higher yields associated with carcasses with KPH fat out.

There has been concern that by requiring removal of all or practically all KPH fat that damage to the tenderloin could occur. This could either be due to scoring of the tenderloin during the dressing process or eventual dehydration caused by removal of all fat. Some supporters of KPH fat removal advocate allowing a minimal amount to remain to potentially provide some protection for the tenderloin and to provide for dressing variation. Allowing up to 0.5 or 0.75 inch of fat to remain has been suggested although we believe it will be difficult to consistently leave fat over the tenderloin when it is removed hot. Such a requirement would necessitate measurement to determine eligibility and would be time consuming, difficult to apply because of the uneven nature of KPH fat after it is removed, and measuring could even contribute to damage of the tenderloin. Therefore, this will not be proposed.

In developing the proposed changes, it was determined that it would be necessary to allow a minimal amount of KPH fat (less than one percent of hot carcass weight) to remain in carcasses before requiring an alternative application of the official grade designation. From a practical standpoint removal of "all" KPH fat is essentially impossible in normal slaughter operations. In the 1974 study, the amount of KPH fat remaining after the closely trimmed (0.5 inch) retail cuts were prepared was approximately 0.7 percent of the hot carcass weight. This fat is not currently considered when KPH fat evaluations are made; the evaluations are a reflection of the amount of KPH fat in excess of this amount. For example, when the KPH fat in a carcass is evaluated as 3.5 percent, it actually would have approximately 4.2 percent KPH fat. Therefore, for these reasons, it was determined that carcasses with less than one percent KPH fat would be considered to have KPH fat out and should be identified with the official grade designation in the normal manner. This would, from a practical standpoint, essentially reflect removal of "all" KPH fat and nearly all KPH fat that is considered in yield grade determinations. Carcasses with KPH fat in (one percent or greater KPH fat), if graded, would be required to be identified in an alternative manner (e.g., reverse roll) to clearly differentiate them from carcasses graded with KPH fat out. This would be a subjective determination.

The alternative identification for carcasses graded with KPH fat in (one percent or greater KPH fat) is proposed in order that the marketplace may differentiate between carcasses graded with varying amounts of KPH fat present. The yield and value per pound of carcasses graded with KPH fat in would be less than their counterpart carcasses. By identifying those carcasses that have an amount of KPH fat in excess of one percent, their true yield in relation to normally identified carcasses could be ascertained. The proposed identification method should provide the marketing system with a truer indication of value than the current system that requires reverse roll identification on carcasses graded with KPH fat removed. Under the current system, the yield grade for reverse roll beef generally becomes less indicative of value as the carcass is processed into smaller subdivisions. However, under the proposed alternative identification, the yield grade would become more indicative of value as the carcass is processed. For example, if the KPH fat is removed from a carcass graded with KPH fat in (one percent or more KPH fat present), its yield and that of its cuts will be comparable to that of a carcass of the same yield grade that was graded with KPH fat removed. Also, any cuts from carcasses graded with KPH fat in that do not have KPH fat present or from which KPH fat is trimmed during processing; e.g., forequarters, chucks, ribs, strip loins, rounds, etc., would have yields comparable to cuts of the same yield grade that were graded with KPH fat removed.

The proposed changes should provide a slight improvement in the accuracy of the yield grade application. First, the elimination of the subjective evaluation of KPH fat as a yield grade factor would remove a potential source of error in the determination of yield grades. Secondly, a more precise short-cut method of determining yield grade may be adapted from the proposed yield grade equation.

The short-cut method is essentially as accurate as the yield grade equation and is therefore included in the proposed changes as an official method for determining yield grade. The improved application of a three variable yield grade system should offset the decreased precision of the yield grade identifying cutability differences associated with a three rather than a four variable system.

In brief, the official U.S. standards for yield grades of carcass beef (7 CFR 54.104 and 54.105) would be revised as follows: (1) The yield grade of beef carcasses would be based on three factors—external fat thickness, hot carcass weight, and ribeye area; (2) the amount of KPH fat would not be considered in determining yield grade but the method of determination, would be on a KPH fat out basis; (3) the amount of KPH fat would determine the method of application of the official grade designation, and carcasses graded with KPH fat in (one percent or greater KPH fat of the hot carcass weight) would be identified in a manner that would clearly distinguish them from those carcasses graded with KPH fat out (less than one percent KPH fat); and (4) the short-cut method of yield grade determination would be included as an official method for determining yield grade.

The standards for grades of slaughter cattle, which are based on the beef carcass grade standards, would be revised to reflect the changes proposed for the beef carcass grade standards. Revisions are proposed to the slaughter cattle standards (7 CFR 53.203 and 53.206) so that these standards would be consistent with the carcass standards, where appropriate. Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce.

Accordingly, it is proposed that certain sections of the standards

appearing at 7 CFR Part 54 as they relate to meats, prepared meats, and meat products, and certain sections of the standards appearing at 7 CFR Part 53 as they relate to livestock, be revised as set forth below.

List of Subjects

7 CFR Part 53

Livestock, Cattle, Grading and certification, Standards.

7 CFR Part 54

Beef carcasses, Meat and meat products, Grading and certification, Standards.

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 54 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 54.104 and 7 CFR 54.105 are revised to read as follows:

Note.—In this document, new or revised text is enclosed by arrows (►◄). This proposed revision of the subpart also corrects typographical errors.

Subpart B—Standards

Carcass Beef

§ 54.104 Application of Standards for Grades of Carcass Beef.

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated yield of closely trimmed (½ inch fat or less), boneless retail cuts expected to be derived from the major wholesale cuts (round, sirloin, short loin, rib, and square-cut chuck) of a carcass, herein referred to as the "yield grade," and (2) characteristics of the meat which predict the palatability of the lean, herein referred to as the "quality grade." The grade of a bull carcass consists of the yield grade only. When officially graded, the grade of a steer, heifer, cow, or bullock carcass consists of both the quality grade and the yield grade. The yield grade designation may be removed from officially graded beef carcasses, sides, quarters, wholesale cuts, or combinations of wholesale cuts on which the external fat (natural or trimmed) does not exceed ¾ inch in thickness. For purposes of these regulations, wholesale cuts, or combinations thereof, which can qualify for yield grade designation removal are: round, sirloin, short loin, rib, square-cut chuck, shank, brisket, plate, and flank. The yield grade designation may be removed from all other cuts without trimming of external fat. In instances where removal of the yield grade designation is permitted, the USDA grade may consist of the quality grade designation only.

(b) The carcass beef grade standards are written so that the quality grade and yield grade standards are contained in separate sections. The quality grade section is divided further into two separate sections applicable to carcasses from: (1) Steers, heifers, and cows, and (2) bullocks. Eight quality grade designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steer and heifer carcasses. Except for Prime, the same designations apply to cow carcasses. The quality grade designations for bullock carcasses are Prime, Choice, Good, Standard, and Utility. There are five yield grades applicable to all classes of beef, denoted by numbers 1 through 5, with Yield Grade 1 representing the ►highest yield of trimmed retail cuts.◄

(c) When officially graded, bullock and bull beef will be further identified for its sex condition; steer, heifer, and cow beef will not be so identified. The designated grades of bullock beef are not necessarily comparable in quality or cutability with a similarly designated grade of beef from steers, heifers, or cows. Neither is the cutability of a designated yield grade of bull beef necessarily comparable with a similarly designated yield grade of steer, heifer, cow, or bullock beef.

(d) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(e) To determine the grade of a carcass, it must be split down the back into two sides and one or both sides must be partially separated into a hindquarter and forequarter by cutting it with a saw and knife insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut across the ribeye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the ribeye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the 13th rib with the vertebral column of the hindquarter posterior to that point. As a result of this cut, the outer end of the cut surface of the ribeye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the ribeye, the knife cut shall continue between the 12th and 13th ribs to a point which will adequately expose the distribution of fat and lean in this area. The knife cut may be made prior to or following the saw cut but must be smooth and even, such as would result from a single stroke of a very sharp knife.

(f) Other methods of ribbing may prevent an accurate evaluation of the grade determining characteristics. Therefore, carcasses ribbed by other methods will be eligible for grading only if an accurate grade determination can be made by the official grader under the standards.

(g) Beveling of the fat over the ribeye, application of pressure, or any other influences which may alter the characteristics of the ribeye or the thickness of fat over the ribeye prevent an accurate grade determination. Therefore, carcasses subjected to such influences shall not be eligible for a grade determination, and the presentation of such carcasses for an official grade determination shall be considered a fraudulent or deceptive practice in connection with the services requested for such carcasses. Carcasses that have had external fat removed in trimming for Federal meat inspection compliance may be graded only if the official grader determines that an accurate grade determination can be made. Although entire carcasses with more than minor amounts of lean removed from the major wholesale cuts (round, sirloin, short loin, rib, or square-cut chuck) shall not be eligible for a grade determination, the remaining portions of these carcasses which are unaffected by the removal of lean shall remain eligible for a grade determination provided a cross section at the 12th-13th rib is available and an accurate grade determination may be made.

(h) When both sides of a carcass have been ribbed prior to presentation for grading and the characteristics of the two ribeyes (area, marbling, color, texture, and firmness) would justify different quality and/or yield grades, the final grade of the carcass shall reflect the "highest" of each of these grades as determined from either side.

(i) To meet the demand of export trade or changing trade practices, grading of carcasses ribbed other than between the 12th and 13th ribs may be approved by the Director. In such cases, grading shall be based on the requirements specified in these standards and shall be consistent with

the normal development of grade characteristics in various parts of a carcass of the quality level involved. When an exception is granted for export trade, such carcasses shall be identified with the word "EXPORT" in such a manner that will clearly distinguish them from other officially graded beef.

(j) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors. There will be carcasses that qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. For example, in comparison with the descriptions of maturity contained in the standards, a particular carcass might have a greater relative degree of ossification of the cartilages on the ends of its lumbar vertebrae than its other evidences of maturity. In such instances, the maturity of the carcass is not determined solely by the ossification of the lumbar vertebrae but neither is this ignored. All of the maturity-indicating factors are considered. In making any composite evaluation of two or more factors, it must be remembered that they seldom are developed to the same degree. Because it is impractical to describe the nearly limitless number of recognizable combinations of characteristics, the standards for each quality grade and yield grade describe only beef which has a relatively similar degree of development of the various factors affecting its quality and yield. Also, the quality grade and yield grade standards each describe beef which is representative of the lower limits of each quality grade and yield grade.

(k) For steer, heifer, and cow beef, quality of the lean is evaluated by considering its marbling and firmness as observed in a cut surface in relation to carcass evidences of maturity. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the bones and cartilages—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progressively later stages of maturity in the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. Unless otherwise specified in the standards, whenever reference is made to the ossification of cartilages on the thoracic vertebrae, this shall be construed to refer to cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the ends of the chine bones show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef of very advanced maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter until in very mature beef the ribs will be very wide and flat.

(l) In steer, heifer, and cow beef, the color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very fine in texture and light grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively darker red. In very mature beef, the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity very slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the loan. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by its bones and cartilages.

(m) The preceding two paragraphs also are applicable to the determination of quality in bullock beef except for carcasses having darker colors of lean than specified in the standards for the quality level for which they would otherwise qualify. In such carcasses, maturity will be evaluated on the basis of skeletal characteristics only, and the final grade will be determined in accordance with the procedures specified in the standards for grading "dark-cutting beef."

(n) In determining compliance with the maximum maturity limits for the Prime, Choice, Good, and Standard grades for steer, heifer, and cow carcasses, color and texture of the lean are considered only when the maturity-indicating factors other than color and texture of the lean indicate only a slightly more advanced degree of maturity than that specified as maximum for these grades, and provided further, that the lean is considerably finer in texture and lighter in color than normal for the grade and maturity involved. The same principle, in reverse, is likewise applicable to determining compliance with the minimum maturity limits of the Commercial grade.

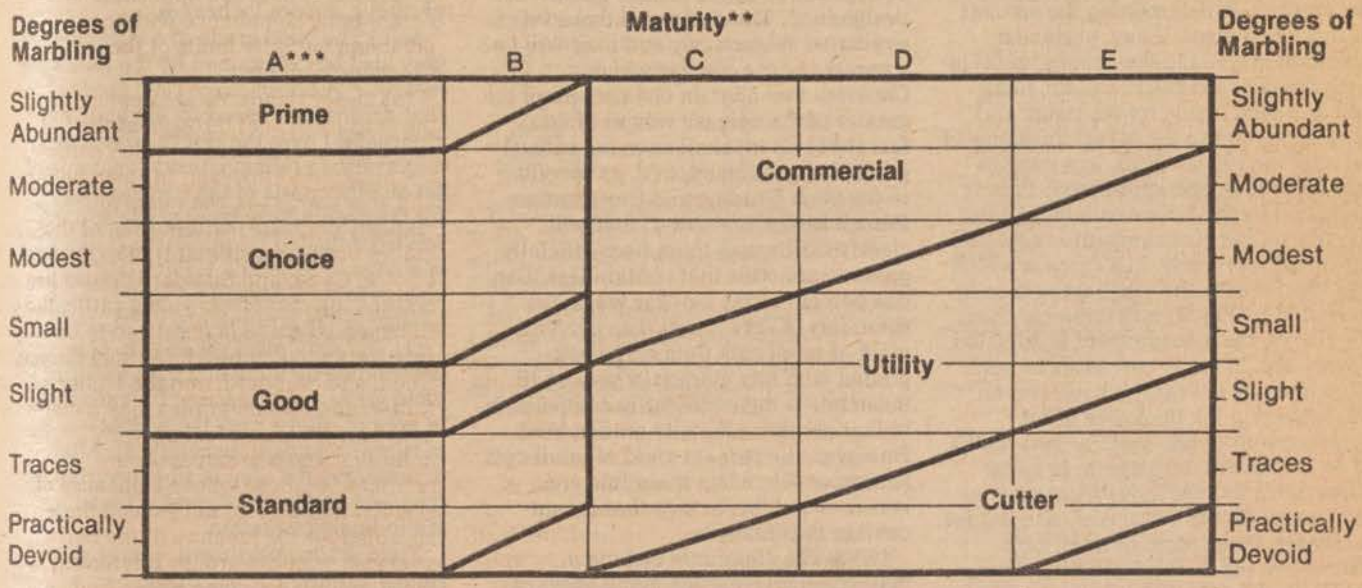
(o) These standards are applicable to the grading of beef throughout the full range of maturity within which cattle are marketed. However, in steer, heifer, and cow carcasses, the range of maturity permitted within each of the grades varies considerably. The Prime, Choice, Good, and Standard grades are restricted to beef from young cattle; the Commercial grade is restricted to beef from cattle too mature for Prime, Choice, Good, and Standard; and the Utility, Cutter, and Canner grades may include beef from animals of all ages. By definition, bullock carcasses are restricted to those whose evidences of skeletal maturity do not exceed those specified for the juncture of the two youngest maturity groups referenced in the standards for steer, heifer, and cow carcasses. Except for the youngest maturity group, within any specified grade, the requirements for marbling increase progressively with evidences of advancing maturity. In the youngest maturity group, the marbling requirements do not increase progressively with evidences of advancing maturity. For each grade, the firmness requirements are different for each maturity group, but, within each maturity group, the firmness requirements do not increase progressively with evidences of advancing maturity. Also, regardless of the extent to which marbling may exceed the minimum of a grade, a carcass must meet the minimum firmness requirements for its maturity to qualify for that grade. To facilitate the application of these principles, the standards recognize five different maturity groups and seven different

degrees of marbling. The five maturity groups are identified in Figure 1 as A, B, C, D, and E, in order of increasing maturity. The limits of these five maturity groups are specified in the grade descriptions for steer, heifer, and cow carcasses. The A maturity portion of the figure is the only portion applicable to bullock carcasses. The degrees of marbling referenced in the specifications, in order of descending quantity are: slightly abundant, moderate, modest, small, slight, traces, and practically devoid. However, for carcass evaluation programs and other purposes, three higher degrees are recognized—moderately abundant, abundant, and very abundant.

►Information on how to obtain illustrations of various degrees of marbling is available from the Department of Agriculture.[1]◄

(p) The relationship between marbling, maturity, and quality grade is shown in Figure 1. This figure assumes that the firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter." From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a minimum small amount for carcasses throughout the youngest maturity group to a maximum small amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum shall amount in beef with the minimum maturity permitted to a maximum moderate amount if beef from very mature animals. The marbling and other lean flesh charcteristics specified for the various grades are based on their appearance in the ribeye muscle of properly chilled carcasses that are ribbed between the 12th and 13th ribs. For carcass evaluation programs and other purposes, in the Prime and Commercial grades, each additional degree of marbling (up to three) greater than specified as minimum for each of these grades is equal to one-third of a grade of higher quality.

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure 1

(q) References to color of lean in the standards for steer, heifer, and cow beef involve only colors associated with changes in maturity. They are not intended to apply to colors of lean associated with so-called "dark-cutting beef." Dark-cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as do the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark-cutting beef" is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark-cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Depending on the degree to which this characteristic is developed, the final grade of carcasses which

[1] Information concerning such devices may be obtained from the Agricultural Marketing Services, ►Livestock Division.◄

otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. In beef otherwise eligible for the Standard or Commercial grade, the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(r) ►The yield grade of a beef carcass is determined by considering three characteristics: (1) The amount of external fat, (2) the area of the ribeye muscle, and (3) the carcass weight.◄

(s) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the ribeye muscle, measured perpendicular to the outside surface at a point three-fourths of the length of the ribeye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank cod or udder, inside round, rump, and hips in relation to the actual thickness of fat over the ribeye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In come carcasses a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the ribeye changes the yield grade by 25 percent of a yield grade.

►(t)◄ The area of the ribeye is detemined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however it may be measured. Area of ribeye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the Agricultural Marketing Service of the U.S. Department of Agriculture.[1] An increase in the area of ribeye increases the percent of retail cuts—a change of 1 square inch in area of ribeye changes the yield grade by approximately ►20◄ percent of a yield grade.

►(u)◄ Hot carcass weight (or chilled carcass weight x 102 percent) is used in determining the yield grade. ►The hot carcass weight includes the amount of kidney, pelvic, and heart fat that is present.◄ As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately 20 percent of a yield grade.

►(v) The amount of kidney, pelvic, and heart (KPH) fat is not considered in determining the yield grade. However, the amount of these fats which includes the knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area will determine the manner of application of the official grade designation. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. Carasses that contain one percent or greater of the carcass weight in these fats (KPH fat in) shall have the official grade designation applied, as specified in the Meat Grading and Certification Branch Instruction 918–1, that will clearly distinguish them from officially graded carcasses that contain less than one percent of the carcass weight in these fats (KPH fat out). The percent yield of retail cuts from carcasses graded with one percent or greater of these fats is not necessarily comparable to that of other officially graded beef. However, the percent yield of retail cuts is comparable when these fats are removed and/or for cuts that do not contain these fats.◄

(w) ►The standards include a mathematical equation and a short-cut method adapted from the equation for determining yield grade.◄ This grade is expressed as a whole number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.9, the final grade is 3—it is not rounded to 4.

(x) The yield grade standards for each of the first four yield grades list various characteristics of carcasses together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specified requirements—they are included only as illustrations of carcasses which are near the borderlines between groups. For example, the characteristics listed for Yield Grade 1 represent carcasses which are near the borderline of Yield Grades 1 and 2. These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

§ 54.105 Specifications for Official United States Standards for Grades of Carcass Beef (Yield).

(a) The yield grade of a beef carcass is determined on the basis of the following equation: ►Yield grade = 3.0 + (2.50 × adjusted fat thickness, inches) + (0.00186 × hot carcass weight, pounds) − (0.202 × area of ribeye, square inches).◄

►(b) The yield grade of a beef carcass may also be determined by the following method.[2] A *preliminary* yield grade if first determined based on the amount of external fat over the ribeye, adjusted as necessary, to reflect unusual amounts of fat on other parts of the carcass. A guide for the *preliminary* yield grade and the related adjusted fat thickness evaluation is shown in Schedule 1. Each 0.04 inch change in thickness of fat equals a 0.1 change in the *preliminary* yield grade.

(1) The *final* yield grade (1 to 5) is determined by adjusting the preliminary yield grade, as necessary, for variations in area of ribeye from the weight—area of ribeye schedule (Schedule 2). After determining the area of ribeye variation, the yield grade adjustment is found by the following equation:

Yield grade adjustment = area of ribeye variation × 0.2. Such adjustments are made in tenths of a yield grade and rounding is done as follows:

(i) If the area of ribeye is more than indicated in the weight—area of ribeye schedule, subtract the yield grade adjustment from the preliminary yield grade. When the yield grade adjustment is to be subtracted, all hundreths are rounded to the next highest tenth; e.g., a 0.52 adjustment is rounded to a 0.6 adjustment.

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[2] Information concerning the short-cut method of determining yield grade may be obtained from the Agricultural Marketing Service, Livestock Division.

Schedule 1: Adjusted Thickness of Fat-Preliminary Yield Grade

Adjusted Thickness of Fat	Preliminary Yield Grade	Adjusted Thickness of Fat	Preliminary Yield Grade
.00 - .03	2.0	.80 - .83	4.0
.04 - .07	2.1	.84 - .87	4.1
.08 - .11	2.2	.88 - .91	4.2
.12 - .15	2.3	.92 - .95	4.3
.16 - .19	2.4	.96 - .99	4.4
.20 - .23	2.5	1.00 - 1.03	4.5
.24 - .27	2.6	1.04 - 1.07	4.6
.28 - .31	2.7	1.08 - 1.11	4.7
.32 - .35	2.8	1.12 - 1.15	4.8
.36 - .39	2.9	1.16 - 1.19	4.9
.40 - .43	3.0	1.20 - 1.23	5.0
.44 - .47	3.1	1.24 - 1.27	5.1
.48 - .51	3.2	1.28 - 1.31	5.2
.52 - .55	3.3	1.32 - 1.35	5.3
.56 - .59	3.4	1.36 - 1.39	5.4
.60 - .63	3.5	1.40 - 1.43	5.5
.64 - .67	3.6	1.44 - 1.47	5.6
.68 - .71	3.7	1.48 - 1.51	5.7
.72 - .75	3.8	1.52 - 1.55	5.8
.76 - .79	3.9	1.56 - 1.59	5.9
		1.60 - 1.63	6.0

(ii) If the area of ribeye is less than indicated in the weight—area of ribeye schedule, add the yield grade adjustment to the preliminary yield grade. When the yield grade adjustment is to be added, all hundredths are dropped; e.g. a 0.58 adjustment becomes a 0.5 adjustment.

(2) After the yield grade adjustment is made, the final grade is expressed as a whole number as provided in § 54.104(w).

(c) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades subjectively.

Schedule 2: Carcass Weight-Area of Ribeye

Hot Carcass Weight (lbs.)	Area of Ribeye (sq. in.)	Hot Carcass Weight (lbs.)	Area of Ribeye (sq. in.)	Hot Carcass Weight (lbs.)	Area of Ribeye (sq. in.)
300	7.8	600	10.5	900	13.2
311	7.9	611	10.6	911	13.3
322	8.0	622	10.7	922	13.4
333	8.1	633	10.8	933	13.5
344	8.2	644	10.9	944	13.6
355	8.3	655	11.0	955	13.7
366	8.4	666	11.1	966	13.8
377	8.5	677	11.2	977	13.9
388	8.6	688	11.3	988	14.0
400	8.7	700	11.4	1000	14.1
411	8.8	711	11.5	1011	14.2
422	8.9	722	11.6	1022	14.3
433	9.0	733	11.7	1033	14.4
444	9.1	744	11.8	1044	14.5
455	9.2	755	11.9	1055	14.6
466	9.3	766	12.0	1066	14.7
477	9.4	777	12.1	1077	14.8
488	9.5	788	12.2	1188	14.9
500	9.6	800	12.3	1100	15.0
511	9.7	811	12.4	1111	15.1
522	9.8	822	12.5	1122	15.2
533	9.9	833	12.6	1133	15.3
544	10.0	844	12.7	1144	15.4
555	10.1	855	12.8	1155	15.5
566	10.2	866	12.9	1166	15.6
577	10.3	877	13.0	1177	15.7
588	10.4	888	13.1	1188	15.8

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1 which is near the borderline of Yield Grades 1 and 2 that has a usual fat deposition pattern has only a thin layer of external fat over the ribs, loins, rumps, and clod and slight deposits of fat in the flanks and clod or udder. There is a very thin layer of fat over the outside of the rounds and over the tops of the shoulders and necks. Muscles are visible through the fat in many areas of the carcass.

(ii) A 650-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have the following characteristics:

(A) 0.1 inch of fat over the ribeye and 12.3 square inches of ribeye,

(B) 0.2 inch of fat over the ribeye and 13.7 square inches of ribeye, or

(C) 0.3 inch of fat over the ribeye and 14.9 square inches of ribeye.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2 which is near the borderline of Yield Grades 2 and 3 that has a usual fat deposition pattern is nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the rounds, the tops of shoulders, and the necks. There is a slightly thin layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods is slightly thick. There are small deposits of fat in the flanks and clod or udder.

(ii) A 650-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have the following characteristics:

(A) 0.3 inch of fat over the ribeye and 10.0 square inches of ribeye,

(B) 0.4 inch of fat over the ribeye and 11.2 square inches of ribeye, or

(C) 0.6 inch of fat over the ribeye and 13.7 square inches of ribeye.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3 which is near the borderline of Yield Grades 3 and 4 that has a usual fat deposition pattern is completely covered with fat and the lean is visible through the fat only on the necks and the lower part of the outside of the rounds. There is a slightly thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods is moderately thick. There are slightly large deposits of fat in the flanks and clod or udder.

(ii) A 650-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have the following characteristics:

(A) 0.6 inch of fat over the ribeye and 8.7 square inches of ribeye,

(B) 0.8 inch of fat over the ribeye and 11.2 square inches of ribeye, or

(C) 1.0 inch of fat over the ribeye and 13.7 square inches of ribeye.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4 which is near the borderline of Yield Grades 4 and 5 that has a usual fat deposition pattern usually is completely covered with fat. The only muscles visible are those on the shanks and over the outside of the plates and flanks. There is a moderately think layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods is thick. There are large deposits of fat in the flanks and clod or udder.

(ii) A 650-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have the following characteristics:

(A) 1.0 inch of fat over the ribeye and 8.7 square inches of ribeye,

(B) 1.2 inches of fat over the ribeye and 11.2 square inches of ribeye, or

(C) 1.4 inches of fat over the ribeye and 13.7 square inches of ribeye.

(5) *Yield Grade 5.* (i) A carcass in Yield Grade 5 usually has more fat on all of the various parts and/or a smaller area of ribeye than a carcass in Yield Grade 4.◄

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

For the reasons set out in the preamble, it is proposed that the official U.S. standards for grades of slaughter cattle be revised as set forth below:

1. The authority citation for Part 53 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 53.203 and 7 CFR 53.206 are revised to read as follows.

Note.—In this document, new or revised tax is enclosed by arrows (►◄). This proposed revision of the subpart also corrects typographical errors.

Subpart B—Standards

Cattle

§ 53.203 Application of Standards for Grades of Slaughter Cattle.

(a) *General.* Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter cattle grade standards are based on factors which are related to the grades of beef carcasses. The quality and yield grade standards are contained in separate sections of the standards. The quality grade standards are further divided into two sections applicable to: (1) Steers, heifers, and cows, and (2) bullocks. Eight quality designations—Prime,

Choice, Good, Standard, Commercial, Utility, Cutter, and Canner– are applicable to steers and heifers. Except for Prime, the same designations apply to cows. The quality designations for bullocks are Prime, Choice, Good, Standard, and Utility. There are five yield grades, which are applicable to all classes of slaughter cattle and are designated by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability. The grades of slaughter cattle shall be a combination of both their quality and yield grades, except that slaughter bulls are yield graded only.

(b) *Quality Grades.* (1) Slaughter cattle quality grades are based on an evaluation of factors related to the palatability of the lean, herein referred to as "quality." Quality in slaughter cattle is evaluated primarily by the amount and distribution of finish, the firmness of muscling, and the physical characteristics of the animal associated with maturity. Progressive changes in maturity past approximately 30 months of age and in the amount and distribution of finish and firmness of muscling have opposite effects on quality. Therefore, for cattle over approximately 30 months of age in each grade, the standards require a progressively greater development of the other quality-indicating factors. In cattle under approximately 30 months of age, a progressively greater development of the other quality-indicating characteristics is not required.

(2) Since carcass indices of quality are not directly evident in slaughter cattle, some other factors in which differences can be noted must be used to evaluate their quality. Therefore, the amount of external finish is included as a major grade factor herein, even though cattle with a specific degree of fatness may have widely varying degrees of quality. Identification of differences in quality among cattle with the same degree of fatness is based on distribution of finish and firmness of muscling. Descriptions of these factors are included in the specifications. For example, cattle which have more fullness of the brisket, flank, twist, and cod or udder and which have firmer muscling than that indicated by any particular degree of fatness are considered to have higher quality than indicated by the degree of fatness.

(3) The approximate maximum age limitation for the Prime, Choice, Good, and Standard grades of steers, heifers, and cows is 42 months. The Commercial grade for steers, heifers, and cows includes only cattle over approximately 42 months. There are no age limitations for the Utility, Cutter, and Canner grades of steers, heifers, and cows. The maximum age limitation for all grades of bullocks is approximately 24 months.[1]

(c) *Yield Grades.* The yield grades for slaughter cattle are based on the same factors as used in the official yield grade standards for beef carcasses (7 CFR Part 54.105). Those factors and the change in each which is required to make a full yield grade change are as follows:

Factor	Effect of increase on yield grade[1]	Approximate change in each factor required to make a full yield grade change[2]
Thickness of fat over ribeye	Decreases	0.4 in.
Carcass weight	Decreases	540 lbs.
Area of ribeye	Increases	5 sq. in.

[1]The yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest cutability or yield of closely trimmed retail cuts. Thus, an "increase" in yield grade (cutability) means a smaller yield grade number while a "decrease" in yield grade (cutability) means a larger yield grade number.

[2]This assumes no change in the other factors.

(2) When evaluating slaughter cattle for yield grade, each of these factors can be estimated and the yield grade determined by using the equation contained in the official yield grade standards for grades of carcass beef. However, a more practical method of appraising slaughter cattle for yield grade is to use only two factors normally considered in evaluating live cattle—muscling and fatness.

(3) In the latter approach to determining yield grade, evaluation of the thickness and fullness of muscling in relation to skeletal size largely accounts for the effects of two of the factors—area of ribeye and carcass weight. ►By the same token, an appraisal of the degree of external fatness accounts for the effects of thickness of fat over the ribeye.◄

(4) These fatness and muscling evaluations can best be made simultaneously. This is accomplished by considering the development of the various parts based on an understanding of how each part is affected by variations in muscling and fatness. While muscling of most cattle develops uniformly, fat is normally desposited at a considerably faster rate on some parts than on others. Therefore, muscling can be appraised best by giving primary consideration to the parts least affected by fatness, such as the round and the forearm. Differences in thickness and fullness of these parts—with appropriate adjustments for the effects of variations in fatness—are the best indicators of the overall degree of muscling in live cattle.

(5) On the other hand, the overall fatness of an animal can be determined best by observing those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, cod or udder, twist, and brisket. As cattle increase in fatness, these parts appear progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the round. In thinly muscled cattle with a low degree of finish, the width of the back usually will be greater than the width through the center of the round. The back on either side of the backbone also will be flat or slighly sunken. Conversely, in thickly muscled cattle with a similar degree of finish, the thickness through the rounds will be

[1] Maximum maturity limits for bullock carcasses are the same as those described in the beef carcass grade standards for steers, heifers, and cows at about 30 months of age. However, bullocks develop carcass indicators of maturity at younger chronological ages than steers. Therefore, the approximate age at which bullocks develop carcass indicators of maximum maturity is shown herein as 24 months rather than 30 months.

greater than through the back and the back will appear full and rounded. At an intermediate degree of fatness, cattle which are thickly muscled will be about the same width through the round and back and the back will appear only slighly rounded. Thinly muscled cattle with an intermediate degree of finish will be considerably wider through the back than through the round and will be flat across the back. Very fat cattle will be wider through the back than through the round, but this difference will be greater in thinly muscled cattle than in those that are thickly muscled. Such cattle with thin muscling also will have a distinct break from the back into the sides, while those with thick muscling will be nearly flat on top but will have a less distinct break into the sides. As cattle increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and brisket and along the underline. Fullness of the twist and cod or udder and the bulge of the flanks, best observed when an animal walks, are other indications of fatness.

(6) In determining yield grade, variations in fatness are much more important than variations in muscling.

(d) *Other considerations.* (1) Other factors such as heredity and management also may affect the development of the grade-determining characteristics in slaughter cattle. Although these factors do not lend themselves to description in the standards, the use of factual information of this nature is justifiable in determining the grade of slaughter cattle.

(2) Slaughter cattle qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more nearly typical of cattle of another grade. Because it is impractical to describe the nearly infinite number of recognizable combinations of characteristics, the quality and yield grade standards describe only cattle which have a relatively similar development of the various quality and yield grade determining factors and which are near the lower limits of these grades. The requirements are given for two maturity groups in the quality grade standards for steers, heifers, and cows—but for only one maturity group for bullocks. In the yield grade standards, cattle with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 53.206 Specifications for Official United States Standards for Grades of Slaughter Cattle (Yield).

(a) ► *Yield Grade 1.* (1) Yield Grade 1 slaughter cattle produce carcasses with very high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 1 (near the borderline between Yield Grade 1 and Yield Grade 2) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are moderately wide and the width through the shoulders and rounds is greater than through the back. The top is well-rounded with no evidence of flatness, and the back and loin are thick and full. The rounds are thick and full and the width through the middle part of the rounds is greater than through back. The shoulders are prominent and the forearms are thick and full. These cattle have only a thin covering of fat over the back and rump. The flanks are shallow and the brisket and cod or udder have little evidence of fullness. A slaughter steer of this description producing a 700-pound carcass would have about 0.15 of an inch of fat over the ribeye and 13.5 square inches of ribeye area.

(b) *Yield Grade 2.* (1) Yield Grade 2 slaughter cattle produce carcasses with high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 2 (near the borderline between Yield Grade 2 and Yield Grade 3) will differ considerably in appearance because of differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are wide through the back and loin and have slightly greater width through the shoulders and rounds than through the back. The top is well-rounded with little evidence of flatness and the back and loin are thick and full. The rounds are thick and full and the thickness through the middle part of the rounds is greater than that over the top. The shoulders are prominent and the forearms are thick and full. There is a slightly thick covering of fat over the back and rump and the flanks are slightly deep. The brisket and cod or udder are slightly full. A slaughter steer of this description producing a 700-pound carcass would have about 0.5 of an inch of fat over the ribeye and 13.0 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be flat and slightly narrow over the back and have slightly long, flat rounds. They are slightly wider through the rounds than over the back. The shoulders are slightly prominent and the forearms are only slightly thick. These cattle have a slightly thin covering of fat over the back and rump. The flanks are slightly shallow and thin and the brisket and cod or udder have little evidence of fullness. A slaughter steer of this description producing a 700-pound carcass would have about 0.3 of an inch of fat over the ribeye and 10.5 square inches of ribeye area.

(c) *Yield Grade 3.* (1) Yield Grade 3 slaughter cattle produce carcasses with intermediate yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 3 (near the borderline between Yield Grades 3 and 4) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are very wide through the back and loin and are uniform in width from front to rear. The back or top is nearly flat with only a slight tendency toward roundness and there is a slight break into the sides. The back and loin are very full and thick. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. There is a very thick covering of fat over the back and rump. The flanks are deep and full and the brisket and cod or udder are full. A slaughter steer of this description producing a 700-pound carcass would have about .85 of an inch of fat over the ribeye and 12.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They are flat and slightly wide over the back and loin and are wider over the back than through the rounds. The shoulders are slightly smooth and the forearms are only slightly thick. These cattle tend to have a thick covering of fat over the back and rump. The flanks are slightly deep and full and the brisket and cod or udder are slightly full. A slaughter steer of this description producing a 700-pound carcass would have about .65 of an inch of fat over the ribeye and 9.5 square inches of ribeye area.

(d) *Yield Grade 4.* (1) Yield Grade 4 slaughter cattle produce carcasses with

moderately low yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 4 (near the borderline between Yield Grades 4 and 5) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They appear wider over the top than through the shoulders or rounds. The back and loin are very thick and full, nearly flat, and break sharply into the sides. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. These cattle have an extremely thick covering of fat over the back and rump. The flanks are very deep and full and the brisket and cod or udder are very full. A slaughter steer of this description producing a 700-pound carcass would have about 1.2 inches of fat over the ribeye and 12.0 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low ratio of lean to bone. They are flat over the back and loin and much wider through the back than through the shoulders or rounds. The rounds tend to be long and flat. The shoulders are smooth and the forearms are slightly thick. These cattle have a very thick covering of fat over the back and rump and the back breaks sharply into the sides. The flanks are deep and full and the brisket and cod or udder are full. A slaughter steer of this description producing a 700-pound carcass would have about .95 of an inch of fat over the ribeye and 8.5 square inches of ribeye area.

(e) *Yield Grade 5.* (1) Yield Grade 5 slaughter cattle produce carcasses with low yields of boneless retail cuts. Cattle of this grade consist of those not meeting the minimum requirements for Yield Grade 4 because of either more fat or less or a combination of these characteristics.◄

Done at Washington, D.C., on November 5, 1984.

William T. Manley,

Acting Administrator.

[FR Doc. 84-29384 Filed 11-7-84; 8:45 am]

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Federal Register

Thursday
November 8, 1984

Part V

Environmental Protection Agency

40 CFR Part 86

Control of Pollution From New Motor Vehicles and New Motor Vehicle Engines; Smoke Emissions From 1984 and Later Model Year Diesel Heavy-Duty Engines; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL 2677-8, Docket No. A-83-36]

Control of Pollution From New Motor Vehicles and New Motor Vehicle Engines; Smoke Emissions From 1984 and Later Model Year Diesel Heavy-Duty Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the interim final rule published on January 24, 1984 (49 FR 2889). This action allows manufacturers of diesel heavy-duty engines to determine exhaust opacity by a measuring device other than the one described in Subpart I of Part 86 as long as the results are correlatable to the results expected from the measurement device described in Subpart I.

EFFECTIVE DATE: These regulations are effective as of November 8, 1984.

ADDRESS: Material relevant to this final rule is contained in Public Docket No. A-83-36. The docket is located at the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying. Please submit written comments to: U.S. Environmental Protection Agency, Central Docket Section (A-130), Attn: Docket No. A-83-36, Waterside Mall, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Clifford D. Tyree, Certification Policy and Support Branch, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668-4310.

SUPPLEMENTARY INFORMATION:

I. Applicability

The provisions of these regulations apply to 1985 and later model year diesel heavy-duty engines.

II. Background

As a result of numerous requests, supported by data, EPA published as an interim final rule regulatory language which would provide manufacturers of diesel heavy-duty engines the option of measuring smoke opacity with the end-of-line smokemeter, described in Subpart I, or with other measurement devices. However, when a manufacturer chooses to use measurement equipment other than the end-of-line smokemeter, the manufacturer is required to determine the correlation between the two measurement devices. The manufacturer must then adjust the data that is to be compared with the standards appropriately.

Whether or not a manufacturer chooses to use a measurement device different than that described in 40 CFR Part 86, Subpart I, all official tests being conducted via EPA's authority to confirmatory test will be conducted using the equipment and procedures described in Subpart I.

III. Discussion

The Agency determined that there was good cause for omitting a notice of proposed rulemaking for this action when the interim rule was published on January 24, 1984. However, a comment period was provided. During this comment period one manufacturer, Cummins Engine Co., did provide comments (contained in the docket) on the interim rulemaking action. Cummins Engine Co. was pleased that EPA recognized the value of allowing the use of alternative smoke measurement equipment. In addition, Cummins asked for clarification on two points: the appropriate level of correlation between measurements of end-of-line versus alternative smokemeter equipment and the effect these regulations would have on Selective Enforcement Audit procedures.

EPA responded directly to Cummins in a letter dated March 15, 1984 (contained in the docket). Because EPA's position on these two points could be of general interest to the manufacturers, the response is repeated below.

Correlation Coefficient

Cummins expressed a concern that the EPA referenced (49 FR 2890) correlation coefficient of 0.997 would be used to differentiate between acceptable and unacceptable correlation. This is not the case. The value of 0.997 was used as an example of the level of correlation that has already been achieved, and this level of correlation would be acceptable in all cases.

EPA did not establish a fixed correlation value that would be used to judge correlation coefficients acceptable because of the variety of measurement devices available. Further, a predetermined correlation coefficient may have to be very high to handle all possible situations. However, such a high correlation may be unnecessary. For example, in some cases, smoke levels are very low compared to the standard and, therefore, the risk of noncompliance is also very low. EPA chose, rather, to leave the methodology and level of correlation up to the individual manufacturer thereby providing the greatest degree of flexibility to the industry.

Effect on Selective Enforcement Audit Procedures

Cummins noted that neither the preamble to the interim final rule nor the regulations addressed the effect this rule would have on the Selective Enforcement Audit procedures. The rules being affected by this action only address the Certification Program (Subpart I). Cummins requested that the flexibility being allowed the manufacturer for certification testing be extended to testing in the SEA program. At this time, it does not seem appropriate to extend the manufacturer's flexibility allowed in this action to official EPA confirmatory testing as is conducted under the SEA program. The official compliance testing procedures are detailed in the regulations and, in particular, require end-of-line smokemeters.

Accordingly, the regulations published as interim final rules on January 24, 1984, at 49 FR 2889, are finalized as written and published on that date. In addition, EPA finds good cause to make this final rule effective immediately because the interim rule is currently in effect and is not changed by this final rule.

IV. Regulatory Analysis and Flexibility

In the January 24, 1984 notice of the interim final rule, findings were made under Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act. Since the rule is being adopted unchanged, these findings are also unchanged.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Legal Authority

Statutory authority for this action is provided by Sections 202, 206, 208, and 301(a) of the Clean Air Act (42 U.S.C. 7521, 7525, 7542, and 7601(a)).

Dated: November 1, 1984.

Alvin L. Alm,

Acting Administrator.

[FR Doc. 84-29396 Filed 11-7-84; 8:45 am]

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