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Pages 47521-47702

Federal Register

Tuesday
November 19, 1985

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

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Chemicals
Environmental Protection Agency

Color Additives
Food and Drug Administration

Communications Equipment
Federal Communications Commission

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

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Hazardous Waste
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Internal Revenue Service

Labeling
Food and Drug Administration

Marketing Agreements
Agricultural Marketing Service

Organization and Functions (Government Agencies)
Commodity Futures Trading Commission

Postal Service
Postal Service

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Selected Subjects

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

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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

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

Quarantine
Animal and Plant Health Inspection Service

Travel and Transportation Expenses
Animal and Plant Health Inspection Service

Wages
Wage and Hour Division

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

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

WHO: The Office of the Federal Register.

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

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

PHILADELPHIA, PA

WHEN: Dec. 17; at 1 pm.
Dec. 18; at 9 am. (identical session)

WHERE: Room 3306/10,
William J. Green, Jr., Federal Building,
600 Arch Street, Philadelphia, PA.

RESERVATIONS: Laura Lewis,
Philadelphia Federal Information Center.
215-597-1709

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

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Presidential Documents

Title 3—

The President

Proclamation 5410 of November 15, 1985

Eugene Ormandy Appreciation Day, 1985

By the President of the United States of America

A Proclamation

Eugene Ormandy was a consummate musician and a masterly conductor, as well as a father figure and an inspiration to generations of gifted American musicians.

As music director of the Philadelphia Orchestra for 44 years, he brought that ensemble to a point of such polish and perfection that many esteemed it the very greatest in the world. No one could mistake the "Philadelphia Sound," a perfectly pitched and artfully blended miracle of sonorities that was at once lush and supple. Virgil Thomson, the noted critic, has described Ormandy's goal as "beauty of sound and virtuosity of execution . . . at the service of the music in complete humility."

Maestro Ormandy achieved that goal by dint of patience, persuasion, and example. He persuaded his musicians to do it his way without taunts or tantrums. They knew how much he loved the music, how much he loved the audiences, and how much he loved them. They could not fail him—they did not. And he never stinted in giving his musicians the credit. "They play," he said once "as one great Stradivarius, not as individual musicians."

It was an accurate description and a supreme tribute from a child prodigy whose musicial genius first found expression on the violin—at the age of three! Born in Budapest on November 18, 1899, Eugene Ormandy came to the United States in 1921. His first job was as a violinist with the orchestra of the Capitol motion picture theater in New York City. Soon he became its conductor. Then, after a brief stint with the Minneapolis Symphony, Ormandy succeeded the legendary Leopold Stokowski as director of the Philadelphia Orchestra. It would be his true home for the rest of his life. Under the magic of his baton, conductor and orchestra entered the musical pantheon of the United States and of the world.

Eugene Ormandy brought widespread acclaim to his adopted nation, which he loved with the passion of a patriot. He served as an ambassador of goodwill through the Philadelphia Orchestra's tours of China, the Soviet Union, South America, Europe, and Japan.

To commemorate these magnificent and enduring contributions of Eugene Ormandy to the rich cultural traditions of the United States, the Congress, by Senate Joint Resolution 174, has authorized and requested the President to declare the anniversary of the birth of Eugene Ormandy as "Eugene Ormandy Appreciation Day" and called upon the American people to observe the day with appropriate ceremonies.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby declare November 18, 1985, Eugene Ormandy Appreciation Day.

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

Ronald Reagan

[FR Doc. 85-27732
Filed 11-18-85; 10:40 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5411 of November 15, 1985

National Adoption Week, 1985

By the President of the United States of America

A Proclamation

The basic unit of our society is the family. Families transmit the values and traditions of the past. They are the primary civilizing agent, preparing the young for good citizenship. It is, therefore, fitting that we give special recognition to those generous families that encourage and take part in adoption.

Children who live in a permanent home with caring adoptive parents are far less likely to develop emotional and psychological problems. We must encourage the effort to promote the adoption of all children without families—with particular emphasis on those who are older, handicapped, or members of minority groups. Whenever possible, the adoption process should work to keep siblings together as they are placed in new families.

Through promotional efforts in the workplace and through inclusion of adoption benefits in employee benefit plans, the American corporate sector has been supporting the adoption of children with special needs. Furthermore, through the Adoption Assistance and Child Welfare Act, many children with special needs have been adopted who otherwise might not have been.

National Adoption Week should remind us that no woman need fear that the child she carries is unwanted. It is a sad paradox that while thousands of American couples desperately desire to adopt a baby, many women who undergo abortions every year in the United States are unaware of all the couples eager to share their home with a newborn and to give that child all the love and care they would give if they had been its natural parents. Adoption is an alternative that provides family life for children who cannot live with their biological parents, and it is especially fitting that at Thanksgiving time we emphasize the importance of family life through the observance of National Adoption Week.

This week provides an opportunity to reaffirm our commitment to give every child waiting to be adopted the chance to become part of a family. During this holiday season, let us work to encourage community acceptance and support for adoption, and take time to recognize the efforts of adoptive parent groups, companies, organizations, and agencies that assure adoptive placements for waiting children. We also pay tribute to those magnanimous people who have opened their homes and hearts to children, forming the bonds of love that we call the family.

The Congress, by Senate Joint Resolution 51, has designated the week of November 24 through November 30, 1985, as "National Adoption Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 24 through November 30, 1985, as National Adoption Week, and I call on all Americans and governmental and private agencies to observe the week with appropriate activities.

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

Ronald Reagan

[FR Doc. 85-27733
Filed 11-18-85; 10:41 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5412 of November 15, 1985

Thanksgiving Day, 1985

By the President of the United States of America

A Proclamation

Although the time and date of the first American thanksgiving observance may be uncertain, there is no question but that this treasured custom derives from our Judeo-Christian heritage. "Unto Thee, O God, do we give thanks," the Psalmist sang, praising God not only for the "wondrous works" of His creation, but for loving guidance and deliverance from dangers.

A band of settlers arriving in Maine in 1607 held a service of thanks for their safe journey, and twelve years later settlers in Virginia set aside a day of thanksgiving for their survival. In 1621 Governor William Bradford created the most famous of all such observances at Plymouth Colony when a bounteous harvest prompted him to proclaim a special day "to render thanksgiving to the Almighty God for all His blessings." The Spaniards in California and the Dutch in New Amsterdam also held services to give public thanks to God.

In 1777, during our War of Independence, the Continential Congress set aside a day for thanksgiving and praise for our victory at the battle of Saratoga. It was the first time all the colonies took part in such an event on the same day. The following year, upon news that France was coming to our aid, George Washington at Valley Forge prescribed a special day of thanskgiving. Later, as our first President, he responded to a Congressional petition by declaring Thursday, November 26, 1789, the first Thanksgiving Day of the United States of America.

Although there were many state and national thanksgiving days proclaimed in the ensuing years, it was the tireless crusade of one woman, Sarah Josepha Hale, that finally led to the establishment of this beautiful feast as an annual nationwide observance. Her editorials so touched the heart of Abraham Lincoln that in 1863—even in the midst of the Civil War—he enjoined his countrymen to be mindful of their many blessings, cautioning them not to forget "the source from which they come," that they are "the gracious gifts of the Most High God. . ." Who ought to be thanked "with one heart and one voice by the whole American People."

It is in that spirit that I now invite all Americans to take part again in this beautiful tradition with its roots deep in our history and deeper still in our hearts. We manifest our gratitude to God for the many blessings he has showered upon our land and upon its people.

In this season of Thanksgiving we are grateful for our abundant harvests and the productivity of our industries; for the discoveries of our laboratories; for the researches of our scientists and scholars; for the achievements of our artists, musicians, writers, clergy, teachers, physicians, businessmen, engineers, public servants, farmers, mechanics, artisans, and workers of every sort whose honest toil of mind and body in a free land rewards them and their families and enriches our entire Nation.

Let us thank God for our families, friends, and neighbors, and for the joy of this very festival we celebrate in His name. Let every house of worship in the land and every home and every heart be filled with the spirit of gratitude and praise and love on this Thanksgiving Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in the spirit and tradition of the Pilgrims, the Continental Congress, and past Presidents, do hereby proclaim Thursday, November 28, 1985, as a day of national Thanksgiving. I call upon every citizen of this great Nation to gather together in homes and places of worship and offer prayers of praise and gratitude for the many blessings Almighty God has bestowed upon our beloved country.

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

Ronald Reagan

[FR Doc. 85-27734
Filed 11-18-85; 10:42am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12538 of November 15, 1985

Imports of Refined Petroleum Products From Libya

By the authority vested in me as President by the Constitution and laws of the United States, including Section 504 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83), and considering that the Libyan government actively pursues terrorism as an instrument of state policy and that Libya has developed significant capability to export petroleum products and thereby circumvent the prohibition imposed by Proclamation No. 4907 of March 10, 1982 and retained in Proclamation No. 5141 of December 22, 1983 on the importation of Libyan crude oil, it is ordered as follows:

Section 1. (a) No petroleum product refined in Libya (except petroleum product loaded aboard maritime vessels at any time prior to two days after the effective date of this Executive Order) may be imported into the United States, its territories or possessions.

(b) For the purposes of this Executive Order, the prohibition on importation of petroleum products refined in Libya shall apply to petroleum products which are currently classifiable under Item Numbers: 475.05; 475.10; 475.15; 475.25; 475.30; 475.35; 475.45; 475.65; 475.70 of the Tariff Schedules of the United States (19 U.S.C. 1202).

Sec. 2. The Secretary of the Treasury may issue such rulings and instructions, or, following consultation with the Secretaries of State and Energy, such regulations as he deems necessary to implement this Order.

Sec. 3. This Order shall be effective immediately.

Ronald Reagan

THE WHITE HOUSE,
November 15, 1985.

[FR Doc. 85–27735
Filed 11–18–85; 10:43 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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Tuesday, November 19, 1985

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 97

[Docket No. 85-104]

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Part 97 which prescribe commuted traveltime allowances. The regulations are amended by adding commuted traveltime periods for traveling from certain duty stations in Illinois to other specified locations within Illinois where services are to be performed.

EFFECTIVE DATE: November 19, 1985.

FOR FURTHER INFORMATION CONTACT: Louise Rakestraw Lothery, Assistant Executive Officer, VS, APHIS, USDA, Room 857, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8511.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 97, entitled "Overtime Services Relating to Imports and Exports," (referred to below as the regulations), set forth provisions for obtaining, on a reimbursable basis, inspection, laboratory testing, certification, or quarantine services pertaining to the importation and exportation of animals, animal byproducts, or other commodities, during Sundays, holidays, or at other times outside the regular tour of duty of Veterinary Services (VS) employees who perform such services. These services are provided upon request to any person, firm, or corporation having ownership, custody, or control of the animals or commodities requiring such services.

The regulations provide that under certain circumstances the charges for reimbursable services of a VS employee shall include charges for a commuted traveltime period. Section 97.2 of the regulations contains administrative instructions prescribing commuted traveltime periods. Traveltime periods reflect, as nearly as is practicable, the time required for a VS employee to travel from the employee's duty station to the locality where the service is provided and to return to the employee's duty station.

This document amends § 97.2 of the regulations by adding commuted traveltime periods for traveling from certain duty stations in Illinois to other locations within Illinois where services are to be performed (the amendments are set forth in the rule portion of this document). This action is necessary to inform the public that VS employees are available to travel from such duty stations to perform services at the specified locations and to inform the public of the commuted traveltime periods for such travel.

Executive Order 12291 and Regulatory Flexibility Act

The rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The number of animals, animal byproducts, or other commodities requiring inspection and other services of a VS employee on a Sunday, holiday, or overtime basis at the affected locations represent an insignificant portion of the total number of animals, animal byproducts, and other commodities that require such services at locations in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service had determined that this action will not have a significant economic impact on a substantial number of small entities.

Effective Date

The commuted traveltime periods appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this rule are impracticable and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication of this document in the **Federal Register.**

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Under the circumstances described above, 9 CFR Part 97 is amended as follows:

1. The authority citation for Part 97 is revised to read as set forth below and the authority citations following all the sections in Part 97 are removed:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 97.2 is amended by adding in alphabetical order the information shown below:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area within outside
Illinois:		
Bloomington	Springfield	3
Camp Grove	do	5
Peoria	do	3

Done at Washington, D.C., this 14th day of November 1985.

B.G. Johnson,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-27494 Filed 11-18-85; 8:45 am]

BILLING CODE 3410-34-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR PART 140

Delegation of Authority To Issue Special Calls

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending § 140.74 of its rules by adding a provision delegating authority to the Director of the Division of Economic Analysis, or the Director's designee, to issue special calls under Commission Rule 18.04 requiring the filing of a Form 40. This delegation clarifies Commission Rule 18.04, 17 CFR 18.04 (1985), which provides that the Commission's designee may issue such special calls. The Commission's action relates solely to agency organization, procedure and practice.

EFFECTIVE DATE: November 19, 1985.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, Telephone (202) 254-6990.

SUPPLEMENTARY INFORMATION: Commission Rule 18.04, 17 CFR 18.04, provides that every trader who holds or controls a reportable option position shall file a "Statement of Reporting Trader" (Form 40) within one business day after a special call by the Commission or its designee. In order to clarify and codify this designation, the Commission is amending Rule 140.74, 17 CFR 140.74, explicitly to delegate this authority to the Director of the Division of Economic Analysis or the Director's designee. The issuance of special calls for Form 40s is routine in nature and delegation of this authority will streamline Commission procedures.

The Commission has determined that this amendment to Part 140 relates solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, which generally require notice of proposed rule making and which provide other opportunities for public participation, are not applicable.[1]

The Commission further finds that, because the proposed rule has no adverse effect upon a member of the public, but rather codifies and clarifies its existing procedures, there is good cause to make this amendment effective immediately upon publication in the **Federal Register.**

List of Subjects in 17 CFR Part 140

Authority delegations (Government agencies), Conflicts of interest, Functions (Government agencies), Special calls.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular, sections 2(a)(11), 4c, 4g, 4i, 4n, and 8a of the Commodity Exchange Act, 7 U.S.C. 4a(j), 6c, 6g, 6i, 6n and 12a, the Commission hereby amends Chapter I of title 17 of the Code of Federal Regulations as follows:

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

1. The authority citation for Part 140, § 140.74 is revised to read as follows:

Authority: 7 U.S.C. 4, 6c, 6g, 6i, 6n, and 12a.

2. Part 140 is amended by revising § 140.74 to read as follows:

§ 140.74 Delegation of Authority to Issue Special Calls for Series 03 Reports and Form 40.

(a) The Commodity Futures Trading Commission hereby delegates, until such

[1] Similarly, the provisions of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, do not apply. *See* 5 U.S.C. 601(2).

time as the Commission orders otherwise, to the Director of the Division of Economic Analysis, or the Director's designee, the authority to issue special calls under Commission Rule 18.00 for series 03 reports, and under Commission Rule 18.04 for a Form 40.

(b) The Director of the Division of Economic Analysis may submit any matter which has been delegated to the Director under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section may prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Economic Analysis under paragraph (a) of this section.

Issued in Washington, DC on November 12, 1985, by the Commission.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 85-27315 Filed 11-18-85; 8:45 am]

BILLING CODE 6351-01-M

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17 CFR Part 140

Delegation of Authority To Determine To Publish an Application for Contract Market Designation

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Part 140 of its rules by adding a provision delegating to the Director of the Division of Economic Analysis, with the concurrence of the General Counsel, authority to publish in the **Federal Register** notice of the availability for comment of the proposed terms and conditions of applications for contract market designation. This delegation is intended further to streamline the contract review process while saving Commission resources. The Commission is also delegating its authority to publish for public comment proposed exchange rule amendments of major economic significance. This is intended to expedite rule review procedures and save Commission resources. The Commission's action relates solely to agency organization, procedure and practice.

EFFECTIVE DATE: November 19, 1985.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street N.W. Washington, D.C. 20581, Telephone (202) 254-6990.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2294, amended Sections 6 and 5a(12) of the Commodity Exchange Act to provide that the Commission must consider applications for contract market designation within one year of the submission of the application and must review proposed exchange rule amendments within six months of their submission. 7 U.S.C. 8 and 7a(12). In light of these time constraints, and to further good agency administration, the Commission has studied its review procedures for contract market applications and proposed exchange rule amendments and has endeavored to streamline these procedures wherever possible.

It has been the long-standing practice of the Commission to request comment from the public on the terms and conditions of proposed futures contracts. This comment process benefits the Commission through its receipt of informed public comment on various applications for designation. Accordingly, the Commission routinely has published in the **Federal Register** a notice of the availability of the proposed terms and conditions of each application for contract market designation and request for public comment. It has been the Commission's policy that such notice and request for comment be published as soon as practicable after submission of the application.

With respect to proposed exchange rule amendments, Section 5a(12) of the Commodity Exchange Act provides that:

> [a]t least thirty days before approving any rules of major economic significance, as determined by the Commission, the Commission shall publish a notice of such rules in the **Federal Register**.

The Commission has adopted a functional test to ascertain those rule amendments which may have economic significance. For the most part, the determination whether to solicit public comment on specific proposed exchange rule amendments is routine and straightforward.

To eliminate the necessity for the Commission itself routinely to consider whether to publish a notice of availability of each designation application and each proposed exchange rule amendment of major economic significance, the Commission is amending Part 140 of its rules by adding § 140.96 which delegates to the Director of the Division of Economic Analysis, or the Director's designee, with the concurrence of the General Counsel, the authority to publish such notices in the **Federal Register**. The Commission believes that this delegation will further its goal of streamlining designation and exchange rule amendment review procedures.

The Commission has determined that this amendment to Part 140 relates solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, which generally require notice of proposed rule making and which provide other opportunities for public participation, are not applicable.[1]

The Commission further finds that, because the proposed rule has no adverse effect upon a member of the public, but rather provides a benefit by increasing the speed with which public comment can be solicited on applications for contract market designation and in proposed rule amendments of major economic significance, there is good cause to make this amendment effective immediately upon publication in the **Federal Register**.

List of Subjects in 17 CFR Part 140

Authority delegations (Government agencies), conflicts of interests, Contract market designation, contract markets, application for contract market designation, delegation, exchange rule amendments, organization and functions (Government agencies).

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular, sections 2(a) (11), 5, 5a(12) and 6 of the Commodity Exchange Act, 7 U.S.C. 4 a(j), 7, 7a(12) and 8, the Commission hereby amends Chapter I of title 17 of the Code of Federal Regulation as follows:

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

1. The authority citation for Part 140, § 140.96 is added to read as follows:

Authority: 7 U.S.C. 4a(j), 7, 7a(12) and 8.

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[1] Similarly, the provisions of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, do not apply. *See* 5 USC 601 (2).

2. Part 140 is amended by adding § 140.96 to read as follows:

§ 140.96 Delegation of authority to publish in the Federal Register.

(a) The Commodity Futures Trading Commission hereby delegates, until such time as the Commission orders otherwise, to the Director of the Division of Economic Analysis or the Director's designee, with the concurrence of the General Counsel or the General Counsel's designee, the authority to publish in the **Federal Register** notice of the availability for comment of the proposed terms and conditions of applications for contract market designation, and to determine to publish, and to publish, requests for public comment on proposed exchange rule amendments of major economic significance.

(b) The Director of the Division of Economic Analysis may submit any matter which has been delegated to the Director under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section may prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Economic Analysis under paragraph (a) of this section.

Issued in Washington, D.C. on November 12, 1985, by the Commission.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 85-27316 Filed 11-18-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14-000]

Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA; Erratum

October 31, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Prescribing Incremental Pricing Thesholds; correction.

SUMMARY: On October 24, 1985, the Director, Office of Pipeline and Producer Regulation issued an Order Prescribing Incremental Pricing Thresholds (50 FR 45103, October 30, 1985). By this notice, the Order is hereby corrected. Under the category "Incremental Pricing Threshold" for the month of November, 1985, the price should read "$2.446" instead of "$2.454".

DATE: The erratum notice was issued on October 31, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth A Williams, Director, Office of Pipeline and Producer Regulation (202) 357-8500.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-26407 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 375

[Docket No. RM85-16-000]

Delegation to the Chief Administrative Law Judge; Correction

Issued November 8, 1985.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: This document corrects a delegation amended in the final rule issued in this docket on May 23, 1985.[1] The correction is necessary in order to correct the inadvertant removal of the delegation to the General Counsel of the authority to designate presiding officers for appeals from orders of the Director of the Office of Pipeline and Producer Regulation on requests for adjustment relief under section 502(c) of the Natural Gas Policy Act.[2]

EFFECTIVE DATE: May 23, 1985.

FOR FURTHER INFORMATION CONTACT: Richard Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, 202-357-8308.

SUPPLEMENTARY INFORMATION:

List of Subjects in 18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

PART 375—[AMENDED]

Accordingly, Chapter I, title 18, of the Code of Federal Regulations, is amended as set forth below:

1. The authority for Part 375 continues to read as follows:

Authority: Department of Energy Organization Act (42 U.S.C. 7101-7352), E.O. 12009, 3 CFR, 1977 Comp., p. 142; Administrative Procedure Act (5 U.S.C. 553); Federal Power Act (16 U.S.C. 791-828c), as amended; Natural Gas Act (15 U.S.C. 717-717w), as amended; Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.); Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) unless otherwise noted.

2. In § 375.309, paragraph (e) is redesignated as paragraph (f), and a new paragraph (e) is added to read as follows:

§ 375.309 Delegations to the General Counsel

* * * * *

(e) Designate presiding officers for proceedings under § 385.1110, who will have all the authorities and duties vested in presiding officers by that section and other applicable rules in conducting proceedings pursuant to section 502(c) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982).

* * * * *

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-27455 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 85C-0415]

Listing of Color Additives Exempt From Certification; Canthaxanthin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of canthaxanthin as a color additive in broiler chicken feed to enhance the yellow color of broiler chicken skin. This action responds to a petition filed by Hoffmann-LaRoche, Inc.

DATES: Effective December 20, 1985, except as to any provisions that may be stayed by the filing of proper objections; objections by December 19, 1985.

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

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

[1] Delegation to the Chief Administrative Law Judge, 50 FR 21426 (May 24, 1985) (Order No. 421).

[2] The Commission also made clear the intent that this authority remain with the General Counsel in a separate final rule issued the same day as the rule issued in this docket. Establishment of Final NGPA Adjustment Procedures, 50 FR 21589, 21594 (May 28, 1985) (Order No. 24-C).

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 4, 1972 (37 FR 28), FDA announced that a petition (CAP 1C0101) had been filed by Hoffmann-LaRoche, Inc., Nutley, NJ 07110, proposing that § 8.326 (subsequently recodified as § 73.75 (21 CFR 73.75)) be amended to provide for the safe use of canthaxanthin in chicken feed as an aid in the pigmentation of chicken skin. The petition was filed under section 706(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376(d)).

FDA received one comment on the petition, which included several assertions about the use of canthaxanthin in chicken feed.

1. The comment asserted that "a healthy chicken pigments naturally from the xanthophylls which are present in corn, corn gluten meal, alfalfa meal, and marigold products."

While the agency agrees with this statement, it does not understand its relevance to this proceeding. Canthaxanthin produces the same effect as the products mentioned in the comment. The main difference between the products cited by the comment and canthaxanthin is that the former are derived from natural sources, while canthaxanthin is prepared synthetically. The fact that canthaxanthin is synthetically produced does not provide a basis for denying the petition.

2. The comment said that it "questioned the safety * * * of artificially coloring poultry." No supporting information was included in the comment.

FDA finds that the petitioned use of canthaxanthin is safe. Canthaxanthin is currently regulated (21 CFR 73.75) for use in coloring foods generally. This regulation was based on safety data, including the results of a 2-year feeding study and a 6-month feeding study in rats and a 3-month feeding study in dogs, submitted in color additive petition 6C0047. FDA has established an acceptable daily intake for canthaxanthin of 150 milligrams per person per day from the no-effect level in rats in the 2-year feeding study.

The existing regulation for canthaxanthin restricts the amount of this color additive that may be added to food to not more than 30 milligrams per pound of solid or semisolid food or per pint of liquid food. If all food that a person ate contained canthaxanthin at this maximum permitted level, the estimated daily intake of this color additive would not exceed 100 milligrams per person per day.

FDA has determined, based on the highest canthaxanthin residues found in the tissues of chickens fed the color additive in testing done for CAP 1C0101 and on the other information in this petition, that the estimated daily intake of canthaxanthin from the petitioned use would not exceed 6 milligrams per person per day.

Therefore, even if the estimated daily intake from the petitioned use of canthaxanthin is added to the estimated daily intake from the listed use, a very conservative approach to calculating the potential exposure, the estimated daily intake (106 milligrams per person per day) of this color additive would still be well within the acceptable daily intake. On this basis, FDA concludes that there is a reasonable certainty of no harm from the petitioned use of canthaxanthin.

3. The comment also said that it "questioned * * * the ethics and deceptive practice of artificially coloring poultry." No supporting information was included in the comment.

It has been FDA's longstanding practice to permit the use of color additives to color chicken skin. Regulations listing color additives for this use (21 CFR 73.275, 73.295, and 73.315) have been in effect since 1966. During that time, the agency has received no indication that consumers are concerned about this practice, or that they regard it as unethical or deceptive. Therefore, FDA concludes that there is no basis to conclude that the petitioned use will promote deception of the consumer.

4. The comment stated that "many of our consumers are aware of the feed additive being fed to poultry." The comment said that it believes that "a synthetic color such as canthaxanthin will cause adverse reactions in the minds of the consumers and a subsequent reduction in consumption of poultry."

The issue represented by this comment is one of consumer preference. As such, it is not one that FDA can consider in regulating a color additive. Consumer preference is not a relevant factor in FDA's evaluation of whether a color additive is safe and suitable. Therefore, the agency concludes that this comment does not provide a basis for not approving this color additive use.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of canthaxanthin is safe and suitable, and that § 73.75 should be amended as set forth below. In addition, based upon the factors listed in § 71.20(b) (21 CFR 71.20(b)), the agency concludes that certification of canthaxanthin is not necessary for the protection of the public health. As requested in the petition, FDA has limited the amount of canthaxanthin that can be incorporated into the feed to 4.41 milligrams per kilogram (4 grams per ton).

In accordance with § 71.15(a) (21 CFR 71.15(a)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 71.15(b), 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. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before (December 19, 1985) file with the Dockets Management Branch (address above) written objections thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received may be seen in the Dockets

Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Notice of filing of objections or lack thereof will be announced by publication in the Federal Register.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 73 is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

1. The authority citation for 21 CFR Part 73 is revised to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended,) 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

2. In § 73.75 by revising paragraph (c) to read as follows:

§ 73.75 Canthaxanthin.

* * * * *

(c) *Use and restrictions.* (1) The color additive canthaxanthin may be safely used for coloring foods generally subject to the following restrictions:

(i) The quantity of canthaxanthin does not exceed 30 milligrams per pound of solid or semisolid food or per pint of liquid food.

(ii) It may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(2) Canthaxanthin may be safely used in broiler chicken feed to enhance the yellow color of broiler chicken skin in accordance with the following conditions: The quantity of canthaxanthin incorporated in the feed shall not exceed 4.41 milligrams per kilogam (4 grams per ton) of complete feed to supplement other known sources of xanthophyll and associated carotenoids to accomplish the intended effect.

* * * * *

Dated: November 12, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–27474 Filed 11–18–85; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 704 and 721

[OPTS–82016A; TSH FRL–2900–1]

Hexachloronorbornadiene; Submission of Notice of Manufacture, Import, or Processing and Determination of Significant New Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is requiring certain manufacturers, importers, and processors of hexachloronorbornadiene (HEX–BCH; CAS No. 3389–71–7) to submit to EPA a report, under section 8(a) of the Toxic Substances Control Act (TSCA), and other manufacturers, importers, and processors of HEX–BCH to submit a significant new use notice under section 5(a) of TSCA. The reports and notices will allow EPA to monitor: the volume of HEX–BCH manufactured, imported, and processed; the number of individuals exposed to HEX–BCH; the manner of its environmental release; and the method of its disposal. EPA will evaluate the reported information to determine if further regulatory action is needed.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern daylight time on December 3, 1985. This rule becomes effective on January 2, 1986.

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. Authority

The Agency is promulgating this rule under two sections of TSCA, sections 8(a) and 5(a)(2). Section 8(a) (15 U.S.C. 2607(a)) authorizes EPA to require persons (other than small manufacturers, importers, and processors) who manufacture, import, or process a chemical substance to submit such reports as the Administrator may reasonably require.

Section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a significant new use. EPA must make this determination by rule, after consideration of all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

Persons who intend to export a substance identified in a proposed or final significant new use rule (SNUR) are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who intend to import a substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of the import certification requirements appears at 40 CFR Part 707.

II. Applicability of General Provisions

In the Federal Register of September 5, 1984 (49 FR 35011), EPA promulgated general provisions applicable to SNURs (40 CFR Part 721, Subpart A). The general provisions are discussed there in detail, and interested persons should refer to that document for further information. These general provisions apply to the SNUR portion of this rule. General provisions applicable to the section 8(a) portion of this rule have also been promulgated and are codified at 40 CFR Part 704.

III. Summary of This Rule

The chemical substance identified in this rule is 1,2,3,4,7,7 hexachloronorbornadiene, Chemical Abstracts Service Registry Number 3389–71–7. EPA is requiring certain manufacturers, importers, and processors of HEX–BCH to submit to EPA a section 8(a) report, and other manufacturers, importers, and processors of HEX–BCH to submit a significant new use notice.

A. Section 8(a) Reporting

An initial section 8(a) report is required from those persons (other than small manufacturers, importers, and processors) who manufacture, import, or process, or propose to manufacture, import, or process, HEX–BCH for use as an intermediate in the production of isodrin or endrin. These persons are required to report on such things as the estimated quantities of HEX–BCH to be produced, imported, or processed; the number of employees exposed to HEX–BCH; and the quantity, content, method of disposal, and disposal site of any wastes generated during the

manufacture, import, or processing of HEX-BCH.

Subsequent reporting is triggered by certain events that are likely to significantly change human or environmental exposures to HEX-BCH. Examples of these triggers are: the actual amount of HEX-BCH manufactured, imported, or processed is greater than or equal to 200 percent of the previously reported estimated quantity for that year; an increase of 30 percent or more in the number of employees exposed to HEX-BCH; and a change in the disposal site or method of disposal of the wastes generated from the manufacture, import, or processing of HEX-BCH. The base line for a trigger is set by the information submitted in the most recent report (whether it is the initial or a subsequent report).

Whenever subsequent reporting is triggered, the respondent is required to state the reason for submitting a subsequent report and to update all the information provided in the previous report. For instance, if a person is manufacturing or proposes to manufacture HEX-BCH for use as an intermediate in the production of isodrin, that person is required to submit an initial section 8(a) report. One aspect of this report is a 3-year, annual forecast of estimated production. Assume that the manufacturer estimates the production of HEX-BCH at 150,000 pounds per year for years 1, 2, and 3. If in year 2 the manufacturer actually produced 330,000 pounds of HEX-BCH (an amount greater than 200 percent of the amount estimated in the initial report), this event would trigger the subsequent reporting requirement. The subsequent report must include the reason for submission (actual production greater than 200 percent of estimated production), and must update all of the information provided in the previous report (i.e., provide another prospective 3-year, annual forecast of production for years 3 through 5). Since this subsequent report would signify a market demand for HEX-BCH that is much greater than expected and a potential for increases in exposure to and the discharge of HEX-BCH the report would prompt EPA to review the situation.

Finally, to ensure compliance with the section 8(a) reporting requirements, this rule establishes certification and recordkeeping requirements. Each person that is required by this rule to submit a section 8(a) report is also required to: (1) retain documentation of the information contained in each report for 3 years from the date of its submission; and (2) after submitting a report, annually review their activities to determine whether a triggering event has occurred. If a review shows that none of the triggering events has occurred, the person is required to certify a written statement to this fact; and (3) retain all certified statements for 3 years from the date of their creation.

B. Significant New Use Reporting

Persons (including small manufacturers, importers, and processors) who intend to manufacture, import, or process HEX-BCH for any use other than as an intermediate in the production of isodrin or endrin are required to submit a significant new use notice. The notice must be submitted to EPA at least 90 days before the commencement of the manufacture, importation, or processing of HEX-BCH and must comply with certain TSCA provisions. The notice is subject generally to the same statutory requirements and regulations as a premanufacture notice (PMN) submitted pursuant to section 5(a)(1)(A) of TSCA. In particular, these include the information submission requirements of section 5 (b) and (d)(1), the exemptions authorized by section 5(h), and the regulations at 40 CFR Part 720. Once EPA receives a significant new use notice, EPA has up to 180 days to initiate regulatory action. EPA may act pursuant to section 5(e), 5(f), 6, or 7 to control risks that are or might be presented by the significant new use. If no action is taken, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

IV. Discussion of Chemical Substance

A detailed discussion of the production, end uses, health and environmental effects, past and current exposures, and regulatory background of HEX-BCH is contained in the preamble to the proposed rule (50 FR 7351). In summary, HEX-BCH has been manufactured at a rate of 300,000 pounds every 2 to 3 years by 1 manufacturer at 1 plant site, and was last produced in 1984. All of this production is used to produce isodrin which is an intermediate in the production of endrin. Endrin is a Restricted Use pesticide and when used as a pesticide it is regulated under the Federal Insecticide, Fungicide, and Rodenticide Act.

HEX-BCH is moderately toxic, affects neuromuscular functions (an indication of neurotoxicity), and, based on its structural similarity to several carcinogenic pesticides that contain the hexachloronorbornene moiety, HEX-BCH may be a carcinogen.

Environmentally, HEX-BCH is a persistent substance, highly toxic to fish, has a high bioconcentration factor, and will tend to partition to soil and sediment.

V. Reasons for Promulgating This Rule

HEX-BCH's known adverse environmental effects and potential adverse human health effects have prompted EPA to promulgate a rule to monitor the production volume of HEX-BCH and the potential for its exposure to humans and the environment. The section 8(a) reports will keep EPA apprised of the production volume of and exposure to HEX-BCH during its use as an intermediate in the production of isodrin or endrin. The significant new use reporting will serve to alert EPA to any manufacture, import, or processing of HEX-BCH for purposes other than as an intermediate in the production of isodrin or endrin. Environmental releases of and human exposure to HEX-BCH from such uses could present an unreasonable risk to human health or the environment. Upon receipt of a significant new use notice, EPA will have the opportunity to review the use and, if necessary, act to prevent potential adverse environmental or human exposures to HEX-BCH.

VI. Applicability of Rule To Uses Which May Have Occurred Before Promulgation of the Final Rule

EPA believes that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR rather than upon promulgation of a final rule. If uses begun during the proposal period of the SNUR were considered ongoing, then any person could defeat the SNUR by initiating a proposed significant new use before the rule became final. This would make it extremely difficult for the Agency to establish SNUR notice requirements.

EPA received no comments on the proposed rule and has received no indication that any person was undertaking or intends to undertake the significant new uses designated in this rule. In any event, persons who began the commercial manufacture, importation, or processing of HEX-BCH for uses other than as an intermediate in the production of isodrin or endrin between proposal and promulgation of this rule, must cease any such activity before the effective date of this rule. To resume their activities, they must comply with all SNUR notice requirements, and wait until the notice review period, including all extensions, expires.

III. Economic Analysis

This reporting rule requires two types of reporting: section 8(a) reporting and significant new use reporting. An initial section 8(a) report is required from all persons (other than small businesses) who manufacture, import, or process HEX–BCH for use as an intermediate in the production of isodrin or endrin. Subsequent reporting is: triggered by events likely to significantly change exposures to HEX–BCH, or required to correct previously reported information. The Agency estimates that the direct costs of submitting an initial section 8(a) report, keeping, documentation of the report, and the annualized cost of subsequent certifications range from $453 to $1,615. The costs of subsequent reporting will vary with the amount of information that is included in each report and the number of reports that must be submitted. It is not possible to quantify these costs at present.

Under the significant new use reporting requirement in this rule, all other persons (including small businesses) who intend to manufacture, import, or process HEX–BCH for any use other than as an intermediate in the production of isodrin or endrin must submit a significant new use notice. As a result of this requirement, there are two courses of action for a person who intends to engage in a significant new use: (1) Not manufacture, import, or process HEX–BCH or (2) file a significant new use notice with the Agency. EPA has up to 180 days from receipt of the notice to take follow-up regulatory action under section 5 (e) or (f).

The Agency estimates that the direct costs of submitting a significant new use notice range from $1,375 to $7,950. It is not possible to estimate the costs associated with a decision by a company not to engage in a significant new use of HEX–BCH. However, since the direct costs of submitting a notice are relatively minor, the Agency believes that any decision not to engage in a significant new use would be based on the market prospects associated with the significant new use and the anticipation of Agency regulatory actions subsequent to notification rather than on the cost of the notification itself.

VIII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–82016A). The record includes basic information considered by the Agency in developing this rule. The record now includes the following:

1. Thirteenth Report of the TSCA Interagency Testing Committee to the Administrator (48 FR 55674).
2. Automatic section 8(a) preliminary assessment information reporting requirement for HEX–BCH, (48 FR 55685).
3. Automatic section 8(d) reporting requirement of health and safety data (48 FR 55686).
4. Certain pesticide products; intent to cancel registrations (49 FR 42792).
5. EPA's decision not to test HEX–BCH (49 FR 45654).
6. A chemical hazard information profile for HEX–BCH.
7. Use and substitute analysis of HEX–BCH.
8. Economic analysis.
9. The proposed rule (50 FR 7351).

IX. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "Major" rule because it does not have an effect on the economy of $100 million or more, and it will not have a significant effect on competition, costs, or prices. This regulation was submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this rule, will not have a significant impact on a substantial number of small businesses. Small businesses are exempt from the section 8(a) reporting, and EPA believes that few manufacturers, importers, or processors will submit SNUR notices. Therefore, although the costs of preparing a notice under this rule might be significant for small businesses, the number of such businesses affected is not expected to be substantial.

C. Paperwork Reduction Act

The information collection requirements in this rule were approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control numbers 2070–0067 and 2070–0038.

List of Subjects in 40 CFR Parts 704 and 721

Environmental protection, Chemicals, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: November 12, 1985.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Chapter I is amended as follows:

PART 704—[AMENDED]

1. In Part 704:

a. The authority citation for Part 704 is revised to read as follows:

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

b. In § 704.3 by alphabetically adding the definition for "CAS number" and revising the definition of "propose to manufacture or import" to read as follows:

§ 704.3 Definitions.

* * * * *

"CAS Number" means Chemical Abstracts Service Registry Number.

* * * * *

"Propose to manufacture, import, or process" means that a person has made a firm management decision to commit financial resources for the manufacture, import, or processing of the specified chemical.

* * * * *

c. By redesignating Subpart D (§§ 704.83 through 704.205) as Subpart B.

Subpart B—Specific Chemical Reporting Requirements

* * * * *

d. By adding § 704.142 to read as follows:

§ 704.142 Hexachloronorbornadiene.

(a) *Definitions.* (1) "Endrin" means the pesticide 2,7:3,6-Dimethanonaphth[2,3-b]oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a*alpha*, 2*beta*, 2a*beta*, 3a*lpha*, 6a*lpha*, 6a*beta*, 7*beta*, 7a*alpha*)-, CAS Number 72–20–8.

(2) "HEX–BCH" means the chemical substance 1,2,3,4,7,7-hexachloronorbornadiene, CAS Number 3389–71–7.

(3) "Isodrin" means the pesticide 1,4:5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexacholor-1,4,4a,5,8,8a-hexahydro-, (1*alpha*, 4*alpha*, 4a*beta*, 5*beta*, 8*beta*, 8a*beta*)-, CAS Number 465–73–6.

(4) "Small business" means any manufacturer, importer, or processor who meets either paragraph (a)(4) (i) or (ii) of this section:

(i) A business is small if its total annual sales, when combined with those of its parent (if any), are less than $40 million. However, if the annual

manufacture, importation, or processing volume of a particular chemical substance at any individual site owned or controlled by the business is greater than 45,400 kilograms (100,000 pounds), the business shall not qualify as small for purposes of reporting on the manufacture, importation, or processing of that chemical substance at that site, unless the business qualifies as small under paragraph (a)(4)(ii) of this section.

(ii) A business is small if its total annual sales, when combined with those of its parent company (if any), are less than $4 million, regardless of the quantity of the particular chemical substance manufactured, imported, or processed by that business.

(iii) For imported and processed mixtures containing HEX–BCH, the 45,400 kilograms (100,000 pounds) standard in paragraph (a)(4)(i) of this section applies only to the amount of HEX–BCH in a mixture and not the other components of the mixture.

(5) "8-hour time weighted average" means the cumulative exposure for an 8-hour work shift computed as follows:

$$E = \frac{C_aT_a + C_bT_b + \ldots C_nT_n}{8}$$

Where:

E is the equivalent exposure for the working shift.

C_i is the concentration (i.e., parts per million) during any period of time (T_i) where the concentration remains constant.

T_i is the duration in hours of the exposure at the concentration C_i.

(6) "Year" means corporate fiscal year.

(b) *Persons who must report.* (1) Reports must be submitted by:

(i) Persons who are manufacturing, importing, or processing HEX–BCH for use as an intermediate in the production or isodrin or endrin on or after January 2, 1986; and

(ii) Persons who propose to manufacture, import, or process HEX–BCH for use as an intermediate in the production of isodrin or endrin, on or after January 2, 1986.

(2) Persons described in paragraph (b)(1) of this section who engage or propose to engage in more than one activity (i.e., manufacture and processing) must report the information required in paragraph (d) separately for each activity.

(c) *Persons exempt from reporting.* (1) Small businesses.

(2) Persons described in §§ 704.5 (a) and (c).

(d) *Information to report.* (1) Initial reports must include, to the extent that it is known to or reasonably ascertainable by the person reporting, the following information:

(i) Company name and address.

(ii) Name, address, and telephone number of the principal contact.

(iii) Name and address of plant sites where HEX–BCH is or is proposed to be manufactured, imported, or processed, noting for each plant site which activity takes or would take place at each site.

(iv) If applicable, the intended date for initiating the manufacture, import, or processing of HEX–BCH.

(v) If applicable, the actual quantity (by weight) of HEX–BCH manufactured, imported, or processed during the most recently concluded year.

(vi) The estimated quantity (by weight) of HEX–BCH to be manufactured, imported, or processed each year during the first 3 years following the date of the report or the date of the intended start of manufacture, import, or processing, whichever occurs later.

(vii) For each year described in paragraph (d)(1)(v) and (vi) of this section: the number or expected number of employees exposed to HEX–BCH during the manufacture, import, processing, distribution in commerce, use, and disposal; the routes of exposure; and the 8-hour time weighted average of exposure.

(viii) If employees are exposed or expected to be exposed to HEX–BCH, state for each reported route of exposure, whether personal protective equipment is used or expected to be used, and a description of the personal protective equipment.

(ix) The actual or anticipated quantity, content, method of disposal, and disposal site of any wastes generated or expected to be generated during the manufacture, importation, or processing of HEX–BCH.

(2) Subsequent reports must provide, to the extent known to or reasonably ascertainable by the person reporting, the information in paragraph (d)(1) of this section and a statement explaining why the subsequent report is required.

(e) *When to report.* (1) Persons who are manufacturing, importing, or processing HEX–BCH on January 2, 1986, must submit an initial report to EPA by February 3, 1986.

(2) Persons who propose to manufacture, import, or process HEX–BCH on or after January 2, 1986, must submit an initial report to EPA by February 3, 1986, or 30 days after making the management decision described in § 704.3 "Propose to manufacture, import, or process," whichever is later in time.

(3) Persons described in paragraph (b) of this section, who have submitted a report described in paragraph (d) of this section, must submit a subsequent report within 30 days of any of the following events. Based on the most recently submitted report:

(i) The manufacture, importation, or processing of HEX–BCH begins at a plant site different than that reported pursuant to paragraph (d)(1)(iii) of this section.

(ii) The actual quantity (by weight) of HEX–BCH manufactured, imported, or processed in a given year is greater than or equal to 200 percent of the estimated value for that year reported pursuant to paragraph (d)(1)(vi) of this section.

(iii) The total number of employees exposed to HEX–BCH is greater than 130 percent of the projected value reported pursuant to paragraph (d)(1)(vii) of this section.

(iv) The route of exposures to HEX–BCH differs from that reported pursuant to paragraph (d)(1)(vii) of this section.

(v) The actual 8-hour time weighted average exposure for any activity exceeds the projection reported pursuant to paragraph (d)(1)(vii) of this section by more than 100 percent.

(vi) The method of disposal or disposal site reported pursuant to paragraph (d)(1)(ix) of this section has changed.

(vii) Three years have passed since the most recent submission of a report and the person is still engaged in the manufacture, importation, or processing of HEX–BCH.

(f) *Certification of review.* Each person who submits a report under this section must for 3 years following the submission date of the most recent submission, review their activities at the end of each year to determine whether any reportable event specified in paragraph (e)(3) of this section has occurred. If a review shows that none of these events has occurred, the person is required to certify this fact in writing.

(g) *Recordkeeping.* Any person subject to the reporting requirements of this section must:

(1) Retain documentation of information contained in their reports. This documentation must be maintained for a period of 3 years from the date of the submission of the report; and

(2) Retain the certification required by paragraph (f) of this section for 3 years from the date of its creation.

(h) *Where to send reports.* Reports must be submitted by certified mail to the United States Environmental Protection Agency, Document Processing Center, P.O. Box 2070,

Rockville, MD 20852. ATTN: HEX–BCH Notification.

(Approved by the Office of Management and Budget under control number 2070–0067)

PART 721—[AMENDED]

2. In Part 721:

a. The authority citation for Part 721 continues to read as follows:

Authority: 15 U.S.C. 2604(a)(2).

b. By adding § 721.342 to read as follows:

§ 721.342 Hexachloronorbornadiene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance 1,2,3,4,7,7-hexachloronorbornadiene, CAS Number 3389–71–7, is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is: use other than as an intermediate in the production of isodrin or endrin.

(b) *Specific requirements.* The provisions of subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Definitions.* In addition to the definitions in § 721.3, the following definitions apply:

(i) "Endrin" means the pesticide 2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a*alpha*, 2*beta*,2a*beta*,3a*lpha*,6a*lpha*,6a*beta*, 7*beta*,7a*alpha*)-, CAS Number 72–20–8.

(ii) "Isodrin" means the pesticide 1,4:5,8-Dimethano-naphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1*alpha*, 4*alpha*, 4a*beta*, 5*beta*, 8*beta*, 8a*beta*)-, CAS Number 465–73–6.

(2) [Reserved].

(Approved by the Office of Management and Budget under control number 2070–0038).

[FR Doc. 85–27520 Filed 11–18–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 712 and 716

[OPTS–82023; FRL–2924–6]

Addition of Chemicals to Information Gathering Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Interagency Testing Committee (ITC) in its Seventeenth Report to EPA recommended that EPA give priority consideration to three chemical substances in promulgating chemical test rules. To assist EPA in its determination of which, if any, tests are needed for these substances, EPA is adding these substances to two model information gathering rules: the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information rule, and the TSCA section 8(d) Health and Safety Data Reporting Rule. These model rules will require manufacturers, importers, and processors of these substances to report volume, end use, exposure, and unpublished health and safety data to EPA.

DATE: This rule shall become effective on December 19, 1985.

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 4(e) of TSCA established the ITC to recommend to EPA substances and mixtures for priority consideration in promulgating chemical test rules. For some of these substances the ITC may designate that EPA respond to its recommendations within 12 months. Within this time, EPA must either initiate a rulemaking to test the substance or state in the **Federal Register** its reasons for not doing so. For the remainder of the recommended substances, no time limit for Agency response is imposed.

Elsewhere in today's **Federal Register**, EPA is announcing the receipt of the Seventeenth Report of the ITC, which was transmitted to EPA on November 1, 1985. The Seventeenth Report revises and updates the Committee's priority list of chemicals and adds three substances to the section 4(e) priority list. It also adds a new Section B to the priority list, recommended with intent-to-designate.

To assist EPA in responding to the ITC recommendations, the Agency has provided in both the Preliminary Assessment Information Rule (PAIR), and the Health and Safety Data Rule, for the automatic addition of all ITC priority list substances. Whenever EPA announces the receipt of an ITC report, EPA may, at the same time, without notice and comment, amend the two model information gathering rules by adding the recommended substances. Thirty days after publication of the amendment these substances will be added to the PAIR and the Health and Safety Data Reporting Rule.

EPA issued PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR Part 712. This model section 8(a) rule established standard reporting requirements for manufacturers and importers of the chemicals listed in the rule. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710–35). EPA uses this model section 8(a) rule to gather current information on substances of concern quicky.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR Part 716. The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemical substances and mixtures to submit to EPA lists and copies of unpublished health and safety studies on the listed substances that they manufacture, import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9.

II. New Section of 4(e) Priority List

The Seventeenth Report establishes a third section of the priority list. This new section is Part B of the list and contains those chemicals and categories of chemicals "recommended with intent-to-designate." Part A continues to list those chemicals, mixtures, and categories designated for priority consideration and response by EPA within 12 months, and Part C contains those chemicals, mixtures, and categories that have been recommended for priority consideration without being designated for response within 12 months. The requirement for automatic reporting under TSCA section 8(a) and section 8(d) includes the chemicals, mixtures, and categories listed by the ITC in all three sections of the priority list.

The information received following recommendation with intent-to-designate of a chemical, mixture, or category of chemicals may influence the committee either to designate or not designate that chemical, mixture, or category for EPA response within 12 months. That decision would be announced in a subsequent report to the Administrator.

III. Chemicals to Be Added

The newly added ITC priority list substances for which reporting is required under 40 CFR Parts 712 and 716 are listed below by Chemical Abstract Service (CAS) Registry Number:

A. *Designated for response within 12 months:*

None.

B. *Recommended with Intent-to-Designate:*

CAS No. and Name
110-82-7, Cyclohexane;
128-39-2, 2,6-Di-tert-butyl phenol.

C. *Recommended but not designated for response within 12 months:*

CAS No. and Name
25550-98-5, Diisosodecyl phenyl phosphite.

IV. Reporting Requirements

A. Preliminary Assessment Information Rule

All persons who manufactured or imported the chemicals named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each manufacturing or importing site at which they manufactured or imported a listed substance. A separate form must be completed for each chemical and submitted to the Agency no later than February 18, 1986. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA should read § 712.30(a)(3). This section allows these persons to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission.

Complete details of the reporting requirements, including the small manufacturers exemption, other exemptions, and a facsimile of the reporting form are fully described in 40 CFR Part 712. Copies of the form are available from the TSCA Assistance Office at the address which precedes Unit I.

B. Health and Safety Data Reporting Rule

Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either have proposed to manufacture, import, or process; or have manufactured, imported, or processed the listed substance must submit to EPA:

A copy of each health and safety study which is in their possession at the time the substance is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process; or are manufacturing, importing, or processing the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of the completion date.

Detailed guidance for reporting unpublished health and safety data is provided in 40 CFR Part 716. Also found in Part 716 are the reporting exemptions.

C. Removal of Chemicals From the Rules

Any person who believes that section 8(a) or 8(d) reporting required by this rule on a particular substance is unwarranted, should promptly submit to the Agency in detail the reasons for that belief. The request for removal of a substance from this rule must be received by EPA within 14 days of the publication of the rule. If EPA withdraws a substance from the rule, the Agency will issue a rule amendment for publication in the **Federal Register.**

V. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate data as prescribed in a rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than February 18, 1986.

VI. Economic Analysis

A. Preliminary Assessment Information Rule

EPA estimates that the PAIR reporting cost of this rule is $32,544. To calculate this figure EPA used the TSCA Inventory and other sources to generate a list of past, and possibly current, manufacturers and importers of these substances. Nineteen companies operating at 22 sites were identified as potential manufacturers and 4 companies were identified as potential importers of the chemicals. Since 2 of the companies may qualify as small businesses as defined in 40 CFR 712.25(c), EPA estimates that 21 firms may be required to report a total of 24 reports.

Reporting Cost (dollars)	
(a) 24 Reports expected at $739/report	$17,736
(b) 24 familiarization cases at $617/case	14,808
Total	32,544
Average cost per site	$1,356
Average cost per firm	1,550
Reporting Burden (hours)	
(a) Familiarization (18 hours per site times 24 sites/importers)	[1] 432
(b) Reporting (16 hours per report times 24 reports)	384
Total	816
EPA Cost	
Processing Cost=($83/report times 24 reports)	$1,992

[1] Hours.

B. Health and Safety Data Reporting Rule

EPA estimates that the total reporting cost for establishing section 8(d) reporting requirements for these substances is $20,140. This cost estimate is relatively high, because the Agency is uncertain about the likely number of respondents to the rule. Although EPA

has used the best available data to make its economic projections, much of the data is not current. In view of this, EPA has chosen to overestimate rather than underestimate the reporting burden.

Nevertheless, the cost of this proposed rule is low in comparison with its potential benefits. Health and safety studies concerning these substances would improve EPA's ability to identify potential public health and environmental problems with regard to these chemicals. The Agency therefore would be better able to determine whether further regulatory action would be necessary.

The estimated reporting costs are broken down as follows:

Initial corporate review	$7,038
Site identification/File search	6,750
Title listing	285
Photocopying	865
Managerial review	4,284
Ongoing reporting	918
Total	20,140

VII. Rulemaking Record

The following documents constitute the public record for this rule (docket control number OPTS-82023). All of these documents are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. E-107, 401 M St., SW., Washington, DC.

1. This final rule.
2. The economic analyses for this rule.
3. The Seventeenth Report of the Interagency Testing Committee.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

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

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

B. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the OMB under the provision of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. and have been assigned OMB control numbers 2070-0054 and 2070-0004.

List of Subjects in 40 CFR Parts 712 and 716

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

Dated: November 8, 1985.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

Therefore, 40 CFR Parts 712 and 716 are amended as follows:

PART 712—[AMENDED]

1. In Part 712:

a. The authority citation continues to read as follows:

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

b. Section 712.30 is amended by adding paragraph (p) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(p) A Preliminary Assessment Information Manufacturer's Report must be submitted by February 18, 1986, for each chemical substance listed below.

CAS No. and *Name*
110-82-7, Cyclohexane;
128-39-2, 2,6-Di-tert-butyl phenol;
25550-98-5 Diisodecyl phenyl phosphite.

PART 716—[AMENDED]

2. In Part 716:

a. The authority citation continues to read as follows:

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

b. Section 716.17 is amended by adding paragraph (a)(16) to read as follows:

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

(a) * * *

(16) As of December 19, 1985, the following chemical substances are added to this section:

CAS No. and *Name*
110-82-7, Cyclohexane;
128-39-2, 2,6-Di-tert-butyl phenol;
25550-98-5 Diisodecyl phenyl phosphite.

* * * * *

[FR Doc. 85-27387 Filed 11-18-85; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6688]

List of Communities Eligible for the Sale of Flood Insurance; Texas et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706. Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, 500 C Street, Southwest, Donohoe Building—Room 416, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood

insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effectiveness dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

Part 64 is amended as follows:

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Texas:				
Denton	Bartonville, town of	481501A	Oct. 1, 1985, emerg.	June 12, 1979.
Collin	Princeton, city of	481595-New	do	
Minnesota: Mille Lacs	Onamia, city of [1]	270290B	Nov. 21, 1974, emerg.; Sept. 18, 1985, reg.; Sept. 18, 1985, susp.; Oct. 1, 1985, rein.	May 10, 1974; Mar. 26, 1976; and Sept. 18, 1985.
Wisconsin:				
Clark	Loyal, city of [1]	550052B	Aug. 22, 1974, emerg.; Sept. 4, 1985, reg.; Sept. 4, 1985, susp.; Oct. 11, 1985, rein.	May 17, 1974; Apr. 9, 1976; and Sept. 4, 1985.
Walworth	Whitewater, city of	550200B	Mar. 27, 1975, emerg.; June 1, 1982, reg.; June 10, 1983, susp.; Oct. 25, 1985, rein.	Jan. 9, 1974; June 4, 1976; and June 1, 1982.
Oklahoma: Caddo	Delaware Tribe of Western Oklahoma [2]	400512-New	Oct. 18, 1985, emerg.	
Nebraska: Otoe	Unadilla, village of [1]	310168B	Sept. 16, 1975, emerg.; Sept. 4, 1985, reg.; Sept. 4, 1985, susp.; Oct. 17, 1985, rein.	Aug. 23, 1974; Nov. 14, 1975; and Sept. 4, 1985.
Arkansas: Crittenden	Gilmore, city of	050245	Aug. 18, 1976, emerg.; Oct. 21, 1985, withdrawal	June 27, 1975.
Idaho: Lincoln	Unincorporated areas	160216	Oct. 8, 1985, emerg.	
Maine: Penobscot	Garland, town of [1]	230387B	Mar. 19, 1976, emerg.; Sept. 18, 1985, reg.; Sept. 18, 1985, susp.; Oct. 8, 1985, rein.	Feb. 7, 1975; Sept. 3, 1976; and Sept. 18, 1985.
Colorado: Las Animas	Las Animas county	080105	Oct. 15, 1971, emerg.; Sept. 1, 1977, reg.; Nov. 2, 1977, susp.; Oct. 9, 1985, rein.	Sept. 1, 1977, and Apr. 3, 1984.
New Hampshire: Hillsborough	Weare, town of	330235A	Oct. 25, 1985, emerg.	Feb. 14, 1975, and Feb. 11, 1977.
Michigan: Emmet	Cross Village, township of	260745-New	do	
Iowa: Bulter	Clarksville, city of	190336B	Oct. 28, 1978, emerg.	Oct. 10, 1978, and Apr. 16, 1980.
Maine: Penobscot	Stetson, town of [1]	230402A	Aug. 18, 1975, emerg.; Sept. 18, 1985, reg.; Sept. 18, 1985, susp.; Oct. 16, 1985, rein.	Jan. 31, 1975, and Sept. 18, 1985.
New York:				
Tompkins	Newfield, town of	360853B	July 23, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 18, 1985, rein.	June 28, 1974; May 7, 1976; and Oct. 15, 1985.
Jefferson	Watertown, city of	360354C	July 7, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 18, 1985, rein.	Apr. 5, 1974; Nov. 21, 1975; Dec. 10, 1976; and Oct. 15, 1985.
Pennsylvania:				
Chester	Lower Oxford, township of [1]	421485B	Sept. 30, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 25, 1985, rein.	Oct. 18, 1974; Aug. 6, 1976; and Oct. 15, 1985.
Wayne	Lake, township of	422166A	Sept. 17, 1975, emerg.; Oct. 15, 1985, reg.; Oct. 15, 1985, susp.; Oct. 25, 1985, rein.	Nov. 29, 1974, and Oct. 15, 1985.
Region I				
Maine: Cumberland	Cumberland, town of	230162B	Oct. 15, 1985, suspension withdrawn	Aug. 30, 1977; May 19, 1981; Oct. 1, 1983; and Oct. 15, 1985.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Massachusetts: Dukes	Gay Head, town of	250070B	do	Dec. 6, 1974, Oct. 1, 1983, and Oct. 15, 1985.
Region II				
New Jersey:				
Morris	Butler, town of	340337B	do	Feb. 1, 1974, Apr. 30, 1976, and Oct. 15, 1985.
Do	Riverdale, borough of	340359B	do	May 31, 1974; Mar. 19, 1976; and Oct. 15, 1985.
New York: Tompkins	Lansing, town of	360852C	do	Sept. 20, 1974; July 2, 1976; Aug. 12, 1977; and Oct. 15, 1985.
Region III				
Maryland:				
Charles	Indian Head, town of	240091B	do	July 26, 1974; Dec. 19, 1975; and Oct. 15, 1985.
Garrett	Kitzmillee, town of	240036B	do	Nov. 8, 1974; Feb. 27, 1976; and Oct. 15, 1985.
Region IV				
Kentucky: Magoffin	Salyersville, city of	210159B	do	Feb. 22, 1974; Jan. 9, 1976; and Oct. 15, 1985.
Region V				
Illinois:				
Henderson	Gulfport, village of	170280C	do	Mar. 1, 1974; Jan. 23, 1976; June 8, 1979; and Oct. 15, 1985.
Pike	Pleasant Hill, village of	170558B	do	Nov. 16, 1973; June 11, 1976; and Oct. 15, 1985.
Indiana: Crawford and Harrison	Milltown, town of	180034B	do	Nov. 30, 1973; Oct. 10, 1975; and Oct. 15, 1985.
Ohio: Wyandot	Carey, village of	390590D	do	May 31, 1974; Aug. 20, 1976; Mar. 9, 1979; Apr. 30, 1982; and Oct. 15, 1985.
Wisconsin: Monroe	Wilton, village of	550292B	do	May 17, 1974; May 14, 1976; and Oct. 15, 1985.
Region VI				
Texas: Harris	Unincorporated areas	480287E	Oct. 28, 1985. Suspension withdrawn	May 26, 1970; Mar. 10, 1972; July 30, 1976; July 1, 1974; and Mar. 30, 1982.
Region II Minimals Conversions				
New York: Genessee	Corfu, village of	361498B	Oct. 15, 1985. Suspension withdrawn	Nov. 15, 1974; Jan. 16, 1976; and Oct. 15, 1985.
Region III				
Pennsylvania:				
Dauphin	Jackson, township of	421593B	do	Jan. 31, 1975; Feb. 29, 1980; and Oct. 15, 1985.
Cambria	Middle Taylor, township of	421443A	do	Nov. 22, 1974, and Oct. 15, 1985.
Pike	Porter, township of	422500B	do	Feb. 18, 1977, and Oct. 15, 1985.
Wayne	Preston, township of	422171A	do	Nov. 15, 1974, and Oct. 15, 1985.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Chester	Sadsbury, township of	421488B	do	June 4, 1976; Sept. 13, 1984; and Oct. 5, 1985.
Dauphin	Williams, township of	421601B	do	Jan. 31, 1975; Dec. 14, 1979; and Oct. 15, 1985.

[1] Minimal Conversions.
[2] Delaware Tribe of Western Oklahoma has adopted by reference Caddo County's FHBM for floodplain management and flood insurance purposes. FHBM is dated 1-3-78.
Code for reading 5th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Issued: November 13, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-27508 Filed 11-18-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 84-885; FCC 85-566]

Deregulatory Options and Streamlined Application Processing

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission has approved a number of amendments that eliminate unnecessary regulatory burdens and streamline Part 68 equipment registration application processing. Part 68 of the Commission's rules, 47 CFR Part 68, sets forth the terms and conditions for connection to the telephone network and registration of customer-provided terminal equipment. The Commission reduced the 20 day waiting period prior to grant of Part 68 equipment registration applications under § 68.202(a), 47 CFR 68.202(a), from 20 to 5 days; eliminated the requirement under § 68.106(a), 47 CFR 68.106(a), that consumers automatically must report to the telephone company the FCC registration number and ringer equivalence number (REN) of terminal equipment prior to the connection or final disconnection of customer provided terminal equipment, instead providing that consumers need only provide this information at the request of the telephone company; eliminated from Part 68 certain specifications for equipment-to-equipment jacks; and eliminated stress tests for packaged terminal equipment under § 68.302(c)(1), 47 CFR 68.302(c)(1).

EFFECTIVE DATE: December 2, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Federal Communications Commission, Washington, DC 20554, (202) 634-1832.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 68

Communications equipment, Communications common carriers, Administrative practice and procedure.

Report and Order

In the Matter of REVISIONS TO PART 68 OF THE COMMISSION'S RULES; Deregulatory Options and Streamlined Application Processing With Respect to Part 68 of the Commission's Rules; CC Docket No. 84-885.

Adopted October 16, 1985.
Released October 25, 1985.

By the Commission.

Introduction

1. Part 68 of the Commission's rules governs the terms and conditions for connection of customer provided terminal equipment to the telephone network. Part 68 is designed to assure consumers, manufacturers and carriers that terminal equipment may be connected to the telephone network without causing harm.[1] These rules concern generally conditions of use of terminal equipment, registration procedures, conditions for registration, and complaint procedures. In *Revisions to Part 68 of the Commission's Rules Notice of Proposed Rulemaking* (NPRM), CC Docket No. 84-885, FCC 84-424, released September 26, 1984, the Commission reviewed Part 68 and offered for comment several proposals intended to streamline application processing and to reduce potential unnecessary regulatory burdens on registration applicants, carriers and the public. Specifically, the Commission proposed elimination of several Part 68 requirements or specifications: the mandatory twenty day public notice period prior to grant of Part 68 applications, the requirement that customers notify telephone companies of FCC registration numbers and ringer equivalence numbers prior to connection of terminal equipment, certain equipment-to-equipment connector specifications, and environmental shock tests for packaged terminal equipment. Comments have been filed on the Commission's proposals, and several additional proposals have been made.[2] In this report and order, we review the Commission's proposals and comments received, including the additional proposals and adopt Part 68 rule changes discussed below.[3]

Arguments and Discussion

2. *Elimination of Public Notice Period.* Section 68.202(a) of the rules, 47 CFR 68.202(a), provides that the Commission will issue notice of the filing and grant applications for equipment registration and that no grant will be made until 20 days from the date of the public notice of the filing of the application. The purpose of the twenty day period is to permit interested parties to comment on the application. In the NPRM the Commission indicated that the opportunity for public comment prior to grant of Part 68 applications was of

[1] For a history of Part 68, see Memorandum Opinion and Order in Docket Nos. 19528, 20774 and 21182, 70 F.C.C. 2d 1800 (1979).

[2] Comments and Reply Comments were filed by the parties listed in Appendix A.

[3] By a petition for rulemaking, Public Notice Mimeo # 114, October 5, 1984, the Telecommunications Research Action Council (TRAC) has requested that the Commission amend Part 68 to prohibit certain allegedly unfair and deceptive advertising practices by terminal equipment manufacturers. TRAC alleges that some manufacturers are advertising the fact that terminal equipment is FCC registered in a manner suggesting that the registration relates to the quality of the equipment. TRAC has filed a motion requesting that the present proceeding be amended to include consideration of its petition for rulemaking. It states that consolidation is appropriate since this proceeding and its petition for rulemaking both concern the FCC registration program. However, the present proceeding is concerned primarily with streamlining application processing and eliminating unnecessary regulations, whereas the TRAC proposal would impose further constraints on registrants in an area not previously regulated by the Commission, *i.e.*, advertising. Accordingly, the TRAC petition will be considered separately and its motion to amend the present proceeding denied.

questionable value in that few comments have been filed on Part 68 applications in recent years except when specifically solicited by the Commission. *See, e.g.* Public Notice, October 14, 1982, Viking Electronics, Inc., File No. 100–CX–82. The Commission proposed to facilitate Part 68 application processing by elimination of the mandatory twenty day waiting period.

3. Retlif opposes elimination of the twenty day public notice period, contending that it provides time for a staff review of Part 68 applications, that the present six week processing time for Part 68 applications is acceptable, and that there is no need for the Commission's proposed change. For its part, IDCMA states that it has no objection to elimination of the twenty day waiting period but questions whether this would actually result in faster grant of applications since processing time for Part 68 applications is longer than twenty days in any event. All other parties favored elimination of the twenty day waiting period on the ground that it causes unnecessary delay prior to grant of Part 68 applications.

4. The processing time for Part 68 applications depends largely on the condition of the application at the time of its filing. Before an application is formally accepted for filing, *i.e.*, placed on public notice, an initial examination is conducted. Applications which are found to be complete and demonstrate apparent compliance with Part 68 could in many cases be granted within only a few weeks. For these applications, which, based on informal staff surveys, constitute approximately sixty percent of those submitted, the twenty day waiting period of § 68.202(a) may represent an unnecessary delay in disposition. Where the application is initially found acceptable for filing but presents questions, application processing will take longer, up to several months.[4] For the majority of applications that are found fully compliant, reducing the twenty day waiting period will permit earlier grant. While the current average processing time of six weeks for Part 68 applications is acceptable, the Commission is interested in optimizing service to the public. Accordingly, we are modifying § 68.202(a) to provide that applications will not be granted prior to five days from the date of public notice of the acceptance of the application for filing. We have selected this alternative in lieu of elimination of the public notice period entirely because five days represents the minimum period needed to examine applications. This will also preserve an opportunity for public comment by potentially affected parties.[5]

5. *Notification to Telephone Companies.* Under § 68.106(a) of the rules, 47 CFR 68.106, a telephone customer is required to notify the telephone company prior to connection or final disconnection of customer provided terminal equipment, and to provide the telephone company the FCC registration and ringer equivalence numbers.[6] This provision applies to simple terminal equipment, such as standard telephones, not involved in systems applications. In the NPRM the Commission sought comment on the utility of this notification requirement and, specifically, whether it could be replaced with the requirement that a customer provide the carrier with the registration number and ringer equivalence number only when requested to do so by the carrier. The Commission additionally sought comment on whether two other notification requirements could be modified in a similar fashion: (1) The requirement under § 68.106(b), 47 CFR 68.106(b), for notification of the FCC registration numbers, RENs and other information for terminal equipment systems; and (2) Notification to the carrier prior to installation, removal or reconfiguration of premises wiring under § 68.213(e), 47 CFR 68.213(e).[7]

6. SNET claims that the information provided under the notification requirements of the current rules is useful to the carriers and is of little burden to either carriers or the customer. It states, for example, that when service problems occur that potentially originate in customer equipment, the carrier can consult a customer's file to obtain the identity of the manufacturer of the customer's terminal equipment, facilitating identification and correction of the problem. It claims that it would be more burdensome for the carrier to contact the customer when it has reason to believe that unregistered equipment has been connected than the current notification scheme. It states that the purpose of these notification requirements is to ensure that only registered equipment is connected to the network and that this remains a valid concern. NTCA supports the elimination of notice requirements for simple terminal equipment but urges retention of mandatory notification for complex systems and premises wiring. A greater potential for harm exists with respect to complex systems and premises wiring, according to NTCA. The BOCs state that collecting and maintaining FCC registration numbers is burdensome and that adoption of the Commission's proposal will eliminate this burden without any attendant detriments. They further claim that there is no justification for distinguishing between simple and more complex systems or premises wiring, although they urge that a notification requirement be created for connection of customer owned coin telephones (COCTs) so that carriers may readily identify service problems originating from these telephones. IDCMA, NATA, and GTE support the Commission's proposal.

7. At the inception of the registration program notification to the carrier prior to connection of terminal equipment was a reasonable precaution to ensure that only registered terminal equipment was connected to the network. At that time virtually no equipment had yet been registered; currently, however, the registration of terminal equipment is essentially universal, *i.e.*, there is no significant use of unregistered terminal equipment. We believe, therefore, that the mandatory notification requirement of § 68.106(a) is no longer required to assure that only registered terminal equipment is connected to the network. Moreover, the utility of reporting RENs must be seriously questioned because most currently manufactured telephones draw considerably less line current than at the time § 68.106(a) was adopted, and

[4] Initial acceptance of the application for filing does not mean the application is without fault. Subsequent scrutiny can reveal defects that require correction or additional data.

[5] Part 68 applications involving new types of terminal equipment, connections of equipment to services different from normally anticipated, or of questionable validity can affect carrier interests in maintaining the integrity of their networks and may warrant comment.

[6] The ringer equivalence number (REN) is a measure of the current drawn from the telephone company facilities by a terminal device. In most areas of the United States, telephone companies provide sufficient ringing current to power five standard telephones, *i.e.*, a REN of five. If the sum of the RENs of all the telephones on a particular line exceeds five, the telephone company cannot guarantee proper ringing. Most telephone devices marketed today present an REN of less than one, thereby permitting more than five simultaneous connections. (RENs do not reflect, however, any attenuation of audio level attendant upon simultaneous use of more than one telephone.)

[7] In Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems, and Protective Apparatus to the Telephone Network (First Report and Order), CC Docket No. 81–216, 97 F.C.C. 2d 527 (1984), *reconsideration denied*, FCC 85–347, released July 12, 1985, the Commission amended Part 68 to create *inter alio* notice/documentation requirements for subscriber installation, connection, or reconfiguration of premises wiring.

there is, therefore, at the present time a significantly reduced risk of overloading ringing current supplied by the carrier. SNET has not shown that the benefits derived from the mandatory collection of this information from all customers, *i.e.*, ability to locate and correct service problems, cannot be duplicated when the carrier obtains this information by request on an as-needed basis. Moreover, we think it is evident that it will be less burdensome on carriers and the public if this information is provided only when specifically needed by the carrier. Accordingly, we are modifying § 68.106(a) to provide that the customer must provide this information when requested by the carrier.[8] An insufficient showing has been made to justify creation of an exceptional notification requirement for COCTs. Properly registered coin telephones do not pose any greater risk of network harm than other types of registered terminal equipment. Accordingly, we are not persuaded by the BOC request on this point.

8. One other comment is necessary with respect to the REN. Section 68.218(b)(1) requires that the equipment registrant or his agent provide to the user of the registered equipment instructions on its installation, operation and repair. As ringer equivalency relates to integral operations of the terminal equipment, manufacturers are currently providing information on the REN. While, as indicated, the risk of network harms caused by overloading ringing current supplied by the carrier is significantly reduced by the increasing use of electronic instruments, we emphasize that the instructions required by § 68.218(b)(1) should include, where applicable to the equipment involved, complete and adequately explained information as to the importance of compliance with the REN limitations. We believe that such instructions will sufficiently alert the customer of the potential need to contact the carrier in order to assure adequate ringing in the absence of mandatory reporting of the REN to the carrier.

9. We further believe that the notification requirements for installation, connection or reconfiguration of premises wiring under § 68.213(e) can be eliminated without significant risk of network harm. The parties' comments have not identified any special risks for premises wiring that would require separate treatment from simple terminal equipment under § 68.106(a). We note that § 68.213 provides for special protections against faulty installation of premises wiring, including permissible carrier inspection, acceptance testing, and requiring the use of protective devices. Accordingly, we will also modify § 68.213 to require that the customer shall provide the information specified in that section on the request of the carrier.[9]

10. Similarly, the notification requirement under § 68.106(b) for systems assembled from combinations of individually registered terminal equipment items should be eliminated. The individually registered terminal equipment in these cases is intended for use in combination with other terminal equipment. SNET has not provided any support for its claim that a greater potential for harm exists with respect to systems as opposed to simple terminal devices. Indeed, we do not believe that properly registered components and systems present significant risks of network harm necessitating mandatory notification to the carrier. Moreover, systems are usually installed by communications contractors or vendors with adequate training to insure that systems are properly installed and configured. Accordingly, we will modify § 68.106(b) to provide that the customer must provide registration information on terminal equipment systems to the carrier on request.

11. *Connectors.* Subpart F of the Commission's rules sets forth technical descriptions of authorized plugs, jacks and adapters for network connections of registered terminal equipment. These include descriptions of equipment-to-equipment connections which were intended to assure a means of connection of customer provided terminal equipment to other equipment provided by the telephone carrier in conjunction with transmission services. In view of the detariffing of customer premises equipment (CPE) under which carriers no longer provide terminal equipment in conjunction with transmission services,[10] the Commission in the *NPRM* proposed to eliminate these technical equipment-to-equipment descriptions.[11]

12. SNET, Comdial, NATA, NTCA, and CCL oppose removal of the equipment-to-equipment descriptions in Part 68. They contend that they represent standardized equipment connections, and that standard equipment specifications are useful to industry and promote a competitive market for terminal equipment in that manufacturers and carriers are precluded by standard specifications from employing interconnection specifications in an anticompetitive manner. IBM is generally supportive of the concept of eliminating equipment-to-equipment specifications but claims that some of the jacks proposed to be eliminated by the Commission are points of interconnection to the public switched network for terminal equipment that requires a manual call procedure for establishing connection and should not be eliminated. These are reflected in descriptions in § 68.502 (b)(6) and (e)(7)–(8). Similarly, the BOCs support the Commission's proposal but state that three jacks proposed for elimination are network connections to consoles used in "911" emergency service and should be retained, or, placed in carrier tariffs pursuant to § 68.104(c).[12] ATT–IS supports the Commission's proposal but requests that certain network connections currently in carrier tariffs also be included in Subpart F. The BOCs and the US West Companies also urge that these network connections currently in tariffs also be included in Part 68.[13]

13. The essential purpose of Part 68 terminal equipment registration standards is to preclude technical harm to the telephone network. *See* § 68.1, 47 CFR 68.1. Technical descriptions and drawings of interfaces are included in Part 68 because they are the means of

[8] Under the notification approach we are adopting today, we are merely eliminating the mandatory reporting requirements under Part 68. We are not precluding the carrier's ability to employ consumer education materials to stress the importance of connecting only registered terminal devices.

[9] The Commission is not making any changes in the notification requirements under § 68.106(c) for systems using other than fully protected premises wiring. This was not proposed in the NPRM.

[10] *See* Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 F.C.C.2d 384 (1980) (Final Decision), *reconsideration*, 84 F.C.C.2d 50 (1980), *further reconsideration*, 8 F.C.C.2d 512 (1981), *aff'd sub nom.* CCIA v. FCC, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied* 103 S. Ct. 2109 (1983); Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services, Report and Order, CC Docket No. 81–893, 95 F.C.C.2d 1276 (1983) (BOC equipment); Third Report and Order, 99 F.C.C.2d 354 (1984) (Independent telephone company equipment).

[11] Specifically, the Commission proposed to eliminate the technical descriptions set forth in § 68.502 (a)(2)–(3), (b)(2)–(6), (c)(2), (d)(2)–(4), (e)(7)–(8) and descriptions in § 68.502(f)(1) pertaining to jacks referred to as RJ33M, RJ34M, and RJ35M.

[12] Section 68.104(c) provides:

Tariff Description: As an alternative to description in Subpart F of these rules, connections to the telephone network may be made through standard plugs and standard telephone company-provided jacks or equivalent described in nationwide telephone tariffs: Provided, That these means of connection otherwise comply with paragraphs (a) and (b) of this section.

[13] The connectors currently in carrier tariffs requested by ATT–IS, the BOCs and the US West companies to be placed in Part 68 are those denominated RJ1DC, RJ2DX, RJ2EX, RJ2FX, RJ2GX, RJ2HX, RJ25C, and RJ61X.

direct electrical connection to the network and therefore carry a significant potential for harm. Improperly configured contacts, for example, could introduce unacceptable interference into the voice network. Equipment-to-equipment interconnection specifications, on the other hand, do not contain any descriptions of the parameters of direct electrical connection to the network, and the potential for harm caused by these connections is substantially eliminated by the protective circuitry of the registered CPE itself. Accordingly, the equipment-to-equipment specifications do not directly relate to the purpose of Part 68 of preventing harm to the network. While some commenters urge that Part 68 be relied upon as a means for achieving uniform technical standards for manufacturing, performance, and compatibility of terminal equipment, non-governmental organizations are available for this purpose. Accordingly, we will delete from Part 68 the equipment-to-equipment connections. We are retaining in Part 68 connection specifications for network jacks. We are also retaining the jacks requested by IBM because in many cases they are associated with direct network connection. However, no necessity has been shown to depart from current practice for the specialized network connections that several parties have requested be placed in Part 68. Similarly, we will delete the RJ12C, RJ13C and RJ35X configurations called to our attention by the BOCs, as used in connection with 911 consoles. We believe that the tariff mechanism will be adequate for these specialized network connections as well.

14. *Shock Tests for Packaged Terminal Equipment.* Section 68.302 requires as a condition of registration that terminal equipment comply with Part 68 standards before and after the administration of specified mechanical and electrical stresses. Section 68.302(c)(1) sets forth certain stress tests for packaged terminal equipment. In the NPRM the Commission solicited comment on whether market forces would provide adequate incentives to the manufacturer to provide adequate packaging. The Commission proposed to delete § 68.302(c)(1).

15. The BOCs, IDCMA, ATT–IS, Radio Shack, IEEE, and Pepper, Hamilton and Scheetz support the Commission's proposal. They argue that the packaged shock tests serve no useful purpose, are an unnecessary regulatory burden, and that manufacturers will provide adequate packaging in any event. CCL proposes that the vibration tests of § 68.302(a) additionally be eliminated; GTE urges removal of all the environmental stress tests of § 68.302. Comdial and Retlif state that the tests for packaged equipment prevent inferior products from entering the market, are not burdensome, and should be retained. NTCA states that removal of the packaged shock tests would be premature in that the market for terminal equipment has not sufficiently developed to guarantee adequate packaging.

16. In the NPRM the Commission stated that the same incentives of the manufacturer to package a device adequately so that it will function on delivery serve also to assure that the device will meet the shock stresses for packaged equipment. The parties comments support this conclusion. Thus, CCL states, based on its experience gained since the inception of the registration program, any damage to equipment occasioned by defective or inadequate packaging will render the equipment inoperative. It states that manufacturers have a strong incentive to avoid receipt of inoperative equipment by the customer and that in order to avoid inoperative equipment will provide adequate packaging. We believe that this conclusion is correct, and that while packaging tests may have been a wise precaution at the beginning of the registration program, they no longer are justified. Parties opposed to removal of § 68.302(c)(1) have not shown that elimination of these tests as a regulatory requirement will raise any substantial risk of Part 68 harm in view of manufacturer incentives to provide adequate packaging. Accordingly, we will eliminate the packaged shock tests of § 68.302(c)(1).

17. Section 68.302 contains other stress tests in addition to those proposed for deletion in the NPRM. For example, § 68.302(c) concerns vibration tests, § 68.302(c)(2) requires shock tests for unpackaged equipment, and § 68.302 (d) and (e) require compliance with Part 68 standards before and after application of metallic and longitudinal voltage surges. The Commission recognizes that reliance on manufacturer incentives to provide adequate packaging without government regulation would be potentially applicable to these other stress tests as well. Thus, for example, manufacturer incentives to produce equipment that will survive routine customer handling might appropriately supersede the unpackaged equipment handling test of § 68.302(c)(2). On the other hand, there is no consensus among those who commented on this point. Our initial proposal was limited to packaged shock tests, and only in the comments did a few parties seek to broaden it. Elimination of packaged shock tests seems advisable as a first step, and, assuming no adverse consequences follow further steps may be indicated.

18. *Notification in Lieu of Registration.* While supporting all the specific proposals of the Commission for streamlining Part 68 application processing and eliminating unnecessary regulatory requirements, GTE urges further changes in Part 68 application processing. It states that the present application procedure was created at a time when the terminal equipment industry was new and more rigorous application processing was required to adequately protect against network harm. Considerable experience has been gained with the registration program and the value of submitting test data must now be seriously questioned, according to GTE. It claims that no more assurance of network protection is provided by a statement that test data in the application is correct than by a statement that the equipment has, in fact, been tested and meets Part 68 standards. Consequently, it urges the Commission to adopt a notification procedure for registration of terminal equipment. Under this approach, the equipment manufacturer or other entity seeking registration under Part 68 would submit an abbreviated application describing the equipment in general terms and containing a statement (the "notification") that the subject terminal equipment complies with the network protection standards of Part 68. Unlike the current requirements, the applicant would not ordinarily submit any test data demonstrating compliance with Part 68 technical standards, but would be required to provide test data on request. The first application from a particular manufacturer would be required to describe test procedures and standards used to comply with Part 68.

19. In response, IDCMA states that GTE's proposal would not necessarily reduce the burden on manufacturers because they would still be required to comply with Part 68 standards. Moreover, according to IDCMA, current procedures actually benefit manufacturers when the Commission discovers non-complying equipment in the application process, rather than after large scale manufacture of the product. IDCMA urges a cautious evaluation prior to any substantial modification of Part 68 application procedures. The BOCs state that the GTE proposal could lead to non-complying equipment being

registered, that current Part 68 application procedures are not burdensome,[14] and should be retained in order to protect against degradation in quality of network services. They urge rejection of the GTE proposal. NATA states in general terms that it supports the GTE proposal.

20. Under the GTE plan, as under the present Part 68 procedures, the applicant would perform necessary compliance testing to ensure that the terminal equipment meets or exceeds Part 68 standards. Presumably, the applicant would retain records of the results of these tests. Therefore, the essential difference between the GTE notification plan and the present Part 68 application process is merely that the applicant would not be required to submit the results of the Part 68 technical tests to the Commission. GTE has not shown that the submission of such data to the Commission, which the applicant must obtain in any event, is burdensome on manufacturers; it is not burdensome to the Commission relative to the public benefits associated with its submission. Although the vast majority of applications are granted, approximately one third of them require corrections or supplementary information. The test data submitted in a significant number of cases do not meet Part 68 standards. This is true in some instances even with respect to applications submitted by major manufacturers and applications submitted by certified testing laboratories. Contrary to GTE's contentions, we find that the submission of test data reveals non-complying equipment, which under a notification scheme would have been registered and could cause a substantial risk of network harm on a large scale. Accordingly, we do not view GTE's proposal as a viable alternative to the current procedure, which plainly serves the public interest by assuring that harmful equipment is not registered and attached to the network. We therefore reject GTE's proposal.

21. *Pre-Grant Assignment of Registration Numbers.* Several parties have requested that we adopt a method of early assignment of registration numbers, or permit applicants to self-assign a registration number, prior to grant of the application. According to GTE, this would facilitate manufacturing and labeling of the terminal device pending registration. CCL and ATT–IS similarly state that earlier assignment of registration numbers would facilitate manufacturing and the ability of manufacturers to respond to marketplace or competitive pressures. According to the BOCs, early assignment of registration numbers would prejudge applications and lead to premature distribution of terminal equipment products.

22. Under the current rules the assignment of registration numbers takes place after the application is granted, *i.e.*, after full compliance with Part 68 has been demonstrated. Consumers and carriers have a strong assurance that terminal equipment properly labeled with the FCC registration number may be connected to the telephone network. The proposed scheme of pre-grant of registration numbers would inevitably weaken this assurance, because, as we have indicated, a substantial number of applications after their initial review and acceptance reveal non-conformance with Part 68 technical requirements. We believe that this risk factor outweighs the alleged benefits to manufacturers by pre-grant assignment of registration numbers. Moreover, we have determined in this report and order to shorten the public notice period from twenty to five days. This should result in earlier grant of Part 68 applications, and may achieve some of the objectives sought by GTE and others. We prefer to monitor the impact of our modification to § 68.202(a), prior to further consideration of this proposal. Accordingly, we will not decide at this time the matter of early assignment of registration numbers.

23. *Modification of affidavit requirement of § 68.215(e).* Section 68.215(e) requires that an affidavit be prepared by the installation supervisor and submitted to the carrier prior to installation or reconfiguration of other than fully protected premises wiring. This affidavit provides information on the equipment involved and indicates that the installer's qualifications will be adequate to assure Part 68 compliance. The BOCs state that they do not need the affidavit itself but only the information contained in it. They state that the collection and maintenance of these affidavits is burdensome and expensive and urge that § 68.215(e) be modified to require that the affidavit be maintained on the customer's premises. NATA and ATT–IS oppose this BOC proposal on the ground that current procedures are not burdensome due to the use of "blanket affidavits" and that it would not reduce any burdens but merely shift them from the carriers to equipment vendors and customers. DOD supports the proposal stating that it would reduce costs to the ratepayers.

24. As the comments from NATA and ATT–IS indicate, under current industry practice the installation supervisor, frequently the equipment vendor, will file a blanket affidavit with the carrier and receive an indentification number which is then placed near the network interface for each installation. It is not necessary to submit numerous affidavits to the carrier. This is an acceptable administration of § 68.215(e), *see* Public Notice, Mimeo #16384, April 12, 1979, which substantially ameliorates the record keeping requirements that might otherwise be entailed under that rule section. The BOCs have not shown that this system of blanket affidavits could be maintained under its proposal, or that it might not result in an overall increase in regulatory burdens. Accordingly, we will not adopt its proposal at this time.

Regulatory Flexibility Act—Final Analysis

A. Need for and Objective of Rules

25. The Commission has determined that the public interest will be served by, and that there is a need for, elimination of unnecessary regulations from Part 68 of the rules and implementation of streamlined procedures for processing and grant of Part 68 equipment registration applications. The objective of the rules adopted in this report and order is to move toward achievement of these purposes of eliminating unnecessary regulations and streamlining application procedures.

26. The notice of proposed rulemaking in this proceeding solicited comments on the Initial Regulatory Flexibility Analysis, and specified that such comments be contained under separate headings from comments relating to other issues. No such comments were received. Nevertheless, in order to discharge our duty under the Regulatory Flexibility Act, we will discuss issues concerning costs, if any, arising from the rules we are adopting today.

B. Analysis of Rules Adopted

27. We are adopting rules which shorten the public notice period prior to grant of Part 68 applications, eliminate mandatory reporting requirements to telephone carriers by customers prior to connection of terminal equipment, eliminate specifications for equipment-to-equipment connectors, and eliminate the requirement for administration of shock tests to packaged terminal

[14] The BOCs state that the Part 68 application process is less burdensome than other types of equipment authorizations required by the Commission such as type approval procedures under § 2.903 of the rules 47 CFR 2.903. Under type approval, applicable primarily to marine transmitters, actual testing by the Commission is a precondition of equipment authorization.

equipment as a condition of registration. These rule amendments do not impose any costs or burdens on any person because they represent elimination of present requirements in the rules. Moreover, these rule changes should serve to reduce costs and burdens on manufacturers by permitting earlier grant of Part 68 applications. The Commission has stated in paragraph 8, *supra*, that manufacturers should include in operating instructions information on ringer equivalency. This information related to installation and operation of terminal equipment and is required under the existing § 68.218(b)(1). Accordingly, the Commission's statement is a reiteration of existing requirements and does not constitute the imposition of new or different regulatory burdens on any person.

C. Flexibility Analysis Conclusion

28. We conclude that the action we are taking today complies with the purposes of the Regulatory Flexibility Act. These regulations do not impose any significant costs on any person. No showing has been made that the rule amendments we are adopting will be more costly than other possible amendments. However, where alternative resolutions were available we have chosen the least costly alternative unless a more costly alternative would clearly be more effective in achieving the Commission's objectives under the Communications Act. In the majority of instances, both large and small carriers and manufacturers will be able to include such expenses as are necessary to meet the obligations of the rules adopted herein as part of revenue requirements for regulated services or by setting their own price for unregulated products and services.

29. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens upon the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Paperwork Reduction Act.

Conclusion

30. In view of the foregoing, we will adopt the Part 68 rule changes indicated in Appendix B. As no further issues remain in this docket, we will terminate it.

31. Accordingly, it is ordered, pursuant to 47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 220, 313, 403, 412, and 5 U.S.C. 553, That Part 68 of the Commission's rules, 47 CFR Part 68, is amended as set forth in Appendix B, effective December 2, 1985.

32. It is further ordered, That the motion to amend filed by the Telecommunications Research Action Center is denied.

33. It is further ordered, that this proceeding is Terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments:

The Department of Defense (DOD)
J. P. Neil, P.E.
GTE Service Corporation (GTE)
North American Telecommunications Association (NATA)
AT&T Information Systems (ATT–IS)
National Telephone Cooperative Association (NTCA)
Mountain States Telephone and Telegraph Company, et al. (US West Companies)
Pepper, Hamilton and Scheetz
Southern New England Telephone Company
Bell Operating Companies (BOCs)
Radio Shack
General Electric (GE)
International Business Machines (IBM)
Electronic Industries Association (EIA)
Communications Certification Laboratory (CCL)
Retlif, Inc. Testing Laboratories (Retlif)

Reply Comments:

The Department of Defense
Bell Operating Companies
Independent Data Communications Manufacturers Association (IDCMA)
GTE Service Corporation
AT&T Information Systems
North American Telecommunications Association
Webcor Electronics, Inc. (Webcor)
National Telephone Cooperative Association
Retlif, Inc. Testing Laboratories

Appendix B

PART 68—[AMENDED]

Part 68 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations, Part 68) is amended as follows:

1. The authority citation for Part 68 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. as amended, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102: 47 U.S.C. Secs. 154, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602.

2. Section 68.106 is amended by revising paragraphs (a) and (b) to read as follows:

§ 68.106 Notification to telephone company.

(a) General: Customers connecting terminal equipment or protective circuitry to the telephone network shall, upon request of the telephone company, inform the telephone company of the particular line(s) to which such connection is made, the FCC registration number and ringer equivalence number of the registered terminal equipment or registered protective circuitry.

(b) Systems assembled of combinations of individually-registered terminal equipment and protective circuitry: Customers connecting such assemblages to the telephone network shall, upon the request of the telephone company, provide to the telephone company the following information:

* * * * *

3. Section 68.202 is amended by revising paragraph (a) to read as follows:

§ 68.202 Public notice.

(a) The Commission will issue public notices of the filing of applications for equipment registrations and the grants thereof. No grant will issue before five days from the date of the public notice of the filing of the application.

* * * * *

4. Section 68.204 is revised to read as follows:

§ 68.204 Comments and replies.

Comments may be filed as to any application for equipment registration within five days of the date of the public notice of its filing. Replies to such comments may be filed within five days of the filing of such comments. All comments must be served on all parties filing comments. An original and three copies of all comments and replies must be filed.

5. Section 68.213 is amended by revising paragraph (e) to read as follows:

§ 68.213 Installation of other than "fully protected" premises wiring.

* * * * *

(e) *Notice to the telephone company.* Subscribers performing installation, connection, disconnection, reconfiguration or removal of premises wiring to or from the telephone network shall, upon request of the telephone company, inform the telephone company of:

* * * * *

§ 68.302 [Amended].

6. Section 68.302 is amended by removing paragraph (c)(1), redesignating (c)(2) as (c)(1), and redesignating (c)(3) as (c)(2).

7. Section 68.502 is amended by removing paragraphs (a)(2) and (a)(3) and redesignating (a)(4) as (a)(2); removing (b)(2), (b)(3), (b)(4) and (b)(5) and redesignating (b)(6) as (b)(2); (c)(2); (d)(2), (d)(3), and (d)(4); and revising (f)(1) as follows:

§ 68.502 Configurations.

* * * * *

(f) *Multiple-line series configurations.*—(1) *Up to eight (8) position jacks.* Multiple series jacks in this category consist of multiple arrangements of configurations specified in subsection (b) of this Section, in a multiple mounting arrangement. Such multiple arrangements may be ordered as a unit under the following UNIVERSAL SERVICE ORDER CODE:

RJ31M—multiple series T/R ahead of all station equipment (reference § 68.502(b)(1)).

8. In § 68.504, paragraphs (a) and (b) are removed, the Unilateral Patent License Agreement is designated as the text of the section, and the section heading is revised to read as follows:

§ 68.504 Universal patent license agreement.

* * * * *

[FR Doc. 85-27164 Filed 11-18-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 50950-5182]

Tanner Crab off Alaska

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

ACTION: Final rule; initial fishing season dates.

SUMMARY: NOAA issues this notice as provided for under the Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska to establish the 1985–1986 initial fishing season dates for Registration Areas A (Southeastern), E (Prince William Sound), H (Cook Inlet), and J (Westward). This action is intended to promote orderly fisheries that are consistent with the needs of participants and with conservation and management requirements.

EFFECTIVE DATE: November 14, 1985.

ADDRESS: Copies of the regulatory impact review prepared for this notice are available from Robert W. McVey, Director, Alaska Region (Regional Director), National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist), 907–586–7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) is implemented by regulations appearing at 50 CFR Part 671. Amendment 9 to the FMP (49 FR 35779, September 12, 1984) provides a framework procedure for establishing annual fishing seasons based on both biological and socioeconomic information.

This rule establishes the following new fishing season data for the commercial Tanner crab fishery off Alaska:

Registration area	District	Dates
A (Southeastern)	Southeast	Feb.10 to May 1.
	Yakutat	Jan. 15 to May 1.
E (Prince William Sound).	Western	Jan. 5 to May 31.
	Eastern	Do.
	Hinchinbrook	Do.
H (Cook Inlet)	Southern	Nov. 1 to May. 15.
	All other districts	Nov. 1 to May 31.
J (Westward)	Kodiak	Jan. 15 to Apr. 30.
	Semidi Island Section.	Jan. 15 to Apr. 30.
	South Peninsula	Do.
	Chignik	Do.
	Eastern Aleutians	Jan. 15 to June 15.
	Western Aleutians	Nov. 1 to June 15.
	Bering Sea	
	C. bairdi	Jan. 15 to June 15.
	C. opilio	Jan. 15 to Aug. 1.

The preamble to the initial notice of fishing season dates (50 FR 38867, September 25, 1985) discussed the rationale and need for the new season dates. Except for the Western Aleutians District, Registration Area J, which was left as November 10, these are the same season dates set by emergency interim rule (49 FR 46549, November 27, 1984) for the 1984–85 season.

Public comments on these new fishing season dates were invited through October 21, 1985. No comments were received. The Secretary has made one technical correction to Table 1 of the first notice changing Semidi Island District to read Semidi Island Section.

Classification

This action is authorized by 50 CFR Part 671, and complies with Executive Order 12291. NOAA has prepared a regulatory impact review (RIR) for this action. You may obtain a copy of the RIR from the address above.

The Environmental Assessment (EA) prepared by NOAA for the emergency interim rule to implement seasons for the 1984–85 Tanner crab fishery (49 FR 46549, November 27, 1984) addresses seasons established by this action. The EA concluded that no significant impact on the human environment would result from implementation of the seasons. You may obtain a copy of the EA from the address above.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. A summary of the socioeconomic analysis upon which this determination is based appears in the preamble to the initial notice of this action (50 FR 38867, September 25, 1985).

The Assistant Administrator for Fisheries, NOAA, has determined that this rule does not directly affect the coastal zone of the State of Alaska.

This action does not contain a collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fisheries, Reporting and recordkeeping requirements.

Dated: November 14, 1985.

Joseph W. Angelovio,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 671 is amended as follows:

PART 671—TANNER CRAB OFF ALASKA

1. The authority citation for Part 671 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In the table of contents the titles of § 671.21 and § 671.26 are revised to read as follows:

671.21 Optimum yields and seasons.

* * * * *

671.26 Procedures for establishing season dates, general gear restrictions, and registration areas.

* * * * *

3. In § 671.21, the heading and paragraph (a) are revised to read as follows:

§ 671.21 Optimum yields and seasons.

(a) *Optimum yields and season opening and closing dates.* The optimum yield (OY) and season opening date for Tanner crab for each Federal registration area and district (and the Semidi Island Section) are set forth in Table 1. These specifications of OY are effective for the fishing year beginning November 1 and ending on October 31. All season dates in this paragraph are inclusive. Time periods begin at 12:00 noon local time on the dates specified.

TABLE 1.—OPTIMUM YIELDS (MILLIONS OF POUNDS) OF TANNER CRAB STOCKS AND FISHING SEASONS IN THE FISHING DISTRICTS OR REGISTRATION AREAS OFF ALASKA.[1]

Registration area/district	Optimum yield	Season dates
A—Southeastern:		
Southeast	1.0- 3.0	Feb. 10 to May 1.
Yakutat	0.1- 1.0	Jan. 15 to May 1.
E—Prince William Sound	1.5- 3.5	
Western		Jan. 5 to May 31.
Eastern		Do.
Hinchinbrook		Do.
H—Cook Inlet	1.5- 3.0	
Southern		Nov. 1 to Apr. 30
Central		Nov. 1 to May 31
Kamishak Bay		Do.
Barren Islands		Do.
Outer		Do.
Eastern		Do.
J—Westward:		
Kodiak	11.0- 33.0	Jan. 15 to Apr. 30, (Jan. 15 to May 15 for Semidi Island Section).
South Peninsula	2.0- 6.0	Jan. 15 to May 15.
Chignik	0.5- 5.0	Do.
Eastern Aleutians	0.1- 2.0	Jan. 15 to June 15.
Western Aleutians	0.1- 2.0	Nov. 1 to June 15.
Bering Sea:		
(*Chionoecetes bairdi*	5.0- 28.5	Jan. 15 to June 15.
(*Chionoecetes opilio*	[2] 20.0-130.0	Jan. 15 to Aug. 1.

[1] Catches of Tanner crab in a State of Alaska registration area or district will be considered part of the optimum yield specified for the contiguous Federal registration area or district of the same name.

[2] This range represents the domestic annual harvest.

* * * * *

4. In § 671.26, paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) are removed; paragraphs (c)(3), (d)(3), and (f)(3) are redesignated as paragraphs (c)(2), (d)(2), and (f)(2); and paragraph (e)(1) introductory text is redesignated as paragraph (e) introductory text, and the paragraphs (e)(1)(i) through (e)(1)(i) are redesignated (e) (1), (2), (3), (4), (5) and (6) accordingly. The title of § 671.26 is revised to read as follows:

§ 671.26 Procedure for establishing season dates, general gear restrictions, and registration areas.

* * * * *

[FR Doc. 85-27571 Filed 11-14-85; 5:08 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 223
Tuesday, November 19, 1985

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Fresh Tomatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action will withdraw a proposal to amend the voluntary United States Standards for Grades of Fresh Tomatoes by revising size designation requirements. Comments received in response to the notice of proposed rule making indicate a significant lack of agreement within industry over the proposed revision.

DATE: This withdrawal is effective November 19, 1985.

FOR FURTHER INFORMATION CONTACT: David L. Priester, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5410.

SUPPLEMENTARY INFORMATION: The voluntary United States Standards for Grades of Fresh Tomatoes were last amended March 1976. In May 1985 the United Fresh Fruit and Vegetable Association, on behalf of the Florida Tomato Exchange with the support of the California Fresh Market Tomato Advisory Board, petitioned the Department to consider a revision of the standards' size designation requirements.

On July 24, 1985, a proposal to amend the standards by revising the size designation requirements was published in the **Federal Register** (Vol. 50, 30199-30200) with a period for comment ending September 23, 1985. At the request of industry representatives the period for comment was extended until October 24, 1985.

One hundred thirty-two comments were received during the official period for comment. Approximately fifteen percent of the comments supported the entire proposal. Seven comments were received after the closing date of the period for comment expressing views consistent with those previously received.

While industry, in general, agrees that uniform size designation terminology would promote orderly marketing, different segments within the industry are sharply divided over the issue of changing the diameter requirements of the present size designations. In vies of the lack of any substantial consensus as to whether the proposed changes in diameter requirements would meet the needs of the entire industry at this time, the proposal is being withdrawn.

Withdrawal of the proposed rule will provide industry representatives with the opportunity for further discussions in this area of serious concern to the entire industry. The Department is prepared to assist industry in its continuing efforts to resolve this complex issue.

In consideration of the foregoing, the proposal published in the **Federal Register** (Vol. 50, 30199-30200) on July 24, 1985, is hereby withdrawn.

List of Subjects in 7 CFR Part 51

Agricultural commodities.

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

Done in Washington, D.C. on: November 15, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-27712 Filed 11-18-85; 8:45 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 318

[Docket No. 85-330]

Sharwil Avocados From Hawaii

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the "Hawaiian Fruits and Vegetables" regulations to allow Sharwil avocados to be moved pursuant to a certificate from Hawaii interstate to any destination based on compliance with certain harvesting and handling provisions. It is necessary to regulate the interstate movement of avocados from Hawaii because of the Mediterranean fruit fly, the melon fly, and the Oriental fruit fly. However, it appears that Sharwil avocados moved interstate from Hawaii in accordance with such provisions would not present a significant risk of causing the spread of such fruit flies.

DATES: Written comments must be received on or before December 9, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 85-330. Written comments received may be inspected in Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: C.M. Amyx, Senior Staff Officer, Technology Analysis and Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 600, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8896.

SUPPLEMENTARY INFORMATION:

Background

The "Hawaiian Fruit and Vegetables" regulations (contained in 7 CFR 318.13 *et seq.* and referred to below as the regulations), among other things, regulate the interstate movement from Hawaii of avocados in a raw or unprocessed state (referred to below as avocados). It is necessary to regulate the interstate movement from Hawaii of avocados because of infestations in Hawaii of the Mediterranean fruit fly (*Ceratitis capitata* (Wied.)); the melon fly (*Dacus cucurbitae* (Coq.)); and the Oriental fruit fly (*Dacus dorsalis* (Hendel)). These fruit flies are commonly referred to as "Trifly."

Under the regulations, avocados currently are allowed to be moved interstate from Hawaii (except for certain movements to Guam) to any destination pursuant to a certificate only if, among other things, they have been treated in accordance with a treatment

specified in either § 318.13–4e or § 318.13–4f of the regulations. This document proposes to amend the regulations to set forth provisions for allowing avocados identified as Sharwil avocados to be moved pursuant to a certificate from Hawaii interstate to any destination without treatment.

Based on experience, it has been determined that the treatments specified in § 318.13–4e and § 318.13–4f are not commercially feasible. The regulations in § 318.13–4e provide for treatment of avocados by fumigation with methyl bromide at normal atmospheric pressure at the rate of 2 pounds per 1,000 cubic feet for 4 hours at 70 °F. or above under certain conditions. This treatment causes pitting, causes internal and external discoloration, and reduces the shelf life of the avocados by 2 to 4 days, all of which adversely affects the marketability of avocados. The regulations in § 318.13–4f provide for treatment of mature green avocados under conditions which include fumigation with methyl bromide at normal atmospheric pressure at the rate of 2 pounds per 1,000 cubic feet for 2½ hours at 70 °F. or above and include refrigeration for 7 days at fruit pulp temperature of 45 °F. or below. This treatment cannot be feasibly used, because after avocados are refrigerated for 7 days, there would not be a sufficient shelf life remaining for marketing them. For these reasons avocados from Hawaii are not being treated and shipped interstate from Hawaii.

Based on research conducted by the Department,[1] it has been determined that Sharwil avocados that have an attacked stem and that were picked directly from trees (they had not fallen to the ground) are not a host of Trifly for at least 24 hours after having been picked. A producer of Sharwil avocados has requested that the regulations be amended to allow the interstate movement from Hawaii of Sharwil avocados without treatment under conditions consistent with such research.

The regulations currently allow the movement of avocados from Hawaii to any destination if, among other things, they are moved pursuant to a valid certificate. This document proposes to add a new § 318.13–4g to authorize the issuance of certificates for Sharwil avocados as follows:

[1] Documents concerning the research can be obtained from Technology Analysis and Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Section 318.13–4g *Administrative instructions specifying conditions for certification of Sharwil avocados based on certain harvesting and handling provisions.*

Sharwil avocados will be eligible for a certificate for interstate movement from Hawaii to any destination if the following conditions are met:

(a) The avocados have an attached stem which is at least 0.5 centimeter in length and were picked directly from trees (they had not fallen to the ground) determined by an inspector to be of the Sharwil variety (the location of the trees shall be identified in a compliance agreement with the person having control of the picking operations).

(b) The avocados immediately after being picked were placed in containers containing only Sharwil avocados having an attached stem at least 0.5 centimeter in length, and had remained in such containers until taken into the packing facility referred to in paragraph (d) of this section.

(c) Within 12 hours after being picked, the avocados were moved into a packing facility in which operations are conducted in accordance with the following provisions at all times uncertified Sharwil avocados are in the facility:

(1) The facility is maintained free of all Trifly host material (other than certified Sharil avocados) and there is no Trifly host material within 100 feet of the facility (a list of such host material shall be attached to a compliance agreement with the person having control of the packing operations, and is available from local offices of Plant Protection and Quarantine in Hawaii which are listed in telephone directories and from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, Maryland 20782);

(2) The facility is maintained free of Trifly;

(3) All doors and other openings to the facility are maintained under conditions determined by an inspector as adequate to prevent the entry of Trifly (this could be accomplished by such things as having each entry way equipped with self-closing double doors, and by covering the doors and other openings with screening 16 mesh or finer);

(4) Upon being moved into the facility all of the avocados are inspected by employees of the facility and all of the avocados found not to meet the conditions of paragraph (a) of this section are culled; and

(5) All culls and debris from the avocados are removed at least daily from the premises where the facility is located.

(d) The avocados were packed in cartons determined by the Deputy Administator to be impervious to Trifly and the cartons were secured with tape to safeguard against opening; and the avocados were packed in such cartons at a packing facility referred to in paragraph (c) of this section within 24 hours after being picked.

(e) All activities related to the harvesting and handling of the avocados (the picking of the avocados, holding them prior to transportation to a packing facility, transporting them from the place where picked to the packing facility, and handling them in the packing facility) were conducted under the control of a person or persons operating in accordance with a valid compliance agreement between Plant Protection and Quarantine and such person or persons whereby it is agreed that all of such activities relating to the harvesting and handling of avocados for interstate movement under this section (i) will be subject to monitoring by inspectors, (ii) will be conducted only during times previously approved in writing by the Plant Protection and Quarantine Officer-in-Charge (approval will be based on a determination concerning whether inspectors are available to conduct the necessary monitoring of such activities), and (iii) will be conducted in compliance with the provisions of this section.

(f) There is in effect a valid compliance agreement between Plant Protection and Quarantine and the person requesting the issuance of the certificate whereby it is agreed that from the time the certificate is issued until the avocados are moved interstate from Hawaii all activities concerning the avocados shall be subject to monitoring by inspectors, and that the avocados will be moved interstate from Hawaii only if they continuously remain in cartons referred to in paragraph (d) of this section, and only if the cartons remain intact and secured with tape.

(g) For purposes of this section, Trifly means the Mediterranean fruit fly, and melon fly, and the Oriental fruit fly.

As noted above, it has been determined that Sharwil avocados that have an attached stem and that were picked directly from trees (they had not fallen to the ground) are not a host of Trifly for at least 24 hours after being picked.

The provisions of proposed § 318.13–4g are designed to ensure that Sharwil avocados are eligible for a certificate only if they are packed in cartons impervious to Trifly within 24 hours after being picked and only if they are to remain protected from Trifly until they are moved interstate from Hawaii. Further, it appears that the proposed provisions would provide commercially feasible procedures for allowing the interstate movement of Sharwil avocados from Hawaii.

The research referred to above also concluded that Sharwil avocados are not a host of Trifly for at least 24 hours if they are picked with a stem attached, regardless of the size of the stem. The proposal to require that the stem be at least 0.5 centimeter in length appears to be necessary to help ensure that the stem would be long enought so that an avocado could be easily identified as having a stem.

As noted above, proposed paragraph (a) would require that the avocados be picked directly from trees and consequently require that they had not fallen to the ground. This is essentially for informational purposes. An avocado

having a stem would necessarily have been picked from a tree because an avocado that falls from a tree becomes detached from the stem at the time it falls.

Although Sharwil avocados are readily distinguishable from other avocados upon inspection, the provisions of proposed paragraphs (a) and (b) concerning the identification of the trees and the holding of the avocados in containers that only contain Sharwil avocados, are included to help ensure that only Sharwil avocados would be taken to a packing facility for packing under the proposed provisions.

The provisions of proposed paragraph (b) which specify that the containers are to only contain avocados having an attached stem at least 0.5 centimeter in length would add precautionary measures to help ensure that only avocados that are not a host of Trifly would be taken to the packing facility. The avocados are picked by cutting the stem of the fruit from a branch and the pickers should be readily able to ensure that the avocados placed in such containers have a stem at least 0.5 centimeter in length.

Also, it appears to be reasonable to require in accordance with proposed paragraph (c) that the avocados be taken to the packing facility within 12 hours after being picked. This is consistent with normal business practices and would help ensure that sufficient time would be allocated for completing the packing operations within 24 hours after the avocados are picked.

The provisions of proposed paragraph (c) concerning the packing facility and operations at the packing facility are intended to help ensure that Trifly are not present in the packing facility during packing operations. Also, the proposed requirement that there be no Trifly host material within 100 feet of the facility during packing operations, is included to help protect against the presence of Trifly near the facility by ensuring that there would be no established populations of Trifly near the facility. Although Sharwil avocados meeting the conditions of proposed paragraph (a) are not a host of Trifly for at least 24 hours after being picked, it appears prudent as an added precautionary measure to protect against the presence of Trifly in the facility during the times uncertified Sharwil avocados are in the facility.

Also, as noted above, proposed paragraph (c) contains provisions for providing notice of which articles are included as Trifly host material. Trifly host material includes many articles, including grapefruits; guavas, sweet and sour oranges, coffee, Surinam cherries, papayas, mangoes, lemons, and limes. A complete listing would contain a long list of articles. Accordingly, in order to provide notice of the complete listing, the complete listing would be attached to a compliance agreement with the person having control of the packing operations. The proposed regulations also explain that the complete listing is available from local offices of Plant Protection and Quarantine in Hawaii which are listed in telephone directories and from the Deputy Administrator, Plant Proctection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, Maryland 20782.

The provisions of proposed paragraph (d) are necessary to prevent the avocados from becoming exposed to Trifly after 24 hours from the time of picking.

The compliance agreement provisions in proposed paragraphs (e) and (f) appear to be necessary to ensure that persons conducting operations referred to in the proposed regulations are knowledgeable with respect to such provisions and have agreed to comply with them; to ensure that the avocados do not become exposed to Trifly after the issuance of certificates; and to ensure that Plant Protection and Quarantine inspectors are available and allowed to take actions as necessary to ensure that the proposed provisions would be met.

This document also proposes to revise the provisions of § 318.13–17 concerning the cancellation of certificates, limited permits, and compliance agreements. Current § 318.13–17 states that:

> Any certificate, limited permit, or compliance agreement that has been issued in accordance with this subpart may be withdrawn or canceled by the Deputy Administrator, after notice and reasonable opportunity to present views has been accorded to the party to whom such document has been issued, if the Deputy Administrator determines that such party has failed to comply with any condition for the use of any such document imposed by this subpart.

It is proposed to revise § 318.13–17 to read as follows:

Section 318.13–17 *Withdrawal of certificates, limited permits, or compliance agreements.*

Any certificate, limited permit, or compliance agreement which has been issued or authorized may be withdrawn by an inspector orally or in writing, if such inspector determines that the holder thereof has not complied with all conditions under the regulations for the use of such document. If the cancellation is oral, the decision and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate, limited permit, or compliance agreement has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of practice concerning such a hearing will be adopted by the Deputy Administrator.

It appears that the proposed provisions would set forth due process procedures that would strengthen the Department's ability to protect against the interstate spread of Trifly and other plant pests.

In addition, it is noted that in a document published in the **Federal Register** on August 17, 1979 (44 FR 48230–48234), the Department, among other things, proposed to amend the regulations to allow certain thick-skinned varieties to avocados (that were picked mature green), including Sharwil avocados, to move interstate from Hawaii subject to certain handling procedures in accordance with the stipulations of a compliance agreement and certification. Also, in a document published in the **Federal Register** on June 24, 1980 (45 FR 42237–42242), the Department withdrew the proposed provisions relating to avocados.

The proposed provisions concerning avocados in the document of August 17, 1979, were based on the assumption that the skin of certain thick-skinned varieties of avocados is not susceptible to infestation by Trifly if mature green because the thick skin, if intact, is impenetrable by the fruit flies (see 45 FR 42238). The following was provided as a basis for withdrawing the proposed provisions relating to avocados:

> Based on Departmental expertise, it appears that there is an unacceptable risk that fruit flies would penetrate into an avocado even prior to harvest if the avocado ripened beyond mature green or were other than thick-skinned. Considerable attention has been given concerning the establishment of a precise definition for the term mature green; however, the Department is not aware of a feasible definition at this time that would relate to risk of infestation of fruit flies. Also for the reasons stated in the comments, the Department agrees that it would be difficult in many cases to make determinations concerning whether avocados were thick-skinned, and that mistakes could be made concerning avocados destined for movement from Hawaii to other parts of the United States. Accordingly, these comments appear to present good reasons for not adopting the proposed provisions relating to avocados.

It appears that these difficulties concerning determinations as to whether avocados are mature green or have thick skins are not relevant with respect to Sharwil avocados. The research referred to above established that Sharwil avocados that have an attached stem are not a host of Trifly for at least 24 hours after having been picked regardless of considerations concerning whether the avocados are mature green or thick-skinned. However, for informational purposes, it should be noted that the Sharwil avocados that have a stem attached would be no riper than mature green. Harvesting these avocados with stem attached assures that only Sharwil avocados at the mature green stage of ripeness are harvested.

Also, for informational purposes, it should be noted that the research referred to above established that Sharwil avocados that have an attached stem are not a host of Trifly for a least 24 hours after having been picked regardless of whether they have abrasions, cuts, or other wounds. Even so, it appears that it this Sharwil avocado proposal is adopted as a final rule, avocados with such defects would not be shipped interstate from Hawaii. In order to ensure the marketability of the avocados shipped interstate from Hawaii, it appears that almost all of the avocados with such defects would be culled out as a matter of routine practice.

The withdrawal document of June 24, 1980, also indicated that if a system were to be implemented to allow the interstate movement of untreated avocados from Hawaii, further consideration should be given concerning procedures to ensure that the avocados would be handled in accordance with the prescribed handling procedures in the field, i.e., ensuring that the avocados would be picked "mature green" and that Trifly would not infest the containers of avocados in the field prior to being taken to the packing facility. It does not appear that these concerns are relevant to this Sharwil avocado proposal. As discussed above, the Sharwil avocados with an attached stem would necessarily have been picked at a stage no riper than mature green. Also, it does not appear to be necessary to include provisions to protect the Sharwil avocados against Trifly before they are taken to the packing facility since they would not be a host of Trifly during such time.

In addition, the withdrawal document of June 24, 1980, indicated that if a system were to be implemented to allow the interstate movement of untreated avocados from Hawaii, further consideration should be given concerning the entry of Trifly into the packing facility. This issue is less significant with respect to this Sharwil avocado proposal, since Sharwil avocados with the stem attached are not a host of Trifly for at least 24 hours after being picked. However, as noted above, provisions to help ensure that Trifly are not present in the packing facility during packing operations are included in this Sharwil proposal. This is based on the determination that it appears prudent as an added precautionary measure to prevent the presence of Trifly in the facility during the times uncertified Sharwil avocados are in the facility.

Comments

The written comments are solicited for 20 days following publication of this document. The annual harvesting season for Sharwil avocados begins in November. If the proposal is to be adopted as a final rule in time to allow Sharwil avocados to be moved interstate from Hawaii during the 1985 Sharwil avocado season, a final rule must be adopted as soon as possible.

Executive Order 12291 and Regulatory Flexibility Act

The proposed rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposed rule would not have a significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

If this proposed rule is adopted as a final rule, it appears that the amount of avocados that would be moved interstate from Hawaii would constitute less that one percent of the total United States avocado production.

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V)

List of Subjects in 7 CFR Part 318

Agricultural Commodities, Plant Diseases, Plant Pests, Plants (Agriculture), Quarantine, Transportation, Hawaii, Avocados.

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Accordingly, it is proposed to amend 7 CFR Part 318 as follows:

1. The authority citation for 7 CFR Part 318 would be revised to read as set forth below and the authority citations following all the sections in Part 318 are removed:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; & CFR 2.17, 2.51, and 371.2(c).

2. In § 318.13–1, paragraph (1) would be revised to read as follows:

§ 318.13–1 Definitions.

* * * * *

(1) *Compliance agreement.* Any agreement to comply with stipulated conditions as prescribed under § 318.13–3(b), § 318.13–4(b), or § 318.13–4(g), executed by any person to facilitate the interstate movement or regulated articles under this subpart.

* * * * *

3. In § 318.13–4, a new paragrph (e) would be added to read as follows:

§ 318.13–4 Conditions governing the issuance of certificates or limited permits.

* * * * *

(e) *Certification of Sharwil avocados based on certain harvesting and handling procedures.* Sharwil avocados will be eligible for a certificate for interstate movement from Hawaii to any destination if the provisions of § 318.13–4g are met.

4. Section 318.13–4g would be redesignated as § 318.13.4h and a new § 318.13–4g would be added to read as follows:

§ 318.13–4g Administrative instructions specifying conditions for certification of Sharwil avocados based on certain harvesting and handling provisions.

Sharwill avocados will be eligible for certificate for interstate movement from Hawaii to any destination if the following conditions are met:

(a) The avocados have an attached stem which is at least 0.5 centimeter in length, and were picked directly from trees (they had not fallen to the ground) determined by an inspector to be of the Sharwil variety (the location of the trees

shall be identified in a compliance agreement with the person having control of the picking operations).

(b) The avocados immediately after being picked were placed in containers containing only Sharwil avocados having an attached stem at least 0.5 centimeter in length, and had remained in such containers until taken into the packing facility referred to in paragraph (d) of this section.

(c) Within 12 hours after being picked, the avocados were moved into a packing facility in which operations are conducted in accordance with the following provisions at all times uncertified Sharwil avocados are in the facility:

(1) The facility is maintained free of all Trifly host material (other than certified Sharwil avocados) and there is no Trifly host material within 100 feet of the facility (a list of such host material shall be attached to a compliance agreement with the person having control of the packing operations, and is available from local offices of Plant Protection and Quarantine in Hawaii which are listed in telephone directories and from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, Maryland 20782);

(2) The facility is maintained free of Trifly;

(3) All doors and other openings to the facility are maintained under conditions determined by an inspector as adequate to prevent the entry of Trifly (this could be accomplished by such things as having each entry way equipped with self-closing double doors, and by covering the doors and other openings with screening 16 mesh or finer);

(4) Upon being moved into the facility all of the avocados are inspected by employees of the facility and all of the avocados found not to meet the conditions of paragraph (a) of this section are culled; and

(5) All culls and debris from the avocados are removed at least daily from the premises where the facility is located.

(d) The avocados were packed in cartons determined by the Deputy Administrator to be impervious to Trifly and the cartons were secured with tape to safeguard against opening; and the avocados were packed in such cartons at a packing facility referred to in paragraph (c) of this section within 24 hours after being picked.

(e) All activities related to the harvesting and handling of the avocados (the picking of the avocados, holding them prior to transportation to a packing facility, transporting them from the place where picked to the packing facility, and handling them in the packing facility) were conducted under the control of a person or persons operating in accordance with a valid compliance agreement between Plant Protection and Quarantine and such person or persons whereby it is agreed that all such activities relating to the harvesting and handling of avocados for interstate movement under this section (i) will be subject to monitoring by inspectors, (ii) will be conducted only during times previously approved in writing by the Plant Protection and Quarantine Officer-in-Charge (approval will be based on a determination concerning whether inspectors are available to conduct the necessary monitoring of such activities), an (iii) will be conducted in compliance with the provisions of this section.

(f) There is in effect a valid compliance agreement between Plant Protection and Quarantine and the person requesting the issuance of the certificate whereby it is agreed that from the time the certificate is issued until the avocados are moved interstate from Hawaii all activities concerning the avocados shall be subject to monitoring by inspectors, and that the avocados will be moved interstate from Hawaii only if they continuously remain in cartons referred to in paragraph (d) of this section, and only if the cartons remain intact and secured with tape.

(g) For purposes of this section, Trifly means the Mediterranean fruit fly, the melon fly, and the Oriental fruit fly.

5. Section 318.13–17 would be revised to read as follows:

§ 318.13–17 Withdrawal of certificates, limited permits, or compliance agreements.

Any certificate, limited permit, or compliance agreement which has been issued or authorized may be withdrawn by an inspector orally or in writing, if such inspector determines that the holder thereof has not complied with all conditions under the regulations for the use of such document. If the cancellation is oral, the decision and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate, limited permit, or compliance agreement has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of practice concerning such a hearing will be adopted by the Deputy Administrator.

Done at Washington, D.C. this 13th day of November 1985.

Harvey L. Ford,

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

[FR Doc. 85–27402 Filed 11–18–85; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Parts 145 and 147

[Docket No. 85–111]

General Conference Committee of the National Poultry Improvement Plan; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Announcement of meeting.

SUMMARY: This document gives notice of a meeting to the General Conference Committee of the National Poultry Improvement Plan.

DATES: The meeting will be held December 11, 1985 (9 a.m.—4 p.m.). Written comments may be filed with the Committee befor or at the time of the meeting.

ADDRESSES: The meeting will be held in the EPIC Room of the Federal Building, 6505 Belcrest Road, Hyattsville, Maryland. Written comments may be mailed to Dr. I. L. Peterson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5140. Comments received may be inspected at this address between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. I. L. Peterson, 301–436–5140.

SUPPLEMENTARY INFORMATION: The purpose of the General Conference Committee of the National Poultry Improvement Plan (NPIP) is to make recommendations to the Department concerning the poultry improvement regulations contained in 9 CFR Parts 145 and 147.

At the meeting to be held on December 11, 1985, poultry disease prevention programs will be reviewed. Also, recommendations of the Poultry Improvement Industry Advisory Council and other poultry industry groups will be considered in advising the Department as to the proper course to

follow in the development of a Model State Program.

In addition, plans will be made for the Biennial NPIP Conference scheduled for June 24–26, 1986, in San Francisco, California. Suggestions for proposed changes to the provisions of the NPIP to be considered at the NPIP conference will be discussed.

The meeting will be open to the public. Written statements concerning these and other matters may be filed with the Committee before or at the time of the meeting.

Dated: November 14, 1985.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85-27535 Filed 11-18-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1b

[Docket No. RM78-15]

Rules Relating to Investigations

Issued November 5, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is withdrawing a Notice of Proposed Rulemaking in which it proposed certain revisions to its Rules Relating to Investigations. After seven years' experience under those rules, the Commission has concluded that the rules as presently written permit the Commission to fulfill its investigatory responsibilities while adequately protecting the interests of those affected by investigations. Accordingly, the Commission is terminating this rulemaking docket.

EFFECTIVE DATE: The effective date of withdrawal of the Notice of Proposed Rulemaking is December 19, 1985.

FOR FURTHER INFORMATION CONTACT: Scott Jennings, Enforcement Section, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, (202) 357-5228.

Withdrawal of Notice of Proposed Rulemaking

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa and Charles G. Stalon.

In the matter of rules relating to investigations, Docket No. RM78-15-000.

Issued November 5, 1985.

I. Introduction

By this order, the Federal Energy Regulatory Commission (Commission) withdraws the Notice of Proposed Rulemaking that it issued in Docket No. RM78-15 and terminates that docket. In the Notice of Proposed Rulemaking, the Commission proposed certain revisions to its Rules Relating to Investigations.[1] After seven years' experience under the present rules, the Commission has concluded that those rules permit the Commission to fulfill its investigatory responsibilites while adequately protecting the interests of those affected by investigations. Accordingly, the Commission has determined that the changes proposed in the Notice of Proposed Rulemaking and in the comments submitted in this docket are neither necessary nor desirable. The Commission is therefore terminating this docket.

II. Background

On June 14, 1978, in Docket No. RM78-15, the Commission issued Order No. 8,[2] establishing the Commission's Rules Relating to Investigations. The Commission afforded interested persons an opportunity to comment following issuance of the order.[3] The Commission received 16 comments from interested persons, including trade associations, gas pipeline companies, gas producers, and oil pipeline companies. After reviewing those comments, the Commission issued a Notice of Proposed Rulemaking on April 10, 1979.[4] In the Notice of Proposed Rulemaking, the Commission considered the comments at length and proposed a number of revisions to the rules. Ten written comments on the Notice of Proposed Rulemaking were filed, and four representatives of interested persons appeared at a public hearing on April 15, 1980.

The Commission has considered all written and oral comments submitted in response to the present rules and to the Notice of Proposed Rulemaking. Having evaluated the comments with the benefit of seven years' actual experience, the Commission has determined to withdraw the notice of Proposed Rulemaking, thereby leaving the existing rules in effect.

[1] 18 CFR Part 1b (1985).

[2] 43 FR 27174 (1978).

[3] Because the Rules Relating to Investigations constitute rules of agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act were not applicable, and the rules were made effective as final rules immediately upon issuance. *See* 5 U.S.C. 553(b)(A) (1982).

[4] 44 FR 21586 (1979).

III. Discussion of Comments

The principal objections raised by the commenters are the related contentions that the Commission's procedures governing investigations fail to provide adequate procedural safeguards for those affected by investigations and give too much discretion to the Commission's enforcement staff. Several commenters have therefore argued that investigations should be conducted essentially as adjudicatory proceedings (although some of the "safeguards" sought go beyond those available even in criminal prosecutions) and that a variety of restrictions should be imposed on the discretion of the Commission's enforcement staff.

The Commission previously considered these arguments and rejected them in the Notice of Proposed Rulemaking. As the Commission pointed out there, those objections reveal a fundamental "misconception of the role played by investigations within the regulatory context." [5] In this regard, the Commission made the following observation:

> The purpose of a Commission investigation is to determine whether any persons or entities have violated laws, regulations, or orders administered or issued by the Commission and, if so, what formal enforcement action should be taken. Although civil remedies, criminal penalties, and administrative sanctions can be imposed in Commission enforcement cases, a Commission investigation is a "non-adversary" inquiry or interrogation conducted to develop facts to enable the Commission to determine whether grounds exist for the institution of formal adversary proceedings. Thus, given the protections afforded in subsequent adversary proceedings, there is no need to transform investigations into adjudicative proceedings, which would "sterilize . . . investigations by burdening them with trial-like procedures." *Hannah* v. *Larche*, [363 U.S. 420, 448 (1960)].[6]

The Commission reiterates that an investigation is not an adjudicatory proceeding in which the substantive rights of persons under investigation are affected. Indeed, the rules expressly provide that "(t)here are no parties, as that term is used in adjudicative proceedings, in an investigation." [7] An investigation is conducted for the purpose of gathering facts. Those facts may or may not warrant the commencement of an adjudication.

If an adjudication is commenced, the full procedural safeguards asssociated with an adversary proceeding are, of course, afforded. Accordingly, the

[5] *Id.*

[6] *Id.* at 21, 587.

[7] 18 CFR § 1b.11 (1985).

Commission declines to require what would amount to a preliminary adjudication to decide whether there should be an adjudication. Such a requirement would create needless delay and opportunity for obstruction. As the Commission explained in the Notice of Proposed Rulemaking, "to add an additional procedural layer, namely, a requirement for argument or hearing on the question of whether or not to institute a proceeding, would . . . unduly delay the disposition of matters and would seriously undermine the Commission's enforcement program."[8]

Similarly, many of the comments reveal a misconception regarding the role of the Commission's enforcement staff during an investigation. During an investigation, the staff does not act as an advocate or prosecutor. Rather, the staff's function is to gather information and advise the Commission whether the facts warrant the commencement of formal adversary proceedings.

These misconceptions about the nature of an investigation and about the staff's role in an investigation are at the heart of many of the objections raised in the comments. The comments include proposals that the Commission issue subpoenas for administrative adjudication of the validity of subpoenas issued by investigating officers. In addition, various commenters propose a lengthy list of specific changes involving such matters as service of subpoenas, return dates of subpoenas, disclosure of the nature of the investigation to witnesses, representation of multiple witnesses by a single attorney, advising witnesses regarding their rights, control of contumacious conduct during the taking of testimony, sequestration of witnesses, transcription of investigative testimony, and access of witnesses to transcripts of testimony. Some commenters would have the Commission impose additional limitations upon staff discretion with regard to the confidentiality of investigations and information gathered during investigations. Other concerns relate to the initiation and conduct of investigations and notification of those under investigation that an investigation has been concluded. Yet other comments assert that various aspects of the Commission's enforcement procedures, such as the statement required upon production of subpoenaed documents, are unworkable and should be changed.

The Commission finds these suggestions and the other proposed changes unnecessary and undesirable. The present rules have proven themselves to be workable and effective procedures for gathering information while protecting the rights of affected persons. Reducing their flexibility could seriously hamper the investigatory process.

Illustrative of the concerns raised by commenters, which the Commission finds groundless, are those relating to the enforcement of subpoenas. In the first place, under the present rules the staff is not authorized to issue subpoenas unless it obtains the Commission's authorization in the form of an order initiating a formal investigation. Even after the Commission has authorized the issuance of subpoenas, a person may refuse to comply with a subpoena if he believes that the subpoena is unreasonably burdensome or otherwise improper. At that point the enforcement staff must obtain further authorization from the Commission before seeking judicial enforcement of the subpoena. If judicial enforcement proceedings are authorized, the person subpoenaed is free to contest the validity of the subpoena before an impartial judge. Thus, the existing rules provide wholly adequate safeguards against the abuse of subpoena authority; experience has shown no need to add to the existing process additional procedural layers with their attendant delay and expense.

Similarly unnecessary are various proposed procedures relating to the confidentiality of investigations. Several commenters argue that additional safeguards are needed both to ensure that investigations are not conducted in public when they should be conducted in private and to protect against the unwarranted release of confidential information gathered during private investigations. By contrast, one commenter urges that all investigations be conducted in public and that all information gathered in the course of an investigation be made public, except when prohibited by law. The Commission rejects both approaches. First, since an investigation is merely a means of gathering facts, not an adjudication of alleged violations, conducting it in public (except in extraordinary circumstances) would unfairly bring adverse publicity to persons who have not even been accused by the Commission of violating the law. Moreover, both those under investigation and other sources of information might well prove considerably less cooperative if the proceedings were public. Second, the Commission sees no basis for concern that existing rules provide insufficient safeguards against unwarranted publicity. The Commission and its staff are sensitive to the harm that can flow from unwarranted publicity. As a result, virtually all investigations conducted during the past seven years have been confidential. During that period, the existing rules have proven entirely adequate to prevent the unjustified release of confidential information.

Some commenters suggest that, when no further action is contemplated following the completion of an investigation, the Commission should be required to notify the person under investigation that no further action will be taken. In support of this suggestion, the commenters argue that failure to notify a person under investigation that no further action will be taken would leave the person under a "cloud," and, because companies may be required to disclose the existence and nature of a Commission investigation, the failure to give such notification could cause harm. There is no need to include such a provision in the regulations.

It is the Commission's policy to notify a person under investigation of the termination of that investigation in situations, like those mentioned by the commenters, in which the failure to do so would cause harm. However, in certain circumstances such notification may not be appropriate. For example, some investigations consist of no more than a staff review of internal Commission documents; when no member of the public, including the person under investigation, has been informed of the existence of such an investigation, it is neither necessary nor appropriate to give notice of the termination of the investigation. Accordingly, we favor a flexible policy that distinguishes situations when notice is appropriate from those when it is not appropriate to a rigid rule requiring the Commission to give notice every time it terminates an investigation.[9]

Furthermore, while an investigation is not an adjudication, existing rules and practice provide important procedural safeguards to those affected by investigations. For example, any person may present its views in writing to the enforcement staff at any time during the course of an investigation.[10] Thus, any

[8] 44 FR 21586, 21590 (1979).

[9] Because an investigation believed to have been concluded may be reactivated as a result of unforeseen developments, the Commission emphasizes that when such notice is given it constitutes no guarantee that the Commission will not ultimately take action on the basis of the investigation. In particular, any attempt to use such notice as a defense in any action that might subsequently be brought would be baseless and inappropriate.

[10] 18 CFR 1b.18 (1985).

person may make its views known even before any recommendation is made to the Commission regarding whether an adjudication should be initiated. Moreover, it has been the practice of our enforcement staff to transmit the views of those being investigated to the Commission along with the staff's own recommendations.[11]

A number of commenters express concern regarding the related issues of separation of functions and *ex parte* contacts. The principal concern is that the consideration of on-the-record administrative adjudications might be affected by off-the-record information privately conveyed to the Commission or its advisory staff by the enforcement staff. The commenters propose various changes to provide additional safeguards against prohibited contacts. Such changes are unnecessary.

In the Notice of Proposed Rulemaking, "the Commission [sought] to emphasize that the *ex parte* provisions do not apply to the conduct of Commission investigations, which are not on-the-record proceedings." [12] Similarly, the rules relating to separation of functions are not applicable to investigations.[13] Neither set of rules applies because an investigation is not an adjudication affecting the substantive rights of those under investigation. Rather, as noted above, an investigation is simply the means whereby the Commission gathers sufficient information to decide whether an adjudication should be initiated. Of course, information gathered in an investigation may be introduced as evidence in a subsequent on-the-record adjudication before the Commission. However, the *ex parte* and separation-of-functions rules are fully applicable during such an adjudication, and all parties have the opportunity to test and question all evidence introduced.

On the basis of our seven years' of experience, we perceive no need to impose the numerous restrictions suggested by the communters. The existing rules have served to protect both the public interest and the rights of those under investigation. At best, the proposed restrictions would create rigidity where flexibility is needed. at worst, they would seriously hamper the Commission's ability to gather the information necessary for the proper enforcement of the laws that it administers.

IV. Conclusion

The Commission's seven years' experience under the present rules has shown no need for the changes proposed in the Notice of Proposed Rulemaking or in the comments submitted in this docket. The existing rules have proven themselves in actual use. Having considered all written and oral comments in light of seven years' experience, the Commission finds that it is in the public interest to retain the existing Rules Relating to Investigations. Accordingly, the Commission is terminating Docket No. RM78-15.

In consideration of the foregoing the Commission hereby withdraws the Notice of Proposed Rulemaking and terminates Docket No. RM78-15.

By the Commission.

Lois D. Cashell,

Acting Secretary.

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[11] On the other hand, as the Commission explained in the Notice of Proposed Rulemaking, because an investigation precedes any adjudication that might affect the substantive rights of those under investigation, "it would seriously undermine the Commission's enforcement efforts to require as a matter of right the pre-notification of all persons who may be named in a Commission action or who may be proceeded against civilly or criminally of the possibility that such action might occur and to afford an opportunity to be heard in each instance before the Commission." 44 FR 21586, 21589 (1979).

[12] *Id.*

[13] 18 CFR 385.101(b)(1) (1985) (provisions of 18 CFR Part 385, including *ex parte* and separation-of-functions rules, not applicable to investigations under 18 CFR Part 1b).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. 84N-0113]

Sulfiting Agents; Labeling in Drugs for Human Use; Warning Statement

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to requre that a warning statement be included in the labeling of all prescription drugs for human use containing sulfites. FDA believes that this action is necessary because of the evidence that adverse reactions to sulfites occur in certain persons, especially asthmatics. This warning statement could aid physicians in patient managment by providing them with the information necessary to avoid prescribing sulfite-containing drugs to known sulfite-sensitive persons.

DATE: Comments by January 21, 1986.

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

FOR FURTHER INFORMATION CONTACT: Eileen R. Hodkinson, Center for Drugs and Biologics (HFN-364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: FDA is proposing to require that information in the form of a warning statement be included in labeling of all prescription drug products intended for human use that contain sulfites. There are recent reports (referenced below) that certain persons, especially asthmatics, experience allergic-type reactions after exposure to drug products that contain sulfites. The requirement for labeling of prescription drug products containing sulfites would provide health care professionals with the information necessary to avoid prescribing such drug products to persons known to be sulfite-sensitive.

Background

Sulfites are chemical substances that are included in drug products to reduce or prevent oxidation (the change in a substance due to its combining with oxygen), which is a major cause of instability in some types of drugs. The instability and loss of potency can be caused by even small amounts of oxygen. Although it is usually relatively simple to remove most of the oxygen from a pharmaceutical container, it is more difficult to make a pharmaceutical container oxygen free. Oxidation of the drug can be inhibited, however, by the use of antioxidants or stabilizers. Sulfites commonly used as antioxidants include sodium metabisulfite, sodium bisulfite, sodium sulfite, potassium sulfite, potassium metabisulfite, and potassium bisulfite. Sulfites are present in more than 1,100 oxygen-sensitive prescription drug products, most intended for intravenous administration with some for inhalant, ophthalmic or other routes of administration. Relatively few oral prescription drug products contain sulfites. In general, prescription drug products that might contain sulfites include bronchodilator solutions for nebulization (but not metered-dose inhalers) and injectable dosage forms intended for use as antiemetics, cardiovascular drugs, antibiotics, large volume amino acid solutions, peritoneal dialysis solutions radiopaque contrast media, local anesthetic agents, and corticosteroids.

The Center for Science in the Public Interest (CSPI), an organization based in Washington, DC, has petitioned the agency to restrict sulfite use or require

labeling for foods and drugs containing sulfites. Specifically with regard to drugs, CSPI has requested that the agency (1) ban the use of sulfites in drug products designed for the treatment of asthma, and (2) either ban the use of sulfites in all over-the-counter (OTC) and prescription drug products or require a warning label in drug products in which sulfites must be used to maintain drug stability and potency.

Discussion of the Problem

Reports in the medical literature indicate that sulfites can precipitate, in susceptible persons, hypersensitivity reactions ranging from mild to life threatening. The types of reactions that have been reported following the administration of sulfites includes hives, angioedema, laryngeal edema, hypotension, wheezing and cyanosis, gastrointestinal distress, flushing, contact dermatitis, loss of consciousness, respiratory arrest, and coma. Hypersensitivity reactions occur in individuals abnormally sensitive to an antigen, drug, or other agent. More than one pathophysiologic mechanism may be responsible for these reactions. After reviewing the reports on sulfite sensitivity, the agency believes that this may be the case with sulfites.

For example, some patients may have an IgE-mediated immediate hypersensitivity reaction, or what is usually referred to as an allergic reaction like that caused by penicillin, as in one such patient reported in the literature (Ref. 1). On the other hand, other sulfite-sensitive patients do not appear to have had this kind of reaction. Sulfur dioxide (SO_2), the end product of sulfite metabolism in a hydrated slightly acidic medium and a known cause of asthma by inhalation, may be responsible for many of the reported reactions (Refs. 2 and 3). In addition, investigators at Scripps have postulated that some sulfit sensitive patients are deficient in the enzyme sulfite oxidase, which catalyzes the breakdown of sulfite into inactive sulfate (Ref. 3). Whatever the mechanism, patients may experience either life-threatening anaphylaxis (often consisting of fall in blood pressure, shortness of breath, hives, itching, edema) or, more often, an acute asthmatic attack.

While most reactions associated with exposure to sulfites in foods and drug products have been in asthmatic patients, there have been reports of reactions of sulfites in nonasthmatic persons as well. The prevalence of sulfite-sensitivity in either population, however, is not known.

It has been demonstrated that asthmatics may develop bronchoconstriction in the presence of even low concentrations of SO_2. For example asthmatics have been shown to develop bronchospasm at SO_2 level of 0.1 to 1.0 part per million (ppm), significantly less than the SO_2 levels from sulfites found in some prescription nebulized bronchodilator solutions (0.1 to 6 ppm) used to treat asthmatics (Refs. 4 and 5). Furthermore, the symptoms for which a bronchodilator is used can be indistinguishable from the symptoms caused by sulfite hypersensitivity. As discussed below, case reports and the medical literature note that a patient using a sulfite-containing bronchodilator may experience worsening of symptoms and would be unable to tell whether the asthma was unresponsive and progressing or whether sulfites were exacerbating the symptoms. The patient might well in the situation use additional doses of bronchodilator solution, with adverse consequences if the patient were in fact sulfite sensitive.

Case Reports and Literature Review

The earliest reports of adverse reactions from sulfites that appeared in the medical literature involved food products. The first such case was discussed by Prenner and Stevens in 1976 (Ref. 6). The patient was a 50-year-old man who was not asthmatic. He developed a systemic anaphylactic reaction consisting of generalized hives, itching, swelling of the tongue, difficulty in swallowing, and tightness in the chest minutes after eating a meal at a restaurant that included a salad sprayed with sodium bisulfite. An oral provocation challenge with sodium bisulfite solution produced a similar reaction in the patient.

About the same time, Freedman evaluated the effects of challenge with SO_2 in asthmatic patients in Great Britain (Ref. 7). In this study of 272 asthmatic patients, 30 gave a history of asthma attacks after ingestion of orange drinks containing sulfites. Fourteen were given provocation tests by drinking solutions of sulfur dioxide. Eight of these 14 patients had a positive response as determined by a 12 percent or greater fall in forced expiratory volume (FEV_1) at 1 second. Freedman followed that early work with a review of the problem, and concluded that SO_2 can induce a asthma attack when either inhaled or ingested by sensitive subjects (Ref. 8).

In 1981, Stevenson and Simon reported their test findings on a group of four asthmatic women, 27 to 65 years of age, who had previously suffered severe wheezing and symptoms of anaphylaxis after ingesting food and drinks in restaurants (Ref. 9). On single-blind challenge with 10- to 50-milligram (mg) capsules of a metabisulfite, these patients developed symptoms of asthma and a decrese in pulmonary function as measured by FEV_1 within 10 to 30 minutes after challenge. They had negative immediate hypersensitivity skin tests and did not have any increase in vitro histamine release to the metabisulfite. These investigators subsequently described additional patients who had a positive response when challenged with oral metabisulfites (Ref. 10).

During 1981, reports of adverse reactions to sulfites in drug products began to appear in the medical literature. Thus far, the agency is aware of nine such reports (Refs. 2, 5, 6, 11; and 14 through 18). In each case the sensitivity was confirmed by rechallenge. The first case, reported by Baker, involved a patient who was admitted to a hospital for moderately severe asthma (Ref. 11). For 1 hour after administration of intravenous dexamethasone, a drug product commonly used to treat asthma, her condition rapidly deteriorated and she required mechanical ventilation. After 12 hours, here condition had improved and she was given intravenous metoclopramide for nausea. Within minutes she develop acute bronchospasm. Both of these drug products contain sulfites. On single-blind challenge with a 500-mg capsule of a sodium metabisulfite, the patient developed profound bronchospasm and a precipitous fall in peak air-flow rate; lower doses were not tested. Subsequently, these investigators reported on eight additional patients with a positive history for and a positive challenge with oral metabisulfites (Ref. 12). Four of these patients failed to react to large doses of a metabisulfite in a capsule, but rapidly developed asthmatic symptoms after inhaling 25 mg of a metabisulfite in 50 cubic centimeters of 0.5 percent citric acid solution. Werth also discussed sulfite-sensitive patients who had negative reactions to oral challenge with encapsulated metabisulfite but still experienced significant responses to aerosolized metabisulfite (Ref. 13).

In 1982, Twarog and Leung described a patient who developed acute respiratory insufficiency after inhaling isoetharine (a bronchodilator) and diffuse itching and acute wheezing after receiving intravenous metoclopramide (Ref. 1). These medications contained sulfites. She had a positive immediate hypersensitivity skin test to sodium bisulfite and increased in vitro histamine release from leukocytes after

stimulation with bisulfites. After receiving 5 mg of aerosolized metabisulfite in a double-blind testing procedure, she became flushed, started wheezing, and was found to have a fall in FEV_1 and maximum midexpiratory flow rate (MMFR) of 52 percent a d 76 percent, respectively.

In March 1983, Koepke and Selner described two patients who reported experiencing reactions from sulfites in nebulized bronchodilator solutions (Ref. 4). When challenged with a solution containing sodium bisulfite, they developed severe bronchospasm. The study then measured the levels of SO_2 found when sulfites combined with aqueous solutions, on the basis that such a combination might account for the incidences of paradoxical bronchospasm noted in some asthmatic patients in the past after inhalation of aerosol bronchodilators. Their analysis of four different commercially used nebulized bronchodilator solutions showed that during nebulization these solutions can generate from 0.1 ppm to 6 ppm of SO_2. These amounts are significant because an earlier study by Boushey showed that levels of SO_2 as low as 0.1 ppm can produce bronchoconstriction in asthmatic patients (Ref. 5).

Another patient with an adverse reaction to sulfite-containing drug products was described by Koepke in 1984 (Ref. 14). A patient who was an aspirin-sensitive asthmatic inhaled isoetharine during a routine pulmonary function test. However, instead of the expected bronchodilation, a paradoxical decrease in expiratory flow rate was observed, accompanied by throat irritation, chest tightness, and wheezing. Jamieson et al. reported on a 34-year-old female with a history of asthma and urticaria who developed severe difficulty in breathing accompanied by wheezing, intense itching, and hives after inhalation of the bronchodilator metaproterenol (Ref. 15).

Another adverse reaction found in the literature involved a 3-year-old male asthmatic who developed hives and itching after inhaling isoetharine (Ref. 16). Following aerosol challenge with metabisulfite, he developed generalized wheezing which necessitated discontinuation of the test.

Until very recently all reactions to sulfite-containing drug products reported in the literature involved intravenous solutions or inhalation products. In January 1985, however, Schwartz and Sher reported on a 37-year-old asthmatic woman who was given the ophthalmic solution dipivefrin (one drop each eye) for glaucoma. For 2 weeks she continued dipivefrin therapy, along with her usual medication, and her asthma became substantially worse requiring inhaled steroid and epinehrine (Ref. 17). A rechallenge with one drop of dipivefrin in each eye caused notable worsening of pulmonary functions. Challenge with one drop of potassium metabisulfate 0.75 milligram per milliliter alone in each eye produced the same reaction. In April 1985, Schwartz reported on sulfite sensitivity in a 37-year-old woman who reacted to sufites in a local anesthetic administered during a dental procedure (Ref. 18). Local anesthetics, and other drugs used subcutaneously, as well as ophthalmic solutions, had previously been throught to be incapable of producing reactions due to the sulfites present in them.

In addition to these reports in the literature, the agency's Division of Drug Experience has received 14 additional reports of reactions to sulfites in drug products. Only one, however, has been confirmed by challenge as a sulfite reaction. This case involved a known sulfite-sensitive person who received a commonly used intravenous fluid and electrolyte solution, which was labeled as containing sulfites in the list of ingredients.

Although available evidence, all relatively recent, supports the occurrence of some severe reactions to sulfites in drug products, these reactions have been reported less often than one might expect. It is unclear whether the doses of sulfites in many drug products are generally too low to cause severe reactions or whether reactions occur frequently but are mistakenly attributed to the active ingredient and therefore not reported as sulfite reactions. This latter theory has been suggested by Dally et al, in a study in which seven asthmatic patients developed an immediate fall in FEV_1 after inhalation of aerosolized gentamicin (Ref. 19). Although the purpose of the study was to assess the effects of gentamicin inhalation on ventilating functions, the authors concluded that the metabisulfite in the product, rather than the gentamicin, probably caused the allergic reaction.

As stated above, the incidence of reactions to sulfites is not known. Sufficient testing to determine the prevalence of sulfite sensitivity in either the asthmatic population or the general population has not been performed. The agency is aware of several recent studies that have been conducted to determine the prevalence in asthmatics, but the populations studied either were not sufficiently defined, or do not appear to represent all types of asthmatics. According to an estimate developed in a 1982 study conducted by Simon at Scripps Clinic and Research Foundation on a small number of asthmatics, approximately 5 to 10 percent of the asthmatic population may be sulfite sensitive (Ref. 10). In this study, Simon demonstrated an 8.2 percent incidence of positive challenge tests to bisulfites in 61 asthmatic patients without a history of reaction to bisulfites. Suetsugu et al. reported in an abstract that 54 percent (50 out of 92) of the known asthmatics studied had an adverse effect on pulmonary function when challenged with 0.1 or 0.3 percent sodium bisulfite as measured by a fall in FEV_1 (Ref.20).

In 1984, Towns et al. reported on the results of a study of 29 steroid dependent children with chronic asthma. On single-blind challenge with metabisulfite in solution, 66 percent (19 out of 29) had a positive challenge as measured by a 20 percent decrease in FEV_1 (Ref. 21). A recent study by Koepke suggests that in asthmatics sensitivity to inhaled sulfites is more common than sensitivity to ingested sulfites (Ref. 22). In this study, 40 percent (4 out of 10 asthmatics) not sensitive to ingested sulfites developed bronchospasm following sulfite inhalation. As previously stated, these studies are small and cannot easily be extrapolated to the large population of people with asthma, nor do they necessarily apply to orally or parenterally administered drug products. For this reason, the agency is interested in receiving comments on the prevalance of sulfite sensitivity.

Rationale for Proposed Action

On June 20, 1983, FDA's Pulmonary-Allergy Drugs Advisory Committee met to consider whether, in its view, the presence of sulfites in human drugs constituted a safety problem and what action, if any, FDA should take to minimize or eliminate the problem. Although the committee unanimously agreed that the presence of sulfites in human drugs poses a risk to certain susceptible persons, it did not recommend any specific course of action at that time.

After evaluating the reports described above and considering the deliberations of the Pulmonary-Allergy Drug Advisory Committee, FDA has not found evidence in the available information on sulfites in human drugs that demonstrates a significant health hazard to the general population. Therefore, a complete prohibition against their use is not now justified. Because the agency believes that sulfites serve a necessary public health function by maintaining the potency of certain medications, some of

which may be life saving, prohibiting sulfite use in drug products could be justified only if acceptable alternatives were available. A general replacement, however, has not yet been identified to the agency's knowledge. Morever, with the exception of ascorbic acid, alternative antioxidants have not had wide exposure and could pose safety problems as severe or worse than with sulfites. Any substitutions would have to be based on demonstrated ability of the substitute to maintain a stable and acceptable drug product. Because there is evidence of a causal relationship between sulfites and serious reactions in certain susceptible persons, however, the agency concludes that individuals who wish to avoid sulfite-containing products should be provided sufficient labeling information to do so. The agency believes that this can be accomplished in several ways.

Current agency regulations already require that the label of prescription drug products, other than those for oral use, bear the name of all inactive ingredients. Thus, for these products, the presence of sulfites, an inactive ingredient, is already required to be declared on the label (see 21 CFR 201.100(b)(5)). Given the nature and extent of the problem associated with sensitivity to sulfites and the fact that persons sensitive to sulfites may react to those agents regardless of the products in which they appear, the agency for some time considered requiring that all other drug products intended for human use, i.e., OTC drugs and prescription drug products for oral use, declare the presence of sulfites on their label and that all prescription drugs contain a warning statement.

The drug industry, however, has begun to take the initiative in dealing with the problem of inactive ingredients, such as sulfites, in drug products. For example, on May 19, 1984, the Proprietary Association, representing manufacturers of nonprescription drug products, announced a labeling program under which its member firms will voluntarily list inactive ingredients in alphabetical order on the labels of drug products packaged after December 1, 1985. The association represents 85 companies and claims a U.S. market of between 90 to 95 percent of all OTC drugs. Similarly, on December 5, 1984, the Pharmaceutical Manufacturers Association (PMA), whose members manufacture the majority of all prescription drug products sold in the United States, adopted a voluntary program under which its member firms would list inactive ingredients in the official package insert for oral dosage form prescription drug products. PMA expects participating companies to be fully cooperating by December 1, 1985. Taken together, these initiatives should result in ingredient labeling for the majority of drug products sold in the United States.

In addition, drug manufacturers are using advertising to inform physicans about products that do or do not contain sulfites and are also including a precautionary statement about sulfite reactions in their prescription drug advertising. Several manufacturers of large volume parenterals are either attempting to reduce the amount of sulfites in their products or are actively working on the feasibility of alternate antioxidants. One major manufacturer of bronchodilators has recently decided to package a product in a unit-dose package which does not require the addition of sulfites. Thus, some sulfite sensitive patients may have an alternative such as unit-dose packaging or metered-dose inhalers while the vast majority of asthmatics who are not sulfite sensitive may still enjoy the convenience and economy of other drug products in various delivery systems.

In view of these voluntary efforts to achieve the same purpose, the agency does not believe that Federal regulation to require the listing of sulfites on the label of OTC or prescription drug products is needed at this time. The agency applauds these voluntary efforts and encourages all drug manufacturers to list sulfites on the labels of their products. For prescription drug products, however, given the potential severity of the risk as evidenced by the adverse reactions reported, the agency believes the label declaration alone is not sufficient. As discussed above, of the 14 reports of adverse reactions to sulfites in drug products received by the agency's Division of Drug Experience, the only one confirmed involved a prescription drug product which listed sulfites on the label, but the listing was overlooked by the attending health care professional. For these reasons, the agency believes that a statement in the labeling is needed to help ensure that health care professionals are alerted to the problem.

Therefore, in addition to the voluntary listing of sulfites on the product label, a statement on the possibility of adverse reactions associated with use should be included in the "Warning" section of prescription drug product labeling. Such a statement would comply with 21 CFR 201.57(e), which requires labeling to include a warning as soon as there is reasonable evidence of an association of a serious hazard with a drug product. The medical literature demonstrates such a risk with sulfite-containing drug products that are inhaled or administered intravenously. Also, as evidenced by the cases discussed above, there may be a risk from subcutaneously administered drug products and ophthalmic solutions. Although the agency has not received any adverse reaction reports involving oral prescription drug products, the potential for reaction from sulfites administered orally has been amply demonstrated in a number of studies. As previously discussed, numerous patients, when challenged with metabisulfite in a capsule form, showed a significant fall in pulmonary function and severe symptoms requiring treatment with epinephrine. The agency believes that it can be concluded from these studies that there is reasonable evidence that oral drug products containing sulfites can cause allergic reactions. On the basis of this accumulated evidence, therefore, the agency is requiring that this warning statement be included in the labeling of all dosage forms of prescription drug products that contain sulfites.

Moreover, because the agency is unaware of any evidence that establishes a level below which sulfites will not cause a reaction in sensitive individuals, this regulation would apply to any prescription drug product to which sulfites are added as an inactive ingredient, regardless of the amount. As demonstrated in case reports, some patients have reacted to very small amounts of sulfites, whereas others have not reacted until challenged with significantly larger amounts. Although a dose-dependent response can be demonstrated in individual patients, establishment of a threshold level would not take into account highly sensitive asthmatics who might react to very small amounts.

The agency acknowledges that much about sulfite sensitivity is still not known. For instance, the dose of sulfites known to cause an adverse reaction in some patients is lower than the amount of sulfites that patients frequently encounter from foods or ambient air over the course of a day. Also, patients may react to sulfites less strongly or not at all on some occasions as compared with other occasions. The reasons for these observed phenomena have not been fully elucidated. It is possible that the administration of a sulfite in a bolus or over a relatively circumscribed period of time may cause more of a reaction than if the dose is spread over many hours. In addition, if at a particular time

a patients bronchi are hyperactive, i.e., already associated with or especially prone to symptoms of asthma, then the administration of a sulfite may cause effects that either are not seen at other times or are more severe than effects seen at other times. Other explanations undoubtedly hold in other patients or circumstances. The absence of desirable knowledge on these points does not make less important the risk from sulfites in drug products.

Therefore, the agency is proposing that the professional labeling for all human prescription drug products containing sulfites include the following warning statement: "Contains (*insert the name of the sulfite, e.g., sodium metabisulfite*), a sulfite that may cause serious allergic-type reactions (e.g., hives, itching, wheezing, anaphylaxis) in certain susceptible persons. Although the overall incidence of sulfite sensitivity in the general population is probably low, it is seen more frequently in asthmatics or in atopic nonasthmatic persons."

Currently, the agency is not aware of any evidence of adverse reactions specifically related to OTC drug products containing sulfites. For this reason, and in view of the voluntary inactive ingredient disclosure efforts currently underway, the agency believes that any regulatory action concerning OTC drug products is unnecessary at this time.

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The articles and publications cited in this preamble are on public display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

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20. Suetsugu, S., et al., "A Recognition of Bronchial Reaction Caused by Sodium Bisulfite Added in an Isoprenaline Preparation for Aerosol Use," (abstract) *Resumes du Congress d' Interasna*, 42:133, Paris, 1981.

21. Towns, S.J., and C.M. Mellis, "Role of Acetyl Salicylic Acid and Sodium Metabisulfite in Chronic Childhood Asthma," *Pediatrics*, 73:631–637, May 1984.

22. Koepke, J.W., et al., "Inhaled Metabisulfite Sensitivity," *Annals of Allergy*, 54:213–215, March 1985.

Proposed Effective Dates

The agency proposes that 180 days after date of publication of any final rule based on this proposal all labeling for prescription drug products for human use initially introduced or initially delivered for introduction into interstate commerce will be required to contain a warning statement regarding the presence of any sulfites in the product (see proposed 21 CFR 201.22(b)).

The use of a sulfite in a human prescription drug product initially introduced or initially delivered for introduction into interstate commerce 180 days after the publication of a final rule would cause the drug to be misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) if its labeling failed to contain the required warning statement.

Manufacturers of drug products, including approved new drugs, are encouraged to revise their labeling to conform to this proposal at the earliest possible time. Such changes, for new drugs, may be placed in effect upon submission of a supplemental application, and need not wait for prior approval from the agency in accordance with 21 CFR 314.70(b). If the labeling required as a result of the final rule differs from that proposed, manufacturers will be provided sufficient time within which to make further revisions.

Manufacturers of new drugs containing sulfites who delete them and/or substitute another ingredient for the sulfite would be required to obtain approval before reformulation, of a supplemental new drug application showing that the change in composition does not interfere with any assay or control procedure used in the manufacturing of the drug, or that the assay and any other control procedure have been revised to make them adequate. If the change is of such a nature that safety and effectiveness data are needed, such as through the use of oxidants that are not well-known, then the supplement must include these data. The supplement also would be required to include data on the new composition that establish the stability of the revised formulation as required by 21 CFR 311.166. If the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals and to submit the data as they become available is required. Additionally, FDA requires a commitment to withdraw from the market any batch found to fall outside the approved specifications for the drug or discuss the deviation with FDA if the applicant believes the deviation is not significant. Manufacturers of drugs not subject to a new drug application would also have to conform to the provisions of 21 CFR 211.166.

Economic Assessment

The agency has examined the regulatory impact and regulatory flexibility implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354). The agency has estimated that the regulation as proposed would generate costs that are well below the thresholds that signify a major rule and, thus, the proposed regulation does not require a regulatory impact analysis.

FDA's Center for Drugs and Biologics estimates that there are approximately 1,100 prescription drug products currently marketed which contain sulfite as an ingredient. The proposed regulation would require a one-time addition to existing prescription drug product professional labeling—adding a warning statement.

FDA estimates that a drug manufacturer would incur label printing and redesign expenses that include typesetting the warning statement, graphics redesign to position the warning statement on the labeling, and preparing a new negative. FDA estimates that these one-time labeling changes would cost a pharmaceutical manufacturer on an average approximately $60 per drug product label. Thus, the total cost to manufacturers of complying with the proposed regulation would be $66,000 ($60×1,100).

FDA also concludes that the proposed regulation would not produce a significant economic impact on a substantial number of small entities and thus does not require a regulatory flexibility analysis. Although many of the manufacturers involved are smaller firms, the costs incurred by these small entities would fall short of the threshold required for a regulatory flexibility analysis.

Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) (April 26, 1985; 50 FR 16636) that this proposed action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Comments

Interested persons may, on or before January 21, 1986, 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.

List of Subjects in 21 CFR Part 201

Drugs, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act, it is proposed that Part 201 be amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR Part 201 is revised to read as follows:

Authority: Secs. 502, 505, 701, 52 Stat. 1049-1053 as amended, 1055-1056 as amended (21 U.S.C. 352, 355, and 371): 21 CFR 5.10, 5.11.

2. In Subpart A by adding new § 201.22 to read as follows:

§ 201.22 Prescription drugs containing sulfites; required warning statement.

(a) Sulfites are chemical substances that are added to certain drug products to inhibit the oxidation of the active drug ingredient. Oxidation of the active drug ingredient results in instability of the drug product and may cause loss of potency of the active ingredient. Examples of specific sulfites used to inhibit this oxidation process include sodium bisulfite, sodium metabisulfite, sodium sulfite, potassium bi-sulfite, potassium sulfite, and potassium metabisulfite. Recent studies have demonstrated that sulfites may cause allergic-type reactions in certain susceptible persons, especially asthmatics.

(b) The labeling required by §§ 201.57 and 201.100(d) for prescription drugs for human use containing a sulfite shall bear the warning statement "Contains (*insert the name of the sulfite, e.g., sodium metabisulfite*), a sulfite that may cause allergic-type reactions (e.g., hives, itching, wheezing, anaphylaxis) in certain susceptible persons. Although the overall prevalence of sulfite sensitivity in the general population is probably low, it is seen more frequently in asthmatics or in atopic nonasthmatic persons." This statement shall appear in the "Warnings" section of the labeling.

Dated: October 17, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 85-27472 Filed 11-18-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-3-85]

Tax Return Preparers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed amendment to the Regulations on Procedure and Administration. The amemdment relates to disclosure of tax return information by tax return preparers for the purposes of monitoring and auditing return preparation and for the purpose of assisting the tax return preparer or his legal representative in operating the business in the event of incapacity or death of the tax return preparer. This amendment is made in order to provide guidance to tax return preparers with regard to disclosure of tax return information in this context.

DATES: The amendment is proposed to be effective 30 days after publication of final regulations in the **Federal Register.** Written comments and requests for a public hearing must be delivered or mailed by December 19, 1985.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T [LR-3-85], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Richard Chewning of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3289, not a toll free call).

SUPPLEMENTARY INFORMATION: This document contains a proposed amendment to the Regulations on Procedure and Administration under section 7216(b)(3) (26 CFR Part 301). The proposed amendment adds a new category to the list of permitted disclosures or use of tax return information without the formal consent of the taxpayer. This amendment is to be issued under the authority contained in section 7216(b)(3) (85 Stat. 529, 26 U.S.C. 7216) and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Discussion

Section 7216(b) provides that the penalty provision of section 7216(a) will not apply to the disclosure or use of information by preparers of returns if the disclosure is made pursuant to

provisions of the Code or pursuant to an order of a court. Section 7216(b)(3) gives the Secretary the regulatory authority to prescribe other exceptions to section 7216(a). Those regulatory exceptions are enumerated in § 301.7216–2 (relating to permitted disclosure of tax return information without the formal consent of the taxpayer) and § 301.7217–3 (relating to permitted disclosure of tax return information with the formal consent of the taxpayer). This amendment to the regulations would add an additional category of permitted disclosures to § 301.7216–2. New proposed § 301.7216–2(o) would permit disclosure of tax return information by a tax return preparer for the purpose of permitting the auditing and monitoring of the preparation of tax returns by the tax return preparer. This will assist the tax return preparer to provide the quality of service that the taxpayer expects when he or she goes to the tax return preparer. In addition, this amendment would permit disclosure of tax return information by a tax return preparer for the purpose of assisting the tax return preparer of his legal representative in operating the business in the event of incapacity or death of the tax return preparer.

Comments and Requests for a Public Hearing

Before adopting as a final regulation this proposed regulation, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Regulatory Flexibility Act of 1980 and Executive Order 12291

The Secretary of the Treasury has certified that this proposed amendment to the regulations would not have a significant economic impact on a substantial number of small entities. Accordingly, this proposed amendment to the regulations does not constitute a regulation subject to the Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) and a Regulatory Flexibility Analysis is not required and has not been prepared. The Commissioner of Internal Revenue has determined that this proposed rule is not a major regulation subject to Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

The principal author of this regulation is Richard Chewning of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, and Filing requirements.

Proposed Amendment of the Regulations

Accordingly, the proposed amendment to 26 CFR Part 301 is as follows:

PART 301—[AMENDED]

1. The authority citation for Part 301 continues to read as follows:

Authority: 26 U.S.C. 7805; § 301.7216–2 is also issued under 26 U.S.C. 7216(b)(3).

2. Section 301.7216–2 is amended by adding a new paragraph (o) at the end thereof, as set forth below:

§ 30.7216–2 Disclosure or use without formal consent of taxpayer.

* * * * *

(o) *Disclosure of tax return information for the monitoring and auditing of tax return preparation.* The provisions of section 7216(a) and § 301.7216–1 do not apply to any disclosure of tax return information made by a tax return preparer to any person who is expected to use such information in connection with the monitoring and auditing of the accuracy of tax returns prepared by the tax return preparer that are to be filed or have been filed with the Internal Revenue Service and to which the tax return information pertains. In addition, disclosure of tax return information may be made by the tax return preparer for the purpose of assisting the tax return preparer or his legal representative in operating the business in the event of incapacity or death of the tax return preparer. Persons receiving tax return information under the provisions of this paragraph (o) are tax return preparers for purposes of this section.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 85–27569 Filed 11–18–85; 8:45 am]

BILLING CODE 4830–01–M

POSTAL SERVICE

39 CFR Part 111

Disposal of Books and Sound Recordings

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule change would streamline current procedures for the return of books and sound recordings found in dead parcels by providing a central location for the approval of requests for their return. It would also require requesters to designate where they will pick up those items which are being returned under the provisions of these rules. Various minor changes are also proposed to clarify these procedures.

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

ADDRESS: Written comments should be mailed or delivered to the General Manager, Special Services Division, Rates & Classification Department, Room 8430, 475 L'Enfant Plaza West, SW, Washington, DC 20260–5371. Copies of all written comments will be available for inspection and photocopying between 9:00 A.M. and 4:00 P.M., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Richard Shaver (202) 268–5309.

SUPPLEMENTARY INFORMATION: Currently certain books and sound recordings identified in dead parcel branches are returned to publishers and distributors based upon requests that are filed at each dead parcel branch separately. This method requires the requester to make multiple requests for the same material to each of the dead parcel branches they wish to cover. The proposed rule would simplify this procedure by providing for a centralized point to which all requests would be sent. This single location will approve requests and advise each of the dead parcel branches of the requesters and the location to which books and sound recordings eligible for return are to be sent. The proposed rule would also require all requesters to identify a single dead parcel branch where they will pick up all returned books and sound

recordings. This will reduce considerably the expense of this service to the Postal Service while still providing requesters a convenient central point for all collection of returned material. In addition, the approval of a request will be valid for two years under the new rule, rather than open ended as in the past. This will ensure that all Postal Service lists of requesters are current. All current requesters and new requesters would be required to file a new request by June 1, 1986, to be included in the first listing.

According, although exempt from the requirements of the Administrative Procedure Act [5 U.S.C. 553(b)(c)] regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–3219, 3403–3405, 3601, 3621, 42 U.S.C. 1973cc–13, 1973cc–14.

2. Revise 159.564 to read as follows:

PART 159—UNDELIVERABLE MAIL

* * * * *

.564 Disposal of books and sound recordings

Books and sound recordings will be disposed of by sale, except for those that may be withheld from sale for release to a publisher or distributor under the following conditions:

a. A publisher or distributor may request, in the manner set forth below, that books and sound recordings bearing a particular trade name, company name or other organizational identification, be released to the requester or to the requester's representative. The requirements for such a request are:

(1) The requester must apply in writing to the General Manager, Special Services Division, Office of Mail Classification, USPS Headquarters, Washington, DC 20260–5371.

(2) The request must include a statement that the requester is the publisher or distributor of the books or sound recordings bearing the listed trade name, company name or other organizational identification. More than one trade name, company name or other organizational identification may be listed in the same request.

(3) The request must specify the dead parcel branch where the books and sound recordings will be picked up. (See 159.561(b)) Requesters may select only one dead parcel branch as the location where their books and sound recordings will be picked up. The specified dead parcel branch may be changed at any time by submitting a written request to the General Manager, Special Services Division.

(4) After approval, a central file of requesters and the items they want returned will be maintained in the Special Services Division. Information from the file will be disseminated to those installations which will be sorting books and sound recordings eligible for return to requesters. All requesters will receive confirmation of their requests.

(5) An approval will remain in effect for two years or until cancelled in writing by either the requester or the Postal Service. (See 159.564i.)

b. A book or sound recording will be sold at auction and will not be released to the requester if, even though it bears an applicable trade name, company name, or other organizational identification, it does not appear to be new, or was involved in the settlement of a postal indemnity claim, or if it is known that the requester was not the mailer or addressee.

c. A request for release of books or sound recordings will not be granted where a written protest or a conflicting request from another party is presented to the General Manager, Special Services Division. Merchandise involved in such a dispute will be sold at auction in the normal course of business, unless written notice from both parties advising of settlement of the dispute is received before the prescribed sale deadline (see 159.564g). Both parties to a dispute will be advised when a question over ownership occurs and when any settlement of the dispute is made.

d. Upon approval of a request, Dead Parcel Branches and Bulk Mail Classification Centers which process books and sound recordings will establish separations for the books and sound recordings which bear the specified trade name, company name, or other organizational identification. Such identification must consist of a readily identifiable name which can be easily read. Processing installations will attempt to adhere to these special separation requests to the maximum extent practicable.

e. Dead parcel branches will release books and sound recording to requesters or their authorized representatives at the dead parcel branch designated in their request at a time and in a manner mutually agreeable between the requester and the Postal Service, consistent with the instructions in this section. Such merchandise must be picked up by the requester at least once before each auction, but may be picked up more often by mutual agreement.

f. Dead parcel branch release procedures are:

(1) Ten days before each dead parcel auction, or more often if warranted by the volume, the dead parcel branch will send a written notice to each requester who has specified release of such merchandise at that dead parcel branch, advising of the quantity of books and sound recordings on hand. Merchandise which is to be released at the dead parcel branch will not be listed in the sale catalog.

(2) Requesters or their representatives may pick up books and sound recordings at the designated dead parcel branch by presenting a letter from the requester authorizing the Postal Service to release such merchandise to be bearer. This letter of authorization must be executed in triplicate. Upon release of the merchandise, all copies of the letter of authorization will be receipted in bulk by the person accepting delivery. One copy will be given with the merchandise, one copy will be mailed directly to the requester and the original will be retained by the dead parcel branch.

g. Books and sound recordings must be picked up at the dead parcel branch before the close of the business day immediately preceding the public display of auction sale merchandise. Failure to do so will result in cancellation of a request. (See 159.564i.)

h. If books and sound recordings are separated at a location other than the designated return point, this location will make up individual shipments to the return point in packages, sacks, hampers, or other types of containers. Packages will be as large as possible, subject to the weight and size limitations for fourth-class mail in DMM Part 750. Each package will be sent under a penalty label to the designated dead parcel branch. Sacks are subject to the 70 pound weight limitation. Hampers or other containers may be used if adequate security against pilferage can be maintained. Where hampers or other containers are used, arrangements must be made through the Transportation Management Office associated with the sending installation for suitable containment, labeling, movement, and security.

i. When a request is cancelled (see 159.564g), the requester will be notified by the Postal Service in writing. A

cancelled request may not be renewed for six months after the date of cancellation. At that time, an application must be resubmitted in writing, as if it were a new request. Merchandise on hand at the time of a cancellation will be included in the next auction.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-27525 Filed 11-18-85; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[OSW-FRL 2926-6]

Illinois; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of Illinois for Final Authorization, Public Hearing, and Public Comment Period.

SUMMARY: Illinois has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). The United States Environmental Protection Agency (U.S. EPA) has reviewed Illinois' application and has made the tentative decision that, upon receipt of adequate assurances by the Illinois Attorney General, the Illinois hazardous waste management program will satisfy all of the requirements necessary to qualify for RCRA final authorization. Thus, U.S. EPA tentatively intends to grant final authorization to the State to operate its program in lieu of the Federal program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Illinois' application for final authorization is available for public review and comment. A public hearing will be held to solicit comments on the application if sufficient public interest is expressed.

DATE: A public hearing is scheduled for 3:00 p.m., December 20, 1985. U.S. EPA reserves the right to cancel the public hearing if sufficient interest in holding a hearing is not communicated to U.S. EPA by telephone or in writing by December 15, 1985. U.S. EPA will determine by December 15, 1985, whether there is sufficient interest to hold the public hearing. All written comments on this tentative determination and the Illinois final authorization application must be received by December 20, 1985.

ADDRESSES: Copies of Illinois' final authorization application are available from 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

United States Environmental Protection Agency, Waste Management Division, Solid Waste Branch, 230 South Dearborn Street, 5HS-JCK-13, Chicago, Illinois 60604. Contact: Barabara Russell, (312) 886-6940

United States Environmental Protection Agency, Headquarters Library, PM-211A, 401 M. Street, SW., Washington, D.C. 20460, (202) 382-5926

Written comments on the tentative determination and the application, and written or telephone communication of interest in holding a public hearing on the Illlinois application, must be sent to Barbara Russell, Illinois Regulatory Specialist, Solid Waste Branch, Waste Management Division, U.S. EPA 230 South Dearborn Street, 5HS-JCK-13, Chicago, Illinois, 60604, (312) 886-6940.

If you wish to find out whether or not U.S. EPA will hold a public hearing on the tentative determination and the Illinois application, based on U.S. EPA's decision that there was sufficient public interest in such a hearing, write or telephone the U.S. EPA contact person listed below after December 6, 1985.

If sufficient public interest is expressed, U.S. EPA will hold a public hearing on Illinois' application for final authorization on December 20, 1985, at 3:00 p.m. at the Illinois Pollution Control Board, 100 W. Randolph, Suite 11500, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Barbara Russell (312) 886-6940.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows U.S. EPA to authorize a State hazardous waste program to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "interim authorization," is a temporary authorization which is granted if U.S. EPA determines that the State program is "substantially equivalent" to the Federal program (Section 3006 (c), 42 U.S.C. 6926 (c)). U.S. EPA's implementing regulations at 40 CFR 271.121-271.137 establish a phased approach to interim authorization. Phase I covers U.S. EPA's regulations in 40 CFR Parts 260-263, and 265 (universe of hazardous wastes, generator standards, transporter standards, and standards for interim status facilities). Phase II covers U.S. EPA's regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities.)

Phase II, in turn, has three components. Phase IIA covers general permitting procedures and technical standards for containers and tanks. Phase IIB covers permitting of incinerator facilities, and Phase IIC addresses the permitting of landfills, surface impoundments, waste piles, and land treatment facilities. By statute, all interim authorizations expire on January 31, 1986. Responsibility for the hazardous waste program reverts to U.S. EPA on that date if a State with interim authorization has not received final authorization, as described below. Illinois was granted Phase I Interim Authorization on May 17, 1982.

The second type of authorization is a "final" (permanent) authorization that is granted by U.S. EPA if the Agency finds that a State's program: (1) Is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, (3) is no less "stringent" than the Federal program, and (4) provides for adequate enforcement authority and public participation in the permitting process (Section 3006 (b); 42 U.S.C. 6226(b)). States need not have obtained interim authorization in order to qualify for final authorization. U.S. EPA's regulations for final authorization appear at 40 CFR 271.1-271.23.

B. Illinois

On May 15, 1984, Illinois submitted a draft application for final authorization. The complete application for final authorization was submitted on July 29, 1985. Prior to submission of the application to U.S. EPA, Illinois solicited public comments from June 12, 1985 through July 19, 1985, and held a public hearing on July 12, 1985. The State received 11 written comments and 5 verbal comments were presented at the public hearing. A majority of the comments focused on the degree of public participation in the State's permit process for hazardous waste management facilities.

On September 10, 1985, U.S. EPA transmitted to Illinois consolidated comments on the State's complete application for final authorization. U.S. EPA identified a number of areas that required further clarifications and additional information. One significant comment was the degree to which the

public may participate in the State's permit process given the formal procedures outlined in Illinois' "contested case" provision at Ill. Rev. Stat., Chapter 127, par. 1016 and par. A. U.S. EPA specifically had requested that the Illinois Attorney General provide adequate assurances that public comments submitted during the permit public comment period may be considered by the Agency when making a final permit decision. Furthermore, U.S. EPA had requested that the Illinois Attorney General provide information and assurances as to whether the State's permit hearing process provides for an informal public hearing. Illinois had responded satisfactorily to most of U.S. EPA's comments, except for those related to public participation, in a letter dated October 7, 1985. In that letter Illinois also committed to provide U.S. EPA with the Attorney General's opinion on the adequacy of the State's permit public participation provisions. The U.S. EPA has received this opinion and is now satisfied that Illinois' public participation procedures for the permit process are equivalent to the Federal requirements at 40 CFR 124.11 through 124.18. This opinion will be available at the offices listed in the "ADDRESSES" section above.

Concern was raised within State offices as to whether the Illinois program is of a quality which warrants authorization. U.S. EPA has evaluated the Illinois program specifically to determine whether the State is capable of administering a quality RCRA program. As a result of this evaluation, U.S. EPA has tentatively concluded that the State is capable of administering a quality RCRA program. During the past year, Illinois EPA has made significant improvements in its enforcement and permitting programs. Further progress will be important. Illinois EPA still needs to improve its review of plans for facilities which are seeking to cease hazardous waste operations and its routine record reviews of closure plans. Furthermore, Illinois EPA needs to improve its system of controlling the files of enforcement related information. The specific findings of U.S. EPA's review of the Illinois EPA program are contained in the Illinois Capability Assessment. U.S. EPA solicits comments from the public on the Capability Assessment. The specific measures which Illinois EPA will take to improve the areas discussed are being negotiated and will be part of the Letter of Intent between U.S. EPA and Illinois EPA.

U.S. EPA has reviewed Illinois' application and has tentatively determined that, contingent upon receipt of adequate information and assurances regarding public participation in the permit process from the Attorney General, the State's program will meet all the requirements necessary to qualify for final authorization. Consequently, U.S. EPA intends to grant final authorization to Illinois.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization would have administered its hazardous waste program entirely in lieu of U.S. EPA. U.S. EPA's regulations no longer applied in the authorized State, and U.S. EPA could not issue permits for any facilities the State was authorized to permit. Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6226(g), the new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time they take effect in non-authorized states. U.S. EPA is directed to carry out these requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of HSWA, there would be a dual State/Federal regulatory program in Illinois if final RCRA authorization is granted. To the extent the authorized program is unaffected by HSWA, the State program will operate in lieu of the Federal program. U.S. EPA will administer and enforce the portions of HSWA in Illinois until the State receives authorization to do so. Among other things, this will entail the issuance of Federal permits for those areas in which the State will not be authorized. Once Illinois is authorized to implement a HSWA requirement or prohibition, the State program will operate in that area in lieu of the Federal provision. Until that time, the State will assist U.S. EPA's implementation of HSWA under a Cooperative Agreement.

The Federal HSWA requirements will apply in Illinois. Any State requirement that is more stringent than a Federal HSWA provision will also remain in effect. Today's tentative determination does not include the authorization of Illinois' program for any requirement implementing the HSWA. Copies of Illinois' application are available for inspection and copying at the locations indicated in the "ADDRESSES" Section of this notice.

U.S. EPA will consider all significant public comments on this tentative determination. Issues raised by those comments may be the basis for changing our tentative decision to grant final authorization to Illinois. U.S. EPA expects to make a final decision on whether or not to approve Illinois' program by January 31, 1986.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605 (b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. If does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3, Executive Order 12291.

List of Subjects in 40 CFR Part 271

Administrative Practice and Procedure, Confidential Business Information, Hazardous Materials Transportation, Hazardous Waste, Indian Lands, Inter-governmental Relations Penalties, Reporting and Recordkeeping Requirements, Water Pollution Control, Waste Supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), and EPA Delegation 8-7.

Dated: October 28, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85-27683, Filed 11-18-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[OSW-FRL 2926-5]

Indiana; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of Indiana for Final Authorization, Public Hearing, and Public Comment Period.

SUMMARY: Indiana has applied for Final authorization under the Resource Conservation and Recovery Act (RCRA). The United States Environmental Protection Agency (U.S. EPA) has reviewed Indiana's application

and has made the tentative decision that, upon receipt of additional information specified below, Indiana's hazardous waste management program will satisfy all of the requirements necessary to qualify for final authorization. Thus, U.S. EPA tentatively intends to grant final authorization to the State to operate its program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Indiana's application for final authorization is available for public review and comment. A public hearing will be held to solicit comments on the application if sufficient public interest is expressed.

DATES: A public hearing is scheduled for 1:00 p.m., December 20, 1985 at the Indianapolis Central Library, 40 East Sinclair Street, Indianapolis, Indiana, in the Auditorium. All comments on the Indiana's final authorization application must be received by the close of business on December 27, 1985.

ADDRESSES: Copies of Indiana's final authorization application are available during business hours at the following addresses for inspection and copying:

1. Division of Land Pollution Control, 5500 West Bradbury Avenue, Indianapolis, Indiana
2. U.S. EPA Headquarters, Library, PM 211A, 401 M Street, SW, Washington, D.C.
3. U.S. EPA, Region V, Solid Waste Branch, 13th Floor, 230 South Dearborn Street, Chicago, Illinois

Written comments should be sent to: Mr. Michael Ohm, U.S. EPA, Region V, PO Box A3587, Chicago, Illinois 60690–3587, (312) 886–1657.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Ohm (312) 886–1657.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows U.S. EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization maybe granted. The first type, known as "interim authorization" is a temporary authorization, which is granted if U.S. EPA determines that the State program is "substantially equivalent" to the Federal program (Section 3006(c), 42 U.S.C. 6926(c)). U.S. EPA's implementing regulations at 40 CFR 271.121–271.137 established a phased approach to interim authorization. Phase I covers the U.S. EPA regulations in 40 CFR Parts 124, 265, and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase IIA covers general permitting procedures and technical standards for containers and tanks. Phase IIB covers incinerator facilities, and Phase IIC addresses landfills and land treatment facilities. By statute, all interim authorizations expire on January 31, 1986. Responsibility for the hazardous waste program returns (reverts) to U.S. EPA on that date if the State has not received final authorization, as described below. Indiana was granted Phase I Interim Authorization on August 18, 1982.

The second type of authorization is a "final" (permanent) authorization that is granted by U.S. EPA if the Agency finds that, among other things, a State's program: (1) Is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, (3) is not less "stringent" than the Federal program, and (4) provides for adequate enforcement and public participation in the permitting process (Section 3006(b), 42 U.S.C. 6926(b)). States need not have obtained interim authorization in order to qualify for final authorization. U.S. EPA's regulations for final authorization appear at 40 CFR 271.1–271.23.

B. Indiana

On March 21, 1985, Indiana submitted a draft application for final authorization. The complete application for final authorization was submitted on August 5, 1985. Prior to submission of the application to U.S. EPA, Indiana solicited public comments from May 3, 1985, through June 17, 1985, and held a public hearing on June 3, 1985.

Notice of the submission of the application and public hearing was published in nine newspapers across the State. The State received two written comments. The comments primarily focused on the staffing and resource ability of the proposed Hazardous Waste Management Program. These concerns were addressed by the State in a Responsiveness Summary submitted with the application.

On September 17, 1985, U.S. EPA transmitted to Indiana consolidated comments on the State's complete application for final authorization.

The U.S. EPA required further clarification in the following areas:

1. The Program Description/Permit Strategy section requires a more specific program description under the Permit Application Review section, as well as grammatical modifications in the State Permit Strategy, Draft Permit and Final Determination provisions;

2. The State's Attorney General's Statement requires a citation correction under the Standard for Transporters section;

3. The Procedures Manual needs more specificity in the closure Plan Processing section, as well as a grammatical correction of the Groundwater Monitoring section; and

4. The Memorandum of Agreement requires clarification of the Information Sharing, Permit Administration and Confidentiality sections.

Indiana will respond to U.S. EPA's comments prior to the final decision by the U.S. EPA to grant final authorization.

U.S. EPA evaluated the Indiana State Board of Health to determine its capability to administer a quality hazardous waste management program. Indiana has made great proposes over the last 2 years in establishing the framework and the policies, and in developing the resources and the management needed for an effective hazardous waste management program. However, a number of problems have impaired Indiana's ability to implement the hazardous waste program effectively. These problems tend to be those of quality assurance, documentation, timeliness and coordination. Additionally, hiring, retraining and replacing staff has complicated the program's implementation. During the past 2 years, the State has made sufficient progress in correcting these deficiencies for U.S. EPA to conclude that the State is ready to receive Final Authorization. The specific areas which require further improvement are detailed in the Indiana capability Assessment. The specific measures which the State must take will be detailed in a Letter of Intent. Region V and Indiana are presently negotiating the Letter of Intent. U.S. EPA believes that, with the addition of staff, the State will be capable of administering a quality RCRA program.

U.S. EPA has reviewed Indiana's application and has tentatively determined that the State's program meets all the requirements necessary to qualify for final authorization. Consequently, U.S. EPA intends to grant final authorization to Indiana. Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization administered its hazardous waste program entirely, in lieu of U.S. EPA. U.S. EPA's regulations no longer applies in the authorized State, and U.S. EPA could not issue permits for any facilities the State was authorized to permit.

Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), the new

requirements and prohibitions imposed by HSWA take effect in authorized States at the same time they take effect in non-authorized States. U.S. EPA is directed to carry out these requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the States is granted authorization to do so.

As a result of HSWA, there would be a dual State/Federal regulatory program in Indiana if final RCRA authorization is granted. To the extent the authorized program is unaffected by HSWA, the State program will operate in lieu of the Federal program. U.S. EPA will administer and enforce the portions of HSWA in Indiana until the State receives authorization to do so. Among other things, this will entail the issuance of Federal permits for those areas in which the State will not be authorized. Once Indiana is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time, the State will assist in U.S. EPA's implementation of HSWA under a Cooperative Agreement, if final RCRA authorization is granted.

The Federal HSWA requirements will apply in Indiana. Any State requirement that is more stringent than a Federal HSWA provision will also remain in effect. Today's tentative determination does not include authorization of Indiana's program for any requirement implementing the HSWA. Copies of Indiana' application are available for inspection and copying at the locations indicated in the "ADDRESSES" Section of this notice.

U.S. EPA will consider all significant public comments on this tentative determination. Issues raised by those comments may be the basis for changing our tentative decision to grant final authorization to Indiana. U.S. EPA expects to make a final decisions on whether or not to approve Indiana's program by January 31, 1986, and will give notice of this decision in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating some duplication of Federal requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3, Executive Order 12291.

List of Subjects in 40 CFR Part 271

Administrative Practice and Procedure, Confidential Business Information, Hazardous Materials Transportation, Hazardous Waste, Indian Lands, Inter-governmental Relations, Penalties, Reporting and Recordkeeping Requirements, Water Pollution Control, Water Supply.

Authority: This notice is issued under the authority of sections 2002 (a), 3006, and 7004 (b) of the Solid Wast Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912 (a), 6926, and 6974(b), and EPA Delegation 8-7.

Dated: October 28, 1985

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85-27682 Filed 11-18-1985; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 799

[OPTS-42002D; TSH-FRL 2925-4]

Proposed Test Rule on Fluoroalkenes; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; corrections.

SUMMARY: This document corrects a proposed test rule on fluoroalkenes published in the **Federal Register** of November 6, 1985. This action is necessary to correct the deadline for the completion and submission of the required subchronic toxicity test and typographical errors in paragraph (c)(2)(ii)(B) and (c)(5)(i) of the regulation.

FOR FURTHER INFORMATION CONTACT:

By mail: John A Richards, Chief, Federal Register Staff (TS-788B), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. E-603A, 401 M St., SW., (202-382-3415).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, FR Doc. 85-26529, published in the **Federal Register** of November 6, 1985 (50 FR 46133), to require health effects testing of vinylidene fluoride, vinyl fluoride, hexafluoropropene, and tetrafluoroethene (collectively as fluoroalkenes) in accordance with section (4)(a)(1) of the Toxic Substances Control Act. The following errors inadvertently appeared in the final document and are hereby corrected.

1. In unit IV.D.1. of the preamble, appearing at page 46137, second column, lines 3 and 4, the reference to the deadline for the completion and submission to the Agency of the required subchronic toxicity test is in conflict with paragraph (c)(3)(ii) of the regulation and is corrected to read from "15 months" to "18 months".

§ 799.1700 [Amended]

2. Paragraph (c) of § 799.1700 is amended as follows:

a. In paragraph (c)(2)(ii)(B), the phrase "effective data" is corrected to read "effective date."

b. In paragraph (c)(5)(i), the reference to "paragraph (c)(i)(1)(B)" was transposed and is corrected to read "paragraph (c)(1)(i)(B)".

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements.

Dated: November 13, 1985

D.R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-27518 Filed 11-18-85; 8:45 am]
BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 50, No. 223
Tuesday, November 19, 1985

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Crow Reservation Indian Tribe in Montana

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Crow Indian Tribe of the Crow Reservation in Montana has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Crow Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of the tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1986, or such other date as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, DC on November 13, 1985.

Everett Bank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 85-27497 Filed 11-18-85; 8:45 am]

BILLING CODE 3410-05-M

Federal Grain Inspection Service

Designation of Amarillo Grain Exchange, Inc., in Northwest Texas (TX)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation of Amarillo Grain Exchange, Inc., as the official agency responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act), in the northwestern section of the State of Texas.

EFFECTIVE DATE: December 1, 1985.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that Lubbock Grain Inspection and Weighing, Lubbock, Texas (Lubbock), requested voluntary termination of its designation effective November 30, 1985, and requested applications for official agency designation to provide official services within the specified geographic area in northwestern Texas in the August 1, 1985, **Federal Register** (50 FR 31209). Applications were to be postmarked by September 3, 1985. We received two applications for the Lubbock designation. The two applicants, Amarillo Grain Exchange, Inc., Amarillo, Texas (Amarillo) and Plainview Grain Inspection and Weighing Service, Inc., Plainview, Texas (Plainview), each applied for designation in the entire area available for assignment.

FGIS announced the applicant names and requested comments on same in the September 20, 1985, **Federal Register** (50 FR 38146). Comments were to be postmarked by October 21, 1985; a total of twenty comments were received. Nineteen of the comments supported the designation of Amarillo; one supported Plainview.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Amarillo is better able than any other applicant to provide official services in the geographic area for which FGIS is designating it. Effective December 1, 1985, and terminating November 30, 1986, Amarillo will provide official inspection services in the specified geographic area in northwestern Texas, which is the entire area previously described in the August 1 **Federal Register.**

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may contact the Review Branch, specified in the address section of this notice, to obtain a list of an agency's specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address: Amarillo Grain Exchange, Inc., 1300 South Johnson Street, Amarillo, TX 79101.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.)

Date: November 14, 1985.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 85-27534 Filed 11-18-1985; 8:45 am]

BILLING CODE 3410-EN-M

COMMISSION ON CIVIL RIGHTS

Minnesota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 9:00 p.m. on December 9, 1985, at the Department of Civil Rights, 239 City Hall, Room 241, Minneapolis, Minnesota. The purpose of the meeting is to review projects on mental health and affirmative action.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Talmadge Bartelle or Clark Roberts, Director of the Midwestern Regional Office at (312)353-7371, (TDD 312/886-2188). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 13, 1985

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-27449 Filed 11-18-85; 8:45 am]

BILLING CODE 6335-01-M

West Virginia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 3:00 p.m., on December 10, 1985, at the KBT Center-Wheat First Securities, 500 Virginia Street and corner of Laidley Street, 10th Floor Conference Room, Charleston, West Virginia. The purpose of the meeting is to plan activities for FY 86 and review a briefing memorandum on human rights commissions in West Virginia to be submitted by the Committee on the Commissionon Civil Rights.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Adam Kelly or John I. Binkley, Director of the Mid-Atlantic Regional Office at (202) 254-6717, (TDD 202/254-5461). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 13, 1985

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-27450 Filed 11-18-85; 8:45 am]

BILLING CODE 6335-01-M

Alaska Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m., on December 2, 1985, at the Federal Building, 701 C Street, Room C-121, Anchorage, Alaska. The purpose of the meeting is to plan programs for FY '86 and hear presentations on bigotry and violence in Alaska.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Daniel Alex or Susan McDuffie, Director of the Northwestern Regional Office at (206) 442-1246, (TDD 206/442-4744). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-27554 Filed 11-18-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Form Disapproved by the Office of Management and Budget (OMB)

OMB has disapproved the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis

Title: Benchmark Survey of U.S. Services Transactions with Unaffiliated Foreign Persons, 1985

Form No.: Agency, BE-20; OMB-NA

Date disapproved: October 11, 1985

Additional information on the disapproval can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Dated: November 6, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-27490 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-07-M

Agency Form Under Review by the Office of Management and Budget (OMB); Bureau of the Census

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

Agency: Bureau of the Census

Title: 1985 Post Enumeration Survey (PES) Follow-up

Form No.: Agency-DB-1301T; OMB-NA

Type of request: New collection

Burden: 2,000 respondents; 400 reporting hours

Needs and uses: The PES consists of a sample of blocks that will be completely listed and matched to the 1985 Census of Tampa, Florida. Follow-ups will be conducted with persons of uncertain match status and persons listed in the census but not in the PES.

Affected public: Individuals or households

Frequency: One time

Respondent's obligation: Mandatory

OMB desk officer: Timonthy Sprehe, 395-4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timonthy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: November 6, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-27489 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-07-M

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

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

Agency: National Telecommunications and Information Administration
Title: Day-time AM radio study
Form No. : Agency-N/A; OMB-N/A
Type of request: New Collection
Burden: 263 respondents; 66 reporting hours
Needs and uses: This information will be used to assess the desirability and technical feasibility of extending operations of daytime radio stations.
Affected public: Individuals or households
Frequency: One-time only
Respondent's obligation: Voluntary
OMB desk officer: Sheri Fox 395-3785

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

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

Dated: November 6, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-27488 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Biotechnology Technical Advisory Committee; Partially Closed Meeting

A meeting of the Biotechnology Technical Advisory Committee will be held December 9, 1985, at 9:30 a.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to biotechnology and related equipment or technology.

Agenda:

1. Welcoming remarks by the Chairman.
2. Introduction of members and guests.
3. Presentation of papers or comments by the public.
4. Foreign availability resources available to the TAC.
5. Review of the Dept. of Defense—TWG meeting of November 8.
6. Progress on the MCTL.
7. Action items and plans for next meeting.

Executive Session:

8. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic critria related thereto.

The General Session will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377-4217.

For further information or copies of the minutes contact Margaret A. Cornejo, (202) 377-2583.

Dated November 14, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-27486 Filed 11-18-85; 8:45 am]

BILLING CODE 3810-DT-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held December 10, 1985, at 9:30 a.m., Herbert C. Hoover Building, Room 3407, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meeting and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 522b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377-4217.

For further information or copies of the minutes contact Margaret A. Cornejo, (202) 377-2583.

Dated: November 14, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-27487 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-DT-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder

and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted not later than (insert date 20 days after publication in the **Federal Register**) to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 85-00016."

Applicant: American Pecan Company, c/o Davis, Matthews, Quigley & Vincent, 3400 Peachtree Road, N.E., Suite 1415, Lenox Towers II, Atlanta, Georgia 30326.

Application #: 85-00016

Date Deemed Submitted: November 4, 1985.

Members (in addition to applicant): Nut Tree Pecan Company, Albany, GA; Stahmann Farms, Inc., Las Cruces, NM; Farmers Investment Company doing business as Santa Cruz Valley Peacan Company, Sahuarita, AZ; and Leonard Nut Company, Fort Worth, TX.

Summary of the Application

A. Export Trade

Products: pecans and pecan products, including fancy mammoth pecans, junior mammoth halves, other fancy halves, fancy pieces, fancy midget pieces, fancy granules, fancy meal, and non-fancy pecan products.

Services: consulting; international market research; advertising; marketing; insurance; product research; legal assistance; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; warehousing; foreign exchange; financing; and taking title to goods.

B. Export Markets

The Export Markets include all parts of the world except (a) the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Amercian Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) and (b) that part of the continent of North America not included in (a) above.

C. Export Trade Activities and Methods of Operation

The American Pecan Company (APC) seeks certification to: (a) Enter into exclusive or non-exclusive agreements with individual U.S. suppliers (member and non-member) of pecans and pecan products to purchase these products and to act as an Export Intermediary; such agreements may include the following provisions:

(i) Member suppliers will sell to APC, at prices fixed in the Supply Agreements between APC and its member suppliers, for resale in the Export Markets at such prices and on such terms as APC shall determine;

(ii) APC will be required to purchase products from its member suppliers, on a pro rata basis, up to a fixed aggregate quantity;

(iii) APC will be required to offer to its member suppliers the right to sell any additional products to APC, at negotiated prices and terms, on a pro rata basis;

(iv) If none of the member suppliers elects to sell such additional products to APC, it will be free to purchase products from any other source of sources, without restriction; and/or

(v) No member supplier will be restricted from exporting products independently of APC unless the member supplier ceases to be a member of APC, in which case it will be prohibited during the remainder of the initial five-year term of its Supply Agreement with APC from selling products to existing customers of APC, other than those to which the member supplier previously sold products.

(b) Enter into exclusive or nonexclusive agreements with foreign representatives or agents, brokers or distributors, in the Export Markets, whereby:

(i) APC may agree to deal in particular Export Markets only through such foreign representatives, and/or

(ii) The foreign representatives may agree not to represent APC's competitors in the Export Markets.

(c) Gather from member suppliers and advise these suppliers of APC's sales, orders shipped, and other relevant facts concerning the Export Markets; such information may include the prices that APC will charge in the Export Markets for the products, each supplier's export inventory (including the volume of the products to be sold in the Export Markets), delivery dates, and other information necessary to arrange and complete export sales of the products.

(d) Participate in annual and periodic meetings with one or more member suppliers to deliver and discuss the information described in paragraph (c) above, and to discuss and resolve issues and matters relating to making sales in the Export Markets.

(e) Enter into agreements with customers of APC located in the Export Markets whereby APC may agree to sell products in the Export Market only to such customer and/or such customer may agree not to purchase the products from APC's competitors.

(f) Prescribe conditions of membership to, and termination from, APC.

Dated: November 14, 1985.

James V. Lacy,

Director, Office of Export Trading Company Affairs.

[FR Doc. 85-27568 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Minority Business Development Agency

Financial Assistance Applications; Newport News, VA, Metropolitan Statistical Area (MSA)

AGENCY: Minority Business Development Agency; Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 11 months is estimated at $183,338 for the project performance of May 1, 1986 to March 31, 1987. The MBDC will operate in the Newport News, Virginia Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $155,838 in Federal funds and a minimum of $27,500 in non-federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations,

local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3 year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATES: Closing date for applications is January 6, 1986. Applications must be postmarked on or before 5 p.m. January 6, 1986.

ADDRESS: Minority Business Development Agency, Washington Regional Office, Room 6711 H.C. Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Willie J. Williams, Regional Director, Washington Regional Office; (202) 377-8275.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: October 18, 1985.

John F. Iglehart,

Regional Director, Regional Office.

[FR Doc. 85-27470 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Applications; Norfolk, VA, Metropolitan Statistical Area (MSA)

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 11 months is estimated at $248,044 for the project performance of May 1, 1986 to March 31, 1987. The MBDC will operate in the Norfolk, Virginia Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $210,837 in Federal funds and a minimum of $37,207 in non-federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3 year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATE: Closing date: The closing date for applications is January 6, 1986. Applications must be postmarked on or before 5 p.m. January 6, 1986.

ADDRESS: Minority Business Development Agency, Washington Regional Office, Room 6711 H.C. Hoover Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Willie J. Williams, Regional Director Washington Regional Office; (202) 377-8275.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: October 18, 1985.

John F. Iglehart,

Regional Director, Regional Office.

[FR Doc. 85-27471 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Oklahoma City Zoological Trust

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Oklahoma City Zoological Trust (P141A).

b. Address: 2101 N.E. 50th Street, Oklahoma City, OK 73111.

2. Type or permit: Public Display.

3. Name and number of marine mammals:

California sea lions *(Zalophus californianus)*, 6.

Northern elephant seals *Mirounga angustirostris)*, 4.

4. Type of take: Captive maintenance.

5. Location of activity: No take from the wild is involved.

6. Period of activity: Two (2) years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: November 12, 1985.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85-27530 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in India

November 14, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 20, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, as amended, between the Governments of the United States and India includes provision for, among other things, the borrowing of yardage from the succeeding year's limit (carryforward) with the amount used being deducted from the limit in the succeeding agreement year. Under the terms of the bilateral agreement and at the request of the Government of India, carryforward is being applied to the import limits established for apparel products in Categories 330-359, 431-459 and 630-659 as a group, and individual Categories 334, 335, 336, and 342.

SUPPLEMENTARY INFORMATION: On December 27, 1984, a letter was published in the **Federal Register** (49 FR 50236) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established restraint limits for Categories 330-359, 431-459 and 630-659, as a group and Categories 334, 335, 336 and 342, among others produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985. In accordance with the terms of the bilateral agreement and at the request of the Government of India, the United States Government has agreed to increase the limits for textile products in the foregoing categories. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the limits to the designated amounts.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: On December 21, 1984, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton, wool and man-made fiber textile products exported during the twelve-month period beginning on January 1, 1985 and extending through December 31, 1985, produced or manufactured in India, in excess of designated limits. The Chairman further advised you that the limits are subject to adjustment.[1]

Effective on November 20, 1985, paragraph 1 of the directive of December 21, 1984 is hereby amended to include the following adjusted limits:

Category	Adjusted 12-mo limit [1]
330-359, 431-459 and 630-659	117,992,441 square yards equivalent.
334	35,359 dozen.
335	146,893 dozen.
336	271,138 dozen.
342	370,246 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1984.

The Committee for the Implementation of Textile Agreements has determined that these actions fall with the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-27536 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting the Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Macau

November 14, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 20, 1985. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984, between the Governments of the United States and Macau provides for percentage increases in certain limits during an agreement year (swing), for the carryover of shortfalls from the previous agreement (carryover), and for the borrowing of yardage from the succeeding year's limit with the amount used to be deducted from the limit in the succeeding year (carryforward). Under the terms of the bilateral agreement, the restraint limits previously established for textile products in Categories 341, 351, 445/446 and 641 are being increased, variously, for swing, carryover and carryforward for the

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, as amended, between the Governments of the United States and Indian which provide, in part, that: (1) Group and specific limits may be exceeded by designated percentages for swing carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

agreement year which began on January 1, 1985 and extends through December 31, 1985.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textiles Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: On December 10, 1984, the Chairman of the Committee for the Implementation of Textile Agreements, directed you to prohibit entry of certain cotton, wool and man-made fiber textile products exported during the twelve-month period beginning on January 1, 1985 and extending through December 31, 1985, produced or manufactured in Macau, in excess of designated restraint limits. The Chairman further advised you that the limits are subject to adjustment.[1]

Effective on November 20, 1985, paragraph 1 of the directive of December 10, 1984 is hereby amended to include adjusted restraint limits for textile products in Categories 341, 351, 445/446, and 641:

Category	Adjusted 12-month limit [1]
341	108,558 dozen.
351	13,949 dozen.
445/446	79,767 dozen.
641	100,907 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1984.

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(a)(1).

[1] The terms "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of Decemvber 29, 1983 and January 9, 1984, between the Governments of the United States and Macau which prövide, in part that: (1) Within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages: (2) sepcific limits may be increased for carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-27527 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Export Visa and Quota Requirements for Certain Cotton and Man-made Fiber Textile Products Produced or Manufactured in the Philippines

November 14, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1986. For further information contact Jane Corwin, International Trade Specialist (202) 377-4212.

Background

On December 21, 1984 a notice was published in the **Federal Register** (49 FR 49694), which announced that entry of boyswear in sizes 0-7, produced or manufactured in the Philippines and exported during 1985 in Categories 335, 336, 337, 341, 342, 348, 452, 359, 635, 636, 637, 641, 642, 646, 648, 652, and 659, would be permitted if visaed as "T" (Traditional) and included in a shipment predominantly consisting of infantswear in sizes 0-6X. It further provided that boyswear in sizes 0-7 in the foreoing categories, exported during 1985 would be charged to the limits established for the "T" segments of the affected categories. The letter to the Commissioner of Customs which follows this notice amends the directive of December 17, 1984 to the Commissioner of Customs to extend this practice through 1986.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textiles Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 17, 1984 concerning certain cotton and man-made fiber apparel products, produced or manufactured in the Philippines and exported during 1985.

Effective on January 1, 1986, paragraphs 2 and 3 of the directive of December 17, 1984 are hereby amended to extend the effective period through December 31, 1986.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-27528 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Import Levels for Certain Cotton Textile Products Produced or Manufactured in Taiwan

November 14, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 20, 1985. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On July 18, 1985 notices were published in the **Federal Register** (50 FR 29248) announcing that, on June 5, 1985, the American Institute in Taiwan (AIT), under the terms of the agreement of November 18, 1982, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan, had requested the Coordination Council for North American Affairs (CCNAA) to enter into consultations concerning exports to the United States of cotton pillowcases in Category 360 and cotton sheets in Category 361, among other categories. Consultations have been held, but no agreement was reached on mutually satisfactory levels for these categories. The United States Government had decided, therefore, as provided in the agreement, to establish levels for goods in these categories exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985. The level for Category 360 will be 789,584 numbers and for Category 361,995,024 numbers. The establishment of the limit for Category 361 does not preclude the possible negotiations of an agreed limit.

No charges have been made to these levels to account for any goods exported

during 1985. Such adjustments will be made as the data become available.

Should a different solution be reached in consultations concerning Category 361, further notice will be published in the **Federal Register.**

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textiles Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 21, 1984, which established limits for certain categories, produced or manufactured in Taiwan and exported in 1985.

Effective on November 20, 1985, the directive of December 21, 1984 is hereby further amended to include the following limits for cotton textile products in Categories 360 and 361.

Category	12-month limit [1]
360	789,584 numbers.
361	995,024 numbers.

[1] The levels have not been adjusted to account for any imports exported after December 31, 1984. During the January-August 1985 period, charges for Category 360 have totaled 350,156 numbers; for Category 361, 636,941 numbers.

Textile products in Categories 360 and 361 which have been exported to the United States before January 1, 1985 shall not be subject to this directive.

Textile products in Categories 360 and 361 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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 Textiles Agreements.

[FR Doc. 85-27529 Filed 11-18-85; 8:45 am]

BILLING CODE 3510-DR-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 83-2/84-2 83 JD]

Final Determination of the Distribution of the 1982 (Remand) and the 1983 Jukebox Royalty Funds

AGENCY: Copyright Royalty Tribunal (Tribunal).

ACTION: Notice of final determination.

SUMMARY: The Tribunal announces the adoption of its final determination in the proceeding concerning the distribution to certain copyright owners of jukebox royalty fees deposited for 1982 and 1983 performances.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW, Washington, D.C. 20036.

SUPPLEMENTARY INFORMATION:

Authority

17 U.S.C. 116(c)(3) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by jukebox operators to certain copyright owners and performing rights societies. The procedure for distribution of the jukebox royalty fees is set forth at 17 U.S.C. 116(c)(4) and reads as follows:

The fees to be distributed shall be divided as follows:

(A) To every copyright owner not affiliated with a performing rights society, the pro rata share of the fees to be distributed to which such copyright owner proves entitlement.

(B) To the performing rights societies, the remainder of the fees to be distributed in such pro rata shares as they shall by agreement stipulated among themselves, or, if they fail to agree, the pro rata share to which such performing rights societies prove entitlement.

(C) During the pendency of my proceeding under this section, the Copyright Royalty Tribunal shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have discretion to proceed to distribute any amounts that are not in controversy.

This Proceeding

This proceeding is a consolidation of two proceedings. The Tribunal takes up the portion of the 1982 jukebox royalty fund which was remained for further proceedings by the United States Court of Appeals for the Second Circuit, *A.C.E.M.L.A. v. Copyright Royalty Tribunal,* 763 F. 2d 101 (2d Cir. 1985) (*ACEMLA*). The Tribunal also takes up the distribution of the 1983 jukebox royalty fund.

The Claimants in the 1982 remand are: Latin American Music, Latin American Music Co., Inc., Asociacion de Compositores y Editores de Musica Latinoamerica (ACEMLA), ASCAP, BMI, and SESAC, Inc. The claimants in the 1983 distribution are: Michael Walsh, Latin American Music, Latin American Music Co., Inc., Asociacion de Compositores y Editores de Musica Latinoamerica (ACEMLA), Italian Book Company, ASCAP, BMI, and SESAC, Inc.

The controversies in the 1982 remand and in the 1983 distribution are the same: Latin American Music, Latin American Music Co., Inc. and ACEMLA collectively claim 5% of both funds. ASCAP, BMI, and SESAC, Inc., collectively claim 100% of both funds, except for a small award to Italian Book Company. The 5% in controversy is described as Spanish-language musical works.

Background and Chronology

The 1982 remand. The Tribunal published its final determination of the 1982 jukebox distribution proceeding on August 31, 1984. 49 FR 34555 (1984). It determined that no award would be given to Latin American Music, Latin American Music Co., Inc., or ACEMLA (collectively, LAM or the LAM claimants). LAM appealed the determination. The United States Court of Appeals for the Second Circuit remanded the case to the Tribunal for further proceedings. The Court stated that the Tribunal had not addressed in its final determination LAM's assertion that they were performing rights societies and that it would assume for the purpose of the appeal that the three LAM claimants were performing rights societies. However, the Court specifically stated that it did not foreclose "further examination of this issue by the CRT on the remand." *ACEMLA,* 763 F. 2d at 108. Operating from its assumption, the Court stated that the Tribunal should have distributed the royalty fees to the performing rights societies if they all agreed, but if they failed to agree, to award the pro rata share to which such performing rights societies proved entitlement. The Court found that there was not a complete settlement among performing rights societies. Yet the Court found that in the final determination the Tribunal only analyzed the submissions of LAM, and made no findings regarding the submissions of ASCAP, BMI, and SESAC, Inc., the Tribunal having relied instead on the settlement between ASCAP, BMI, and SESAC, Inc. Determining this to have been not in accordance with section 116(c)(4)(B), the Court remanded the case.

The 1983 jukebox distribution proceeding. The Tribunal declared a

controversy in the distribution of the 1983 jukebox fund on November 5, 1984, 49 FR 44231 (1984), and ordered that justification of claims be submitted by December 4, 1984. The Tribunal also found that ASCAP, BMI, and SESAC, Inc., (hereinafter A/B/S) had entered into an agreement concerning the distribution of the 1983 jukebox fees. *Id.*

On January 7, 1985, the Tribunal held a pre-hearing conference. At the conference, it was established that there was a controversy as to 5% of the fund representing Spanish-language musical works.[1] The question arose as to the best criteria for resolving the controversy. The parties were given an opportunity to file by letter recommended criteria. The Tribunal received letters from LAM and A/B/S on February 14 and 15, 1985. LAM recommended a survey of jukebox establishments conducted jointly by all the claimants. A/B/S recommended a survey of radio, or a survey of radio and other media, which the Tribunal, by analogy, could apply to jukebox performances. On May 16, 1985, the Tribunal issued two fact-finding letters. One letter sent to the LAM claimants asked LAM to detail why they believed they were performing rights societies, and how the joint survey of jukeboxes recommended by LAM would be conducted and how much it would cost. The second letter was sent to A/B/S. The Tribunal asked how it could be assured that A/B/S' recommended survey of radio and other media performances would be impartially conducted considering it would be based on information internal to A/B/S. Replies to the Tribunal's fact-finding letter were received June 24, 1985.

The Consolidated Proceeding. On May 30, 1985, the Court of Appeals had remanded the 1982 proceeding partially over the question of whether the LAM claimants were performing rights societies. On June 24, 1985, the Tribunal received LAM's response to the fact-finding letter of May 16, 1985. It stated that Latin American Music and Latin American Music Co., Inc. were not performing rights societies, but that ACEMLA was a performing rights society.[2] The response did not provide the Tribunal with enough information on which to make a finding on the status of ACEMLA. It was the Tribunal's conclusion that the 1983 jukebox proceeding could no longer be resolved through a "paper" proceeding, and that since the issues and parties to the 1982 remand and the 1983 proceeding were virtually the same, the consideration of the two cases should be consolidated in one proceeding. The Tribunal subsequently issued its *Order Consolidating Proceeding and Setting Future Procedural Dates,* 50 FR 31645 (August 5, 1985). The Tribunal ordered written direct cases to be submitted on September 13, 1985 on two issues: the status of the claimants not already defined in the Copyright Act as performing rights societies, and proof of entitlement should all the performing rights societies fail to agree. The Tribunal agreed with the claimants that surveys of jukebox establishments or survey of radio performances and other media would be useful criteria. The Tribunal also suggested to the parties that submission of sworn statements from jukebox operators and submission of hit songs charts would also be useful, but specifically did not restrict evidence to only those four types. Hearings on the evidence presented by the claimants were held September 30, October 2, and October 3, 1985. On October 17, 1985, the Tribunal received a stipulation from all parties agreeing to an award for 1983 of $1500 to Italian Book Company. On October 25, 1985, the record was closed.

Statutory deadline. Section 804(e) of the Copyright Act requires the Tribunal to render its final decision in distribution proceedings within one year of publication in the **Federal Register** that a controversy exists. The controversy in the 1983 jukebox distribution proceeding was declared November 5, 1984. This final determination does not meet the one year time limit imposed by section 804(e). The Administrative Conference of the United States has issued recommendations concerning statutory time limits. 1 CFR 305.78–3, 43 F.R. 27509 (June 26, 1978). It recommends that, "(I)t should be recognize(d) that special circumstances such as a sudden substantial increase in caseload, or complexity of the issues raised in a particular proceeding, or the presence of compelling public interest considerations may justify an agency's failure to act within a predetermined time. . . . (A)n agency's departure from the legislative timetable (should) be explained in current status reports to affected persons or in a report to Congress." *Id.,* at par. 4.

The Tribunal considers that the delay in rendering a decision in the 1983 jukebox distribution proceeding to allow it to consider both the 1982 remand and the 1983 distribution in one proceeding justifies missing the statutory deadline by a short period of time. It was the Tribunal's belief at the beginning of the 1983 proceeding that it could resolve the status of the claimants and the controversy over Spanish-language music by a "paper" proceeding, but the Court's decision, in the Tribunal's view, required detailed fact-finding that could only be achieved by an evidentiary hearing. Additionally, while theoretically, there is no time limit on the consideration of a remanded case, and therefore, the Tribunal could have resolved the 1983 proceeding first in order to meet the deadline, the interests of justice and the conservation of the resources of the claimants and the Tribunal mandated consolidation of the two proceedings. Further, the Tribunal believes that its narrow missing of the statutory deadlines will not have any effect on the claimants, and that, indeed, the Tribunal has kept within the spirit of Congress' mandate by acting on the jukebox controversies as expeditiously as possible.

Findings of Fact

Michael Walsh. Michael Walsh filed a claim in the 1983 jukebox distribution proceeding. Michael Walsh subsequently did not file a justification of claim as required by the Tribunal's rules. 37 CFR 305.4. Michael Walsh did not file in response to the *Order Consolidating Proceeding and Setting Future Procedural Dates.* 50 FR 31645 (August 5, 1985).

Italian Book Company (IBC). The Tribunal received a stipulation October 17, 1985 signed by ASCAP, BMI, SESAC, Inc., LAM, and IBC that agreed to a settlement of $1,500 to IBC for the 1983 jukebox fund. In the stipulation, IBC represented that it is a copyright owner, and not a performing rights society.

Latin American Music, Latin American Music Co., Inc. and ACEMLA (LAM or LAM claimants)

Organizational structure of the LAM claimants. Mr. Luis Raul Bernard (hereinafter, Bernard) was the sole witness for the LAM claimants. Tr. 174–374. Bernard stated that he was born in Puerto Rico and moved to New York City in 1952. Tr. 193. Bernard stated that about 1965 he established OTOAO Records International and that this company is a wholesale and retail records store doing business on the upper west side of Manhattan in New York City. Tr. 208–209. Bernard stated

[1] LAM put in a claim of 5% of the jukebox fund based on their Spanish-language catalogue. A/B/S put in a claim of 100% based on their total catalogue. The Tribunal has never found that 5% of the musical work played on jukeboxes in the United States is Spanish-language music. The 5% figure is simply LAM's claim against the royalty fund.

[2] LAM also withdrew all claims on the part of Latin American Music and Latin American Music Co., Inc., lodging all claims with ACEMLA. Nonetheless, the Tribunal took evidence on all three entities.

that before April, 1981, he established Latin American Music as a sole proprietorship, i.e., Luis Raul Bernard d/b/a Latin American Music. Tr. 204. Bernard stated that in April, 1981 he incorporated Latin American Music to be called Latin American Music Co., Inc., but maintains that Latin American Music still exists as a separate entity. Tr. 196, 204, 220, and LAM Direct Case, Attachment 1. Latin American Music Co., Inc., is incorporated for the purpose "To engage in the business of licensing performance, synchronization and other rights under copyright in musical compositions, and to do all acts necessary or related to the conduct of such business." LAM Direct Case, Attachment 1. Bernard stated that ACEMLA is the assumed name of Latin American Music Co., Inc. and that it is a division or subsidiary of Latin American Music Co., Inc. Tr. 180–181. The certificate of assumed name was filed with the New York State Department of State Corporations and State Records Division on April 24, 1984. LAM Direct Case, Attachment 1, as amended October 24, 1985. However, Bernard stated that ACEMLA was formed in 1980 or earlier. Tr. 176, 193, 207. Bernard stated that ACEMLA was formed to divide many of the rights that Latin American Music Co., Inc. holds, and that ACEMLA holds the performing rights to Latin American Music Co., Inc. and others. Tr. 181. Bernard stated that ACEMLA is a performing rights society. Tr. 175.

The offices of Latin American Music, Latin America Music Co., Inc., and ACEMLA are in the OTOAO Records International store in Manhattan. Tr. 211. Bernard stated that these four entities share five employees. Tr. 203 213–214. Bernard stated that he is the sole proprietor of Latin American Music, the President and sole stockholder of Latin American Music Co., Inc. and principal of ACEMLA. Tr. 176, 204.

Agreements of the LAM claimants with copyright owners and performing rights societies. Bernard stated that LAM had agreements with many copyright owners and performing rights societies. Tr. 182. At the request of the Tribunal, LAM submitted a list of those entities, and copies of executed and unexecuted agreements. Submission of LAM, October 16, 1985, translations provided October 24, 1985, translations provided by A/B/S, Reply Findings, Appendix A. The list included: Latin American Music Co., Inc. (New York), International Music Company (New York), Westside Music Publishers Corp. (New York), Editorial Internacional de Musica, Ltd. (EDIMUSICA, Columbia), Editorial Dominicana de Musica (Dominican Republic), Consorcio de Editores del Peru (CONEDISA, Peru), HONY, S.A. (Mexico), Sociedades de Autores y Compositores Acuatorianos (SADRAM, Ecuador), Sayce (Ecuador). Id. LAM filed executed and unexecuted agreements with Westside Music Publishers Corp., EDIMUSICA, Editorial Dominicana de Musica, CONEDISA, and SADRAM. Id. The five agreements were with Latin American Music Co., Inc. Id. LAM did not file agreements with International Music Company, or HONY, S.A. Id. LAM filed a letter and a telegram regarding an agreement with Sayce mentioning ACEMLA. The letter and telegraph were dated July 3, 1985 and September 25, 1985, respectively. Id.

In addition, LAM submitted exemplars of the contracts they use in their agreements. The contracts sometimes include a rider which, among other things, addresses the performing rights. LAM Direct Case, Attachment 2, translations provided by LAM, translations provided by A/B/S Exhibit 10X. Paragraph 5 of one of the riders used by LAM reads, "The composer declares that he is not a member of any composers organizations or society controlling his performing arts, that all such performing rights are exclusively controlled as part of this contract, that the composer is aware that his performing rights, in their totality, will be administered and udner the name of the editor, Latin American Music Company, Inc., LAM and/or Associacion de Compositores y Editores de Musica Latinoamericana. (ACEMLA)." Id. This is the only reference to ACEMLA in any contract or agreement provided by LAM. LAM also submitted an ACEMLA information form. Id.

Bernard was asked whether the ACEMLA Information forms were used in either 1982 or 1983. Bernard could not represent that they were. Tr. 259. Bernard stated several times in the proceeding that he had difficulty with dates. Tr. 193, 258, 367. The rider, which contained Paragraph 5, has the date 1985 in the second line. LAM Direct Case, Attachment 2. Bernard could not say whether the rider was drafted in 1985 or before. Bernard could not represent that the rider was used in 1982 or 1983. Tr. 268.

LAM represented that "ACEMLA is authorized to license and publish performances of all nondramatic music works on behalf of Latin American Music and Latin American Music, Inc: (sic)." Submission of LAM, July 24, 1985. Bernard was not sure whether the authorizations to ACEMLA were in writing. Bernard did not have any copies of the authorizations. Tr. 225. Bernard represented that any agreement with Latin American Music Co., Inc. would act automatically as an authorization to ACEMLA to license the performing rights of the underlying copyrights because ACEMLA is an assumed name of Latin American Music Co., Inc. Tr. 225.

Bernard was asked by the Tribunal if he saw any difference between a music company in the United States obtaining the subpublishing rights from a foreign publishing company, and a performing rights society in the United States obtaining the right to license the performing rights of a foreign publisher. Tr. 245–247. Bernard stated that a performing rights society is such an entity that has control of performing rights. Tr. 247. Bernard was asked by the Tribunal whether a music publishing company could have control of performing rights. Bernard stated yes. Tr. 247.

Agreements of copyright users to pay a license fee to LAM. LAM submitted correspondence to five radio stations (WKDM, Carlstadt, New Jersey; WADO, New York, New York; WNWK, Newark, New Jersey; WJIT, New York, New York; WSKQ, New York, New York), two television stations (WNJU–TV, Channel 47, New York, New York; WXTV, Channel 41, Paterson, New Jersey), and the Public Broadcasting Service (PBS) as evidence of LAM's attempts to license the public performance of LAM's works. LAM Direct Case, Attachment 3. However, Bernard stated that in 1982 and 1983, LAM did not have any signed written license agreements with any radio station, television station, bar, grill, nightclub, college or school. Tr. 229. Bernard stated that LAM did not receive any performing rights royalties in 1982 or 1983. Tr. 229.

Distribution System. Bernard stated that at the time of distribution, LAM would keep 50% of the royalities, and would distribute 50% of the royalties. Tr. 232. Bernard stated that distribution is based on actual air play from radio stations and television stations logs. Tr. 234. Bernard stated that LAM has not received any logs because LAM does not currently license any stations. Tr. 235. Bernard stated that LAM monitors five stations that broadcasts Spanish-language music in the New York City area. Tr. 236. Bernard stated LAM keeps the tapes for enforcement purposes currently, and intends to use them for distribution purposes in the future. Tr. 238. Bernard stated that LAM has not brought any infringement actions to

date. Tr. 238, 240. Bernard stated that LAM did not make any distributions to any publisher or composer in 1982 or 1983. Tr. 230.

Proofs of Entitlement. In the 1982 and the 1983 proceeding, LAM offered demographic evidence as one basis of entitlement. In 1980, the United States Hispanic population was 14.6 million or 6.4% of the total U.S. population. By 1985, it was estimated by the U.S. Census Bureau, that the Hispanic population would rise to 17.6 million or 7.4% of the U.S. population. LAM 1982 justification of claim, LAM 1983 justification of claim, Exhibit D. An advertisement by Discos CBS International asserted that sales in 1981 of Spanish-language records were over $125 million. LAM 1983 justification of claim, Exhibit F. Broadcasting Yearbook for 1985 listed 176 Spanish-language format radio stations in the United States (including Puerto Rico). LAM Direct Case, Attachment 9.

In the 1982 proceeding, LAM asserted that it represented 20,000 copyrighted musical works. LAM 1982 justification of claim. In the 1983 proceeding, LAM asserted that it represented 30,000 copyrighted musical works. LAM 1983 justification of claim. LAM submitted to the tribunal a computer list of approximately 9,000 song titles which it stated were a partial list of the works they represent. LAM 1982 justification of claim, Exhibits A & B.

LAM submitted xerox copies of 37 45 RPM labels of works they represent were copyrighted before 1984 as evidence of the production and distribution of the works in their catalogue. LAM Direct Case, Attachment 4. LAM submitted hit song charts from Billboard, Canales Magazine, Radio Hit. GUIA Radial, and El Diario de New York. LAM 1982 justification of claim, Exhibit D, LAM 1983 justification of claim, Exhibit G—NN, LAM Direct Case, Attachments, 5, 6 and 7. LAM indicated on those charts the songs which they represent. Id. LAM submitted clearance sheets sent by a Spanish-language format radio station to ASCAP indicating that the station was considering playing some works represented by LAM. LAM Direct Case, Attachment 11.

LAM submitted 12 certified statements from jukebox operators or owners of establishments containing jukeboxes in 1982 and 1983. LAM Direct Case, Attachment 12. Bernard stated that the statements were obtained by an agent of LAM in the Philadelphia area. Tr. 353. All statements were notarized by the same notary public. LAM Direct Case, Attachment 12, Tr. 362. Some statements indicated that the jukeboxes were licensed, when, in fact, they were not licensed. LAM Direct Case, Attachment 12, A/B/S Exhibit 17X.

At the direction of the Tribunal, LAM submitted a list of their most-performed musical works totalling 179 songs. LAM submission of August 9, 1985. ASCAP and BMI each performed their own survey of the list. The survey they performed were the same type of survey they would conduct for any one of their members in the normal course of business to determine the entitlement of their members to performance royalties. A/B/S Direct Case, Testimony of Alan H. Smith, p. 4, Testimony of Paul S. Adler, p. 2, Comments of A/B/S, filed September 3, 1985. ASCAP asserted that if LAM were part of ASCAP's claim, and if it is assumed that ASCAP's share of the joint music claim is 50% (which is only an assumption for the purpose of the analysis), based on the radio performances of LAM's 179 songs, LAM would receive $326 for 1982 and $267 for 1983 from ASCAP, Comments of A/B/S, September 3, 1985, Tr. 111–113. BMI asseted that if LAM were part of BMI's claim, and if it is assumed that BMI's share of the joint music claim is 50% (which is only an assumption for the purpose of the analysis), LAM would receive $36.60 for 1982 and $47.50 for 1983 from BMI. Comments of A/B/S, September 3, 1985, Tr. 145–148. ASCAP asserted that LAM's share of ASCAP's award would go down to $157 for 1982 and $112 for 1983 if performances in all media were considered, not just radio. Comments of A/B/S, September 3, 1985, Tr. 111–113.

A/B/S conducted a limited survey of 76 jukeboxes in Hispanic neighborhoods in four cities with sizable Hispanic populations, New York, Los Angeles, San Antonio, and Miami. A/B/S Direct Case, Testimony of Gloria Messinger, pp. 4–9. Ms. Messinger, who oversaw the survey, could not represent that this was a statistically valid, representative random sample. Id., p. 6. Of the 11,592 song titles listed on the 76 jukeboxes, A/B/S found 45 listings of 23 works represented by LAM. Id., p. 8, Tr. 36. Working from an assumption that jukeboxes in Hispanic neighborhoods represent approximately 5% of the jukeboxes in the United States, A/B/S calculated an award to LAM of $564 for 1982 and $555 for 1983. Id., p. 9.

ASCAP, BMI and SESAC, Inc.

Proof of entitlement. Anticipating that if the Tribunal found that ACEMLA was a performing rights society in 1982 or in 1983 that there would not be a complete settlement among performing rights societies, the Tribunal ordered that ASCAP, BMI, and SESAC, Inc. submit proof of entitlement for the entire amount of the 1982 remand and the 1983 distribution. *Order Consolidating Proceeding and Setting Future Procedural Dates,* 50 FR 31645 (August 5, 1985).

Regarding proof of entitlement to all of the 1982 (remand) and 1983 jukebox funds, Ms. Messinger, Managing Director of ASCAP, BMI and SESAC, Inc. hold an overwhelmingly dominant position in the music industry, and that virtually every piece of copyrighted music performed in the United States is licensed by one of the three organizations. A/B/S Direct Case, Testimony of Ms. Messinger, p. 2. Ms. Messinger stated that the combined annual revenues of ASCAP, BMI and SESAC, Inc. based on their activities in licensing public performances of musical works were approximately $350 million for both 1982 and 1983. Id., p.3.

Regarding proof of entitlement to Spanish-languarge music, A/B/S submitted a list of foreign societies in countries where Latin-language music is composed which they represent in the United States: Sociedad Argentina de Autores y Compositores de Musica (SADAIC, Argentina), Sociedad Boliviana de Autores y Compositores de Musica (OSBODAYCOM, Bolivia), Sociedade Arrecadadora de Direitos de Execucao Musical do Brasil (SADEMBRA, Brazil), Sociedade Brasileira de Autores, Compositores e Escritores de Musica (SBACEM, Brazil), Sociedade Brasileira de Autores Teatrais (SBAT, Brazil), Sociedade Independente de Compositores e Autores Musicais (SICAM, Brazil), Uniao Brasileira de Compositores (UBC, Brazil), Departmento de Derecho de Autor (DAIC, Chile), Sociedad de Autores y Compositores de Colombia (SAYCO, Colombia), Sociedad de Autores y Compositores de Musica (SACM, Mexico), Autores Paraguayos Asociados (APA, Paraguay), Asociacion Peruana de Autores y Compositores (APDAYC, Peru), Filipino Society of Composers, Authors and Publishers (FILSCAP, Philippines), Sociedade Portuguesa de Autores (SPA, Portugal), Sociedad Puertorriquena de Autores, Compositores y Editores de Musica (SPACEM, Puerto Rico), Sociedad General de Autores de Espana (SGAE, Spain), Asociacion General de Autores del Uruguay (AGADU, Uruguay), Socied de Autores y Compositores de Venezuela (SACVEN, Venezuela). A/B/S Evidentiary Statement, December 4, 1984.

A/B/S also submitted a list of the most performed Spanish-language works in the repertoires. A/B/S submission,

August 9, 1985. A/B/S submitted a BMI publication purporting to show the substantial representation of Latin works in the United States by A/B/S. A/B/S Direct Case, Testimony of Ron Anton, Exhibit RA-2.

Conclusions of Law

Status of Claimants

Italian Book Company is not a performing rights society. The Tribunal accepts the representation of IBC that it is not a performing rights society.

None of the LAM claimants were a performing rights society in 1982 or 1983. The Tribunal concludes from the evidence established on the record that Mr. Bernard began a music publishing company sometime before April 1981, that he incorporated in April, 1981, and that he filed an assumed name for a subdivision of his music publishing company to be called ACEMLA in April, 1984. Since LAM has rescinded its claim that either Latin American Music or Latin American Music Co., Inc. were performing rights societies in 1982, and 1983, and since ACEMLA did not even legally exist until 1984, none of the LAM claimants were a performing rights society in 1982 and 1983.

However, Mr. Bernard claims that ACEMLA began in 1980 or earlier. The record is totally devoid of any activity by ACEMLA before 1984. ACEMLA did not license a single user, receive a single royalty or make a single distribution in 1982 and 1983. Not a single agreement with a domestic or foreign entity refers to ACEMLA. They only refer to Latin American Music Co., Inc. Only LAM's letter and telegram with Sayce mentions ACEMLA, and significantly, they are dated July 3, 1985 and September 25, 1985. The rider which includes paragraph 5, the only mention of ACEMLA in all the agreements or exemplars submited by LAM, is dated 1985, and Mr. Bernard could not represent that the rider was used in 1982 or 1983. Finally, Mr. Bernard could not represent that the ACEMLA information form was used in 1982 and 1983. The only indicia of the existence of ACEMLA before April, 1984 are the claims filed by LAM with the Copyright Royalty Tribunal in January 1983 and January, 1984 for the previous calendar years. However, New York State law requires filing for a certificate of assumed name *before* the transaction of any business: "No person shall hereafter (i) carry on or conduct or transact business in this state under any name or designation other than his or its real name, or (ii) carry on or conduct or transact business in this state as a member of a partnership, unless: . . . (b) such person, if a corporation, shall file, together with the fees as set forth in subdivision five of this section, in the office of the secretary of state a certificate setting forth the name or designation under which business is carried on or conducted or transacted . . ." N.Y. [General Business Law] Section 130 (McKinney 1985).

Mr. Bernard believes, alternatively, that any entity that seeks to enforce performing rights is a performing rights society. This was revealed in answer to the Tribunals's question regarding the difference between a U.S. subpublisher representing a foreign publisher, and a U.S. performing rights societies' collection of royalties for a foreign publisher. Mr. Bernard answered that both the U.S. subpublisher and the U.S. performing rights society would qualify as performing rights societies. Clearly, this can not be true. A copyright owner, before he or she assigns the rights in the copyright to someone else, may enforce the performing rights. So may a music publishing company after it has been assigned the rights from the copyright owner, ands so may a U.S. subpublisher. In fact, Congress recognized this by, among other things, establishing the first category of copyright owners to collect royalties for performances on jukeboxes and then the second category, of performing rights society. Mr. Bernard's view of the law would make every individual copyright owner, or music publisher, a performing rights society.

The Tribunal does not reach the question of whether ACEMLA was a performing rights society in 1984 or is one today. However, supposing that this question may arise again when the Tribunal takes up subsequent jukebox distribution proceedings, we have several unanswered questions: Does the filing of a certificate of assumed name create a peforming rights society? Can a performing rights society be a division of a music publishing company or must it be a separate entity? Noting that ACEMLA did not license a single user, receive a single royalty or make a single distribution in 1982 and 1983, must there be some activity by an organization other than the mere setting up of a legal entity to make it a performing rights society? On the other hand, the Tribunal has resolved the issue of "bigness" which was raised at hearings. The Tribunal's interest in determining the status of claimants is strictly ministerial. Congress has required that the Tribunal must take up the claims of copyright owners first, and performing rights societies second. Defining the claimants is therefore necessary. However, the Tribunal has no interest in determining whether a performing rights society is big enough and effective enough to attract copyright owners, or to carry out its goals. We do not seek to give to or withhold from any entity a "government stamp of approval" that it is a "good," "effective" or any other kind of performing rights society, and we do not expect this determination or any future determination to be used in that way. We are simply interested in determining whether an entity comes into one category or another. Consequently, evidence that the number of employees of LAM was too few, or that the size of their offices was too small was not considered relevant.

Award to Copyright Owners (Sec. 116(c)(3)(B)

Michael Walsh has shown no entitlement. Michael walsh did not justify his claim, therefore the Tribunal will make no award to him.

Italian Book Company will be awarded $1500 for 1983. The Tribunal accepts the agreements of all parties to an award of $1500 for 1983.

Latin American Music Co., Inc. has shown entitlement to 0.15% of the jukebox funds for 1982 and for 1983. Having concluded that none of the LAM claimants were performing rights societies, the Tribunal takes up the LAM claimants as copyright owners first, the rest to be distributed to the performing rights societies. The Tribunal has already concluded that ACEMLA did not legally exist in 1982 or in 1983. The Tribunal also believes that despite LAM's assertion that the sole proprietorship of Latin American Music still conducts business, we have no evidence of its activity aside and apart from Latin American Music Co., Inc. It is Latin American Music Co., Inc. which has the agreements with the foreign publishers and/or societies, and any entitlement that has been shown, we believe, has been shown by Latin American Music Co., Inc.

In the 1982 final determination, the Tribunal rejected Latin American Music Co., Inc.'s claim to entitlement based on any inference from the demographics of the United States. To assume that Latin American Music Co., Inc. deserves 5% of the jukebox royalty fund because 6-7% or more of the United States population is Hispanic would require the Tribunal to conclude that Latin American Music Co., Inc. represents at least 80% of the Spanish-language music in America. Yet, the record shows there are 176 Spanish-language format radio stations in the United States and Latin American Music Co., Inc. does not license a single one. The Tribunal reaffirms its rejection

in the 1982 final determination of LAM's claim based on the size of the Hispanic population in the United States.

However, by virtue of the 1982 remand, LAM has had a further opportunity to show that there is some value to the works in its catalogue: It has agreements with some foreign entities; it has a catalogue of thousands of songs; it has demonstrated the production and distribution of some of its songs on 45 RPM records; it has demonstrated some popularity of its songs on hit songs charts; it has been demonstrated by A/B/S that there has been some air play and some jukebox play of LAM's songs. The Tribunal could give only slight credit to the certified statements of jukebox operators or jukebox establishment owners because of the flaws noted int he findings; they all were notarized by the same notary public and contained inaccurate representations concerning the licensing of the jukeboxes.

The question for the Tribunal is how to quantify the award to LAM which would be reasonable. We are faced with the impossibility of determining a perfectly accurate mathematical approach to LAM's award.

We start with A/B/S' analyses, but find they are probably too low. While not doubting the general validity of ASCAP and BMI's radio surveys, they may only be applied by analogy to jukebox play. They can never be said to perfectly represent jukebox play. We find some significance that when A/B/S peformed a limited jukebox survey, with all its imperfections, the resulting award to LAM becomes higher than just a reference to radio play. We would prefer to find an award to LAM higher than either A/B/S' radio survey or its jukebox survey. We are aware that in the case of an individual claimants with limited resources, it would be very hard to ascertain the extent of the jukebox play in Hispanic neighborhoods, and we expect that better efforts and better evidence will be attained in future proceedings. But in the present proceedings, Latin American Music Co., Inc. has been successful in placing before the Tribunal evidence, which in total, establishes the likelihood of jukebox play which deserves some minimal award. Consequently, we are awarding Latin American Music Co., Inc. 0.15% of the jukebox fund, rejecting both A/B/S' contention of a virtually de minimis award and LAM's contention of 5% of the universe of musical works on jukebox. We believe that this award is squarely within the "zone of reasonableness" recognized by the Court:[3]

We noted earlier that on June 24, 1985, LAM withdrew its claim for Latin American Music and Latin American Music Co., Inc., and placed all its claim under ACEMLA. Procedurally, therefore, LAM would be entitled to no award, the Tribunal having found that ACEMLA did not legally exist in 1982 or 1983. However, the Tribunal sees its role promarily as a finder of facts. We have been persuaded that Latin American Music Co., Inc. existed in 1982 and in 1983 and represents a catalogue of some value. We are inclined to disregard the mistaken pleading in order to recognize the reality of jukebox play in 1982 and 1983 and to compensate those copyright owners whom Latin American Music Co., Inc. represents for the royalties which they have earned.

Award to Performing Rights Societies (Sec. 116(c)(3)(C))

The rest of the jukebox fund will be distributed to ASCAP, BMI, and SESAC, Inc. Having concluded that ACEMLA was not a performing rights society in 1982 or in 1983, there are only three performing rights societies before the Tribunal, ASCAP, BMI, and SESAC, Inc. These performing rights societies have reached a complete settlement on the remainder of the jukebox fund. Consequently, the Tribunal has not weighed any of the evidence regarding A/B/S. Section 116 clearly encourages settlements and instructs the Tribunal to distribute the jukebox fund to the performing rights societies after it has determined the proper distribution to copyright owners, but to weigh their entitlements should they fail to agree. They have not failed to agree, and we make no inquiry into their evidence.

Allocations

Accordingly, the Tribunal awards 0.15% of 1982 jukebox royalty fund to Latin American Music Co., Inc. This represents the only change from the 1982 final determination. Further, for the 1983 jukebox royalty fund, the Tribunal makes no award to Michael Walsh, awards $1500 to Italian Book Company, awards 0.15% to Latin American Music Co., Inc., and awards the rest to ASCAP, BMI and SESAC, Inc.

Commissioner J.C. Argetsinger did not participate in this determination.

[3] *Christian Broadcasting Network, Inc. v. Copyright Royalty Tribunal*, 720 F. 2d 1295, 1304 (D.C. Cir. 1983).

Dated: *November 13, 1985.*

Edward W. Ray,

Acting Chairman.

[FR Doc. 85-27478 Filed 11-18-85; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Service (DACOWITS); Meeting

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS).

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review the Recommendations, Requests for Information, and Continuing Concerns made by the Committee at the 1985 Fall Meeting; discuss current issues relevant to women in the Services; and complete any unfinished business and on-going projects pertaining to the 1985 Executive Committee.

All meeting sessions will be open to the public.

DATE: December 9, 1985, 1:30-5:00 p.m. and December 10, 1985, 9:30-11:30 a.m.

ADDRESS: OSD Conference Room 1E801 #1, the Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Major Marilla J. Brown, Executive Secretary, DACOWITS, OASD (Force Management and Personnel), The Pentagon, Room 3D769, Washington, DC 20301-4000; telephone (202) 697-2122.

SUPPLEMENTARY INFORMATION: Persons desiring to (1) attend the Executive Committee Meeting or (2) make oral presentations or submit written statements for consideration at the Meeting must notify the point of contact listed above no later than November 25, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 14, 1985.

[FR Doc. 85-27589 Filed 11-18-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Special Operations; Meeting

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Special Operations will meet in closed session on 4–5 December 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will continue to receive classified briefings on special operations.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

November 14, 1985.

[FR Doc. 85–27588 Filed 11–18–85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

November 8, 1985.

The USAF Scientific Advisory Board Air Force Engineering and Services Advisory Group will meet at ANSER, Arlington, Virginia, from 8:30 a.m. to 5:00 p.m. on December 5, 1985.

The purpose of the meeting will be to discuss programs and projects related to the operational mission of Air Force Engineering and Services Directorate.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–27476 Filed 11–18–85; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

November 5, 1985.

The USAF Scientific Advisory Board Armament Division Advisory Group will meet December 5–6, 1985, from 8:00 A.M. to 5:00 P.M., at the Armament Division Headquarters, Building 1, Eglin AFB FL.

The purpose of this meeting is to receive briefings on and to advise the Division Commander on the insensitive high explosive (IHE) program.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–27477 Filed 11–18–85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

National Board for the Promotion of Rifle Practice; Open Meeting

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

Name of Committee: Budget Committee, National Board for the Promotion of Rifle Practice.

Date of Meeting: 5 December, 1985.

Place: Quality Inn, Pentagon City, 300 Army/Navy Drive, Arlington, Virginia 22202.

Time: 0800–1130.

Proposed Agenda:

1. Executive Officer's Report.
2. Review prior fiscal year closeout (FY 85).
3. Review current fiscal year funding vs requirements (FY 86).
4. Review requirements for future DCM programs (FY 87–91).

This meeting is open to the public. Persons desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272–0810 prior to 5 December, 1985, to arrange admission.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 85–27522 Filed 11–18–85; 8:45 am]

BILLING CODE 3710-08-M

U.S. Military Academy; Board of Visitors Meeting; Correction

AGENCY: United States Military Academy: Board of Visitors.

ACTION: Correction.

SUMMARY: This document corrects a meeting notice of the United States Military Academy Board of Visitors that appeared at page 38702 in the **Federal Register** of Tuesday, September 24, 1985, (50 FR 38702). Due to unusual circumstances the meeting has been reschedule for 12–14 December 1985. No other changes have been made.

John O. Roach, II,

Department of the Army Liaison Officer with the Federal Register.

[FR Doc. 85–27521 Filed 11–18–85; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

National Petroleum Council; U.S. Refinery Capability Task Group; Meeting

Notice is hereby given that the U.S. Refinery Capability Task Group will meet in November 1985. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The U.S. Refinery Capability Task Group will address previous Council refining studies and evaluate future refinery operations and their impact on petroleum markets. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The U.S. Refinery Capability Task Group will hold its ninth meeting on Tuesday, November 19, 1985, starting at 8:30 a.m., in the Houston Room of the Sheraton Crown Hotel and Conference Center, 15700 Drummet Boulevard, Houston, Texas.

The tentative agenda for the U.S. Refinery Capability Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review of the work of the Task Group.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the U.S. Refinery Capability Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the U.S. Refinery Capability Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Carolyn Klym, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353–2709, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the

Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on November 13, 1985.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 85-27510 Filed 11-18-85; 8:45 am]

BILLING CODE 6450-01-M

National Coal Council, Open Meeting

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

Name: National Coal Council.

Date and Time: Thursday, December 12, 1985; 2:00 p.m. to 4:00 p.m. Friday, December 13, 1985; 9:30 a.m. to 11:30 a.m.

Place: Westin Hotel, 1672 Lawrence Street, Denver, Colorado.

Contact: Cecilia MacCarthy, U.S. Department of Energy, Office of Fossil Energy (FE-23), Washington, DC 20545 Telephone: 301/353-2846.

Purpose of the Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

Tentative Agenda:

Thursday

—Opening remarks by the Chairman
—Brief presentations by representatives of the Departments of Energy, Commerce, Interior, and Transportation, and the Enviromental Protection Agency
—Questions and comments from National Coal Council members
—Public Comment—10 Minute Rule
—Adjournment

Friday

—Call to Order by John N. Dalton, Chairman
—Remarks by the Chairman
—Report of the Coal Policy Committee
—Report of the Finance Committee: Presentation of the 1986 budget
—Consideration of administrative matters: Report of the Executive Director; Presentation of the Articles of Incorporation and Bylaws
—Discussion of any other business properly brought before the National Coal Council
—Public Comment—10 Minute Rule
—Adjournment

Public Participation

The meeting is open to the public. The Chairman of the Council is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Cecilia MacCarthy at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcript

Available for public review and copying at the Department of Energy's Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Issued at Washington, D.C. on November 14, 1985.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 85-27509 Filed 11-18-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Consent Order; Alliance Oil and Refining Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order; opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Alliance Oil and Refining Company (Alliance) concerning crude oil resales by the firm, and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by December 19, 1985.

ADDRESS: Send comments to Alliance Consent Order Comments, U.S. Department of Energy, 500 Dallas Street, One Allen Center, Suite 660, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Economic Regulatory Administration, U.S. Department of Energy, 500 Dallas Street, One Allen Center, Suite 660 Houston, Texas 77002, 713/229-3715. (Copies of the Consent Order may be obtained free of charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: On October 21, 1985, the ERA executed a proposed Consent Order with Alliance of Houston, Texas for $2,500,000. Under 10 CFR 205.199(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. Background

Alliance Oil and Refining Company (Alliance) is a crude oil reseller. Its first resale of crude oil occurred in February 1978; consequently, Alliance's activities were covered by the provision of 10 CFR Part 212, Subpart L. ERA audited the firms crude oil resales for the period February 1978 through December 1980 to determine Alliance's compliance with these regulations. The audit concluded that in certain months during the audit period, Alliance's average markup exceeded the permissible average markup.

The principal issue between the parties centers on the application of the provisions of 10 CFR 212.183(c). Alliance contends that all of its sales during the audit period were lawful pursuant to those provisions. There are several factual and legal issues, however, pertaining to application of the provisions of 10 CFR 212.183(c) that have not been finally resolved. Depending upon the eventual outcome of one or more of these issues, the alleged violation by Alliance could be substantially more or less than the $2,500,000 that the company has agreed to pay. In these circumstances, it is the opinion of ERA that a lump sum payment of $2,500,000 by Alliance is a satisfactory compromise of the audit. This amount includes interest.

II. Refunds

Under the Consent Order, Alliance will pay the sum of $2,500,000 to DOE within 60 days after the effective date of the Consent Order. The DOE shall direct that these monies be deposited in the "Deposit Fund Escrow Account" maintained by the U.S. Treasury. ERA was unable to readily identify the ultimate injured parties due to the nature of the alleged violations and the complexities of petroleum marketing. The refund will be disbursed pursuant to the procedures of 10 CFR Part 205, Subpart V.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Alliance Consent Order." The ERA will consider all comments it receives by 4:30 p.m C.S.T. December 19, 1985. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 12th day of November, 1985.

Avrom Landesman,

Director, Office of Enforcement Programs, Economic Regulatory Administration.

[FR Doc. 85-27512 Filed 11-18-85; 8:45 am]

BILLING CODE 6450-01-M

Amended Proposed Remedial Order; Port Petroleum, Inc.

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of an Amended Proposed Remedial Order whch was issued to Port Petroleum, Inc. This Amended Proposed Remedial Order alleges pricing violations in the amount of $6,292,351 plus interest in connection with the purchase and resale of crude oil during the period October 1978 through December 1980.

A copy of the Amended Proposed Remedial Order, with confidential information deleted, may be obtained from the Office of Freedom of Information Reading Room; U.S. Department of Energy; Forrestal Building; 1000 Independence Avenue, SW.; Room 1E-190; Washington, DC 20585 or by calling (202) 252-6025. Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals; U.S. Department of Energy; Forrestal Building; 1000 Independence Avenue SW., Room 6F-078; Washington, DC 20585, in accordance with 10 CFR 205.193

Issued in Dallas, Texas on the 5th day of November, 1985.

Ben Lemos,

Director, Office of Field Operations, Economic Regulatory Administration.

[FR Doc. 85-27511 Filed 11-18-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA85-5-1-000, 001 and TA86-1-1-000, 001]

Alabama-Tennessee Natural Gas Co.; Revised PGA Rate Adjustment

November 12, 1985.

Take notice that on November 6, 1985, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing Sixth Revised Sheet No. 4 and Seventh Revised Sheet No. 4, as part of its FERC Gas Tariff, Original Volume No. 1. These tariff sheets are proposed to become effective September 9, 1985, and October 23, 1985, respectively. Alabama-Tennessee requests that there be granted any necessary waivers of the Commission's Regulations to accomplish those proposed effective dates.

Alabama-Tennessee states that the purpose of the revised tariff sheets is to reflect spot market purchases, and the rates of its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., filed on October 15, 1985, in Docket No. TA86-1-9-000, to be effective October 18, 1985.

Sixth Revised Sheet No. 4 provides for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand:	
D_1	$7.53
D_2	08.26¢
Commodity	12.85¢
Gas	415.79¢
SG-1:	
Commodity	21.41¢
Gas	462.24¢
I-1:	
Commodity	16.71¢
Gas	436.69¢

Seventh Revised Sheet No. 4 provides for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand:	
D_1	$7.53
D_2	08.26¢
Commodity	12.85¢
Gas	278.76¢
SG-1:	
Commodity	21.41¢
Gas	325.21¢
I-1:	
Commodity	16.71¢
Gas	299.66¢

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27561, Filed 11-18-85; 8:45 am]

BILLING COSE 6717-01-M

[Docket No. ER86-108-000]

Bangor Hydro-Electric Company; Filing

November 12, 1985.

Take notice that on November 1, 1985, Bangor Hydro-Electiric Company (Bangor) tendered for filing a Sales Agreement (Agreement) made as of November 1, 1985 between Bangor and Central Maine Power (CMP) for the sale of system power by Bangor to CMP.

Bangor states that the Agreement provides for a capacity and energy sale of 10,000 kilowatts from Bangor's system to CMP. The Agreement provides that CMP pay for the capacity at the rate of $15.00 per kilowatt per year and for the actual energy costs.

Bangor requests an effective date of November 1, 1985, and therefore requests waiver of the Commission's notice requirement.

A copy of this filing was mailed to CMP.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27572 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-80-000]

Boston Edison Company; Filing

November 13, 1985.

Take notice that on October 30, 1985 Boston Edison Company (Edison) tendered for filing the original and one conformed copy of a Notice of Cancellation of Rate Schedule FERC No. 133. The rate schedule to be cancelled is an exchange agreement between the Town of Braintree (Massachusetts) Electric Light Department and Edison. The letter order accepting this rate schedule for filing was issued on October 21, 1981 (Docket No. ER81-716). The reason for the cancellation is that the contract has terminated in accordance with its terms. Since the underlying contract is no longer in effect, Edison would request a waiver of notice provisions of 18 CFR 35.15 and would further request that the cancellation of each become effective on October 25, 1985. Also enclosed for information was a summary of transactions which took place under this rate prior to its expiration.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27548 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-129-000]

Central Illinois Light Company; Filing

November 13, 1985.

Take notice that on November 1, 1985, Central Illinois Light Company (CILCO) tendered for filing proposed rate changes for full-requirements service to the Villages of Riverton and Chatham, Illinois. The increases are to become effective on January 1, 1986.

The increase to Riverton reflects a settlement agreement between CILCO and Riverton which provides for a phase-in through the end of 1990.

The filing states that CILCO was unable to obtain a settlement with Chatham and that no phase-in is proposed as to it.

The filing states that the total increase to Chatham and Riverton does not exceed $200,000 based upon actual billing data for twelve months ending September 30, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27549 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C186-56-000]

Citizens Energy Corp. and Citizens Resources Corp.; Application

November 12, 1985.

Take notice that on November 1, 1985, Citizens Energy Corporation and Citizens Resources Corporation ("Citizens") filed in Docket No. C186-56-000 an Application for Certificates of Public Convenience and Necessity and for Approval of Limited-Term Abandonments. Specifically, Citizens requests authority on its own and its producer-suppliers behalf to make sales for resale in interstate commerce, without supply or market limitations, of NGA gas for which the maximum lawful price is higher than the NGPA section 109 price and to temporarily abandon previously certificated sales for resale of such gas. Citizens states that it is requesting authority identical to that granted by the Commission on October 29, 1985 in Docket No. CI85-633-000. Order Permitting and Approving Limited-Term Abandonments and Granting Certificates, Tenneco Oil Company, *et al.*, Docket No. CI85-633-000 (issued October 29, 1985).

Citizens states that its application should be approved because it is completely consistent with the authority granted in the Order of October 29, 1985 and with Order No. 436, issued October 9, 1985 in Docket RM85-1-000.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 22, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27562 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-76-000]

Commonwealth Edison Co.; Filing

November 13, 1985.

Take notice that Commonwealth Edison Company on November 4, 1985 tendered for filing Rate 80.

Rate 80 provides for service and use of the facilities necessary to enable the City of Geneva, Illinois to take delivery of electricity from electric utility suppliers other than Commonwealth Edison.

Copies of the proposed rate schedule were served upon the Illinois Commerce Commission, Springfield, Illinois and the City of Geneva, Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 22, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27550 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-163-000]

Commonwealth Edison Co.; Filing

November 13, 1985.

Take notice that Commonwealth Edison Company on November 6, 1985 tendered for filing proposed changes in its FERC Electric Service Tariff Rate 78B and Rider 8A.

The Company states that the filing is required to comply with the provisions of a previously approved Settlement Agreement and Electric Service Contracts with its wholesale municipal customers. Increased rates effective October 29, 1985 will result in increased annual revenues of approximately $2,370,00.

Copies of the filing were served upon the municipalities affected by the filing and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 22, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. .

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27551 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-132-000]

The Connecticut Light and Power Co.; Transmission Agreement

November 13, 1985.

Take notice that on November 1, 1985, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated October 28, 1985 between (1) CL&P and Western Massachusetts Electric Company (WMECO and together with CL&P, the NU Companies) and (2) Westfield Gas and Electric Department ("WG&E").

CL&P states that the Transmission Agreement provides for transmission services to WG&E for the wheeling of entitlements in units owned by Peabody Municipal Light Plant, Danvers Electric Department, and North Attleboro Muncipal Electric Light Department during the period from October 28, 1985 to November 30, 1986.

The transmission charge rate is a weekly rate equal to one-fifty-second of the estimated annual average cost of transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The weekly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-week), and (ii) the number of kilowatts WG&E is entitled to receive during such week.

CL&P requests that the Commission waive its standard notice period and permit the Transmission Agreement to become effective on October 28, 1985.

WMECO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, WMECO and WG&E (Westfield, Massachusetts).

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regualtory Commission, 835 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 210, 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.210, 385.211 and 385.214). All such motions or protests should be filed on or before November 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27464 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-110-000]

Connecticut Light & Power Co.; Filing

November 13, 1985.

Take notice that on November 1, 1985 Connecticut Light & Power Company tendered for filing for itself and as successor by merger with the Hartford Electric Light Company and on behalf of Western Massachusetts Electric Company and Boston Edison Company Notices of Termination of the following Rate Schedule:

CL&P's Rate Schedule FPC No. 105.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practive and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 20, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a moton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27552 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-87-000]

Connecticut Light and Power Co.; Filing

November 12, 1985.

Take notice that on October 31, 1985 Connecticut Light and Power Company tendered for filing a Notice of Termination of the following rate schedule:

CL&P's Rate FPC No. 126

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27573, Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-125-000]

Consumers Power Co.; Filing

November 13, 1985.

Take notice that on November 1, 1985, Consumers Power Company ("Consumers") tendered for initial filing three Service Agreements for Experimental Prescheduled Interruptible Wholesale Electric Service with the Cities of Bay City, Hart and St. Louis, Michigan.

Copies of this filing were served upon the parties and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27553, Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER-86-118-000

El Paso Electric Co.; Filing

November 12, 1985.

Take notice that on November 1, 1985, El Paso Electric Company (El Paso) tendered for filing a notice of cancellation of FERC Rate Schedule No. 17 between El Paso and Texas-New Mexico Power Company.

El Paso requests an effective date of November 1, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considerd by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27574 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-34-000]

Entrade Corp.; Application of Entrade Corporation for Certificates of Public Convenience and Necessity, for Orders Approving Pre-Granted Abandonment and for Temporary Certificates

November 12, 1985.

Take Notice that on October 24, 1985, EnTrade Corporation (EnTrade), pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717(c) and 717(f) (1982) (NGA), Part 157 of the Regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR Part 157 (1984), and, in particular, 18 CFR 157.17 (1984), applied for certificates of public convenience and necessity and for orders approving pre-granted abandonment on behalf of the interstate pipelines specified in its application, authorizing transportation of natural gas, and pre-granted abandoment thereof, to enable the transactions described in Appendix A hereto to continue through the 1985-86 winter heating season to March 31, 1986. Further, EnTrade requested the issuance of temporary certificates by the Director, Office of Pipeline and Producer Regulation under his delegation authority set forth in 18 CFR 375.307, due to the emergency need for these transactions to continue, all to be effective on or before November 1, 1985, as more fully described in the Application which is on file with the Commission and open for public inspection.

Applicant states that currently, EnTrade is marketing 146 MMcf per day, of which almost 140 MMcf per day is moving through the interstate pipeline system. Approximately 70 MMcf per day is being transported under a pipeline special marketing program (SMP) which will terminate on October 31. Of the remaining 70 MMcf per day, almost 50 MMcf, is being transported under pipeline blanket certificates with the majority transported under Order No. 234-C. Much of this gas is being transported by a pipeline which currently indicates to EnTrade that it will not file the statement required by new § 284.223(g)(2)(i) before November 1, 1985. This means that absent the authority sought here, EnTrade's business could drop precipitously on November 1, 1985.

Attached as Appendix A is a description of the transactions for which transportation and pre-granted abandonment authority is sought in the application. These transactions involve the purchase of natural gas by EnTrade from various producers at the wellhead for resale to high and low-priority end-users. The majority of these transactions are authorized to continue through October 31, 1985, pursuant to (1) The Commission's Order No. 319 blanket certificate program; or (2) the Commission's Order No. 234-C blanket certificate program. Absent further action by the Commission, it is asserted, either in the context of the instant application, EnTrade's application in Docket No. CI85-702-000, Docket No. RM85-1, or some other docket, the majority of these transactions will terminate on October 31, partly as a result of the issuance of Order No. 436 by the Commission on October 9, 1985. EnTrade estimates that the termination of the effected transactions on October 31, 1985 will result in lost gas sales of around 50 MMcf per day.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 22, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

APPENDIX A.—ENTRADE FLOWING GAS

Customer	Location	Daily volume	PPL No. 1	PPL No. 2	PPL No. 3	LDC	Producer	Code section
Al Tech Specialty Steel Corp	Dunkirk, NY	1838MM	UGPL	COLGF	COL	NATFUL	UER Marketing	50% 234C. 50% 319.
Alumax Aluminum Corp	Hawesville, KY	480MC	UGPL	TGTC	COL	WKG	Davis Oil	234C.
The Brewer Co	Cincinnati, OH	252MM	UGPL	COLGF	COL	CG&E	Davis Oil	234C.
Celotex	Lockland, OH	284MM	UGPL	COLGF	COL	CG&E.	Davis Oil	234C.
Chemetals Inc	Baltimore, MD	1400MM	COLGF	COL		BG&E	Matzinger Petroleum	234C and/or 319.
Chevron U.S.A. Inc	North Bend, OH	1259MM	UGPL	COLGF	COL	CG&E	L.R. Resources II	234C.
Chrysler Corp	New Castle, IN	1000MC	PEPL			INDGAS	Quinoco Petroleum, Inc	234C.
Continental Fiber Drum	Van Wert, OH	83MM	UGPL	COLGF	COL	WOHIO	Davis Oil	234C.
Dow Corning Corp	Carrollton, KY	1609	UGPL	TGTC		CARROL	L.R. Resources II	234C.
Fairfield Manufacturing Co	Lafayette, IN	298MC	TGTC			INDGAS	Grigsby Petroleum	5% 234C. 95% 319.
Federal Mogul Corp	Van Wert, OH	99MM	UGPL	COLGF	COL	WOHIO	Davis Oil	234C.
Green River Steel	Owensboro, KY	2013 MC	UGPL	TGTC		WKG	L.R. Resources II	234C.
Hayes-Albion	Jackson, MI	600MM	PEPL			CONPOW	Follet	234C. and/or 319.
	Jackson, MI	400MM	PEPL			CONPOW	Diamond Shamrock	
Hammermill Paper Co	ERIE, PA	4399MM	UGPL	COLGF	COL	NATFUL	UER Marketing	234C.
James River Corp	Kalamazoo, MI	4645MC	PEPL			MICHGS	Argonaut Energy Corp	234C and/or 319.
						MICHGS	Energy Oil	
						MICHGS	Diamond Shamrock	
Knauf Fiber Glass	Shelbyville, IN	624MC	TGTC			INDGAS	Grigsby Petroleum	5% 234C. 95% 319.
Logan Aluminum Co	Russelliville, KY	3080MC	UGPL	TGTC		WKG	UER Marketing	234C.
Middletown Paperboard Co	Middletown, OH	831MC	TGTC			CG&E	TXO Production Co	234C and/or 319.
Missouri Portland Cement	Joppa, IL	800MM	PEPL	TRUNK		UNCIT	Union Texas Corp	234C.
Newport Steel Corp	Newport, KY	1041MM	UGPL	COLGF	COL	CG&E	Davis Oil	234C and/or 319.
International Permalite, Inc	Florence, KY	2417MM	UGPL	COLGF	COL	CG&E	L.R. Resources II	234C.
Ralston Purina Co	Louisville, KY	1107MC	UGPL	TGTC		LG&E	UER Marketing	234C.
Rock-Tenn Co	Eaton, IN	1032MC	PEPL			INDGAS	Snyder Oil Co	234C.
						INDGAS	Damson Oil Corp	
Sharp Canning Co	Rockford, OH	51MM	UGPL	COLGF	COL	WOHIO	Davis Oil	234C.
Southwire Co	Hawesville, KY	103MC	UGPL	TGTC		WKG	Davis Oil	234C.
Southwire Co	Carrollton, GA	3691MM	UGPL	SONAT		ATLGL	UER Marketing	234C.
A.E. Staley Mfg. Co	Lafayette, IN	3611MM	UGPL	TGTC		INDGAS	Davis Oil	319.
Stauffer Chemical Co	Gallipolis Ferry, WV	1342MM	UGPL	COLGF	COL	MOUNTR	L.R. Resources II	234C.
Travenol Laboratories, Inc	Cleveland, MS	1000MC	UGPL	TGTC		MISSVL	L.R. Resources II	234C.
U.S. Gypsum Co	Shoals, IN	200MC	TGTC			INDGAS	Crystal Oil Co	234C.
		211MC	UGPL	TGTC		INDGAS	Davis Oil	
		2875MC	TGTC			INDGAS	Quinoco Petroleum, Inc	
U.S. Gypsum Co	Greenville, MS	3543 MC	UGPL	TGTC		MISSVL	L.R. Resources II	234C.
Verhoff Alfalfa Mills, Inc	Ottawa, OH	54MM	UGPL	COLGF	COL	WOHIO	Davis Oil	234C.
Warner Gear	Muncie, IN	1050MM	PEPL			INDGAS	Quinoco Petroleum, Inc	234C.
		49322						

LDC Codes:
NATFUL—National, Fuel Gas Supply Cor.
WKG—Western Kentucky Gas Co.,
CG&E—The Cincinnati Gas & Electric Co.
BG&E—Baltimore Gas & Electric
INDGAS—Indiana Gas & Electric
WOHIO—West Ohio Gas Co.,
CARROL—Carrollton Utilities
CONPOW—Consumers Power Co.,
MICHGS—Michigan Gas Co.
UNCIT—United Cities Gas Co.
LG&E—Louisville Gas & Electric
ATLGL—Atlanta Gas Light Co.
MOUNTR—Mountaineer Gas Co.
MISSVL—Mississippi Valley Gas Co.

[FR Doc. 85-27563 Filed 11-18-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER 86-135-000]

Florida Power Corp.; Filing

November 13, 1985.

The filing Company submits the following:

Take notice that on November 1, 1985, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service dated November 1, 1985, providing for interchange service between Florida Power and the Utilities Commission, the City of New Smyrna Beach, Florida. Florida Power states that Florida Power and City of New Smyrna Beach have an existing contract for interchange service designated Florida Power's Rate Schedule FERC No. 87. The Contract for Interchange Service dated November 1, 1985 cancels and supersedes the previous contract.

Florida Power requests that the Contract for Interchange Service be permitted to become effective November 1, 1985 and therefore, requests waiver of the sixty day notice requirement. Copies of this filing have been served upon the Utilities Commission, City of New Smyrna Beach, Florida and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Steet, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 21, 1985. Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27555 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-106-000]

Idaho Power Co.; Filing

November 12, 1985.

Take notice that on October 31, 1985 Idaho Power Company ("Idaho Power") submitted for filing its tariff for Non-firm Transmission Service designated FERC Electric Tariff, Original Volume No. 2.

Idaho Power is periodically requested to provide transmission service for power and energy available in the region over its System Transmission Facilities. Idaho Power states the submitted tariff would bring such transmission service transactions under uniform rates, terms and conditions, including service provided by Idaho Power to other entities under the Inter-company Pool ("ICP") Agreement.

Idaho Power requests that this tariff be allowed to become effective December 30, 1985. Idaho Power further states that service agreements and revisions to its Index of Purchasers will be filed as commitments occur.

Copies of this filing have been served on all ICP members, the utilities which have recently taken non-firm transmission service from Idaho Power, the Idaho Public Utilities Commission, the Oregon Public Utility Commissioner and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27575, Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-461-004]

Kansas Gas and Electric Co.; Refund Report

November 12, 1985.

Take notice that on October 31, 1985 Kansas Gas and Electric Company submitted for filing the original and five copies of the refund report for Kansas Power and Light Company (KPL) in accordance with Commission Letter Order dated October 10, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commision in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27585 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-137-000]

The Montana Power Co.; Filing

November 13, 1985.

Take notice that on November 1, 1985, The Montana Power Company (Montana Power) tendered for filing a Contract for Interconnections, Transmission Service and Inter-Utility Operations with the Western Area Power Administration (WAPA), dated September 26, 1984, pursuant to which Montana Power proposes to interconnect with WAPA and transmit power and energy for WAPA on an excess capacity basis.

Montana Power states that the Contract supersedes a previous agreement which expired by its own terms on October 15, 1984, and has requested that the Contract be made effective at that time.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214. All such motions or protests should be filed on or before November 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27556 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-138-000]

Niagara Mohawk Power Corp., Filing

November 13, 1985.

Take notice that Niagara Mohawk Power Corporation (Niagara Mohawk), on November 4, 1985, tendered for filing proposed changes to rates schedules to increase charges for delivery of power and energy to industrial customers receiving Replacement and/or Expansion Power, such power and energy being purchased by Niagara Mohawk from the Power Authority of the State of New York (Power Authority).

Niagara Mohawk presently has on file an agreement with the Power Authority dated February 10, 1961, designated Rate Schedule FERC No. 19 for, among other services, supplying and transmitting power and energy from Power Authority's Niagara project over Niagara Mohawk's transmission facilities to Power Authority's municipal and cooperative customers and certain industrial customers of Niagara Mohawk.

The proposed changes would increase the charges provided under Rate Schedule FERC No. 19 for the delivery of power and energy and affect those industrial customers receiving Replacement and/or Expansion Power. An effective date of January 3, 1986 is requested. In addition, the same rate changes would apply to delivery of power and energy by Niagara Mohawk to certain industrial customers from the Power Authority's Fitzpatrick Nuclear Plant under Niagara Mohawk's Rete Schedule FERC No. 95, which

incorporates by reference the charges provided under Rate Schedule FERC No. 19.

Copies of the filing were served upon the attached service list.

Any persons desiring to be heard or to protest said application should file a motion to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 or the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motion shall be filled on or before November 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27557 Filed 11-18-1985; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-101-000]

Northern States Power Co. (Minnesota); Filing

November 13, 1985)

Take notice that Northern State Power Company (Minnesota) (NSP) on October 31, 1985, tendered for filing proposed changes in FERC transmission service and wholesale rates.

The requested increase is in two steps for transmission service and on line transmission service customers. The first step, which is calculated on a reduced rate base and on a return on equity of 13.5%, is in the amoung of $24,843.00, or 1.5%, in calendar year 1986. It is requested that the first-step increase be permitted to become effective on December 31, 1985, sixty days after the date of this filing. The second step, based upon a requested return on equity of 15.25%, is in the additional amount of $100,001.00 in calendar year 1986. The total increase after the second step is thus $124,844.00, or 7.4%, above the rates in effect on the date of this filing. It is requested that the second/step increase be permitted to become effective on January 1, 1986, which is 61 days from the date of this pleading.

The requested increase is also in two steps for wholesale customers. The first step, which is calculated on a reduced rate base and on a return on equity of 13.5%, is in the amoung of $1,823,595.00, or 8.1%, in calendar year 1986. It is requested that the first-step increase be permitted to become effetive on December 31, 1985, sixty days after the date of this filing. The second step, based upon a requested return on equity of 15.25%, is in the additional amount of $1,019,808.00 in calendar year 1986. The total increase after the second step is thus $2,843,403.00, or 12.6%, above the rates in effect on the date of this filing. It is requested that the second-step increase be permitted to become effective on January 1, 1986, which is 61 days from the date of filing.

NSP states that the proposed rate increases are needed because operating, maintenance and capital costs have increased since the present rates became effective.

Copies of the rate schedule change and comparative billing data were served upon NSP's customers affected by this filing. In addition, copies of the filing have been mailed to the Minnesota Public Utilities Commission, the North Dakota Public Service Commission and the South Dakota Public Ultilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27558 Filed 11-18-1985; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-116-000]

Northern States Power Co.; Filing

November 12, 1985.

Take notice that Northern States Power Company (Minnesota), on November 1, 1985, tendered for filing the Municipal Transmission Service Agreement Between Northern States Power Company and the City of Mountain Lake.

The Municipal Transmission Service Agreement is an initial rate schedule filing. The Municipal Transmission Service Agreement essentially provides that NSP will wheel power and energy delivered to it by the Western Area Power Administration to the Interstate Power Company for ultimate delivery to Mountain Lake. The power in question has been sold by the Missouri Basin Municipal Power Agency to Mountain Lake. The rates and charges provided for this service are on file with the Commission for similar agreements with other cities.

NSP requests the Municipal Transmission Service Agreement become effective on November 20, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214. All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commision in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27576 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-43-002]

Northwest Central Pipeline Corp.; Proposed Changes in FERC Gas Tariff

November 12, 1985.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on November 6, 1985, tendered for filing Revised Fifth Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1.

This Tariff sheet is being filed in compliance with Ordering Paragraphs (D) and (G) of the Commission's order issued October 22, 1985 in Docket No. TA86-1-43-000 and TA86-1-43-001. In the October 22, 1985 order, the Commission directed Northwest Central to file revised rates to eliminate the effect of concurrent exchange imbalances from the Account No. 191 balances and reflect a six-month amortization of its Account No. 191 subaccount balance.

Northwest Central states that since the original filing in this docket, there has been a contract renegotiation which

reduces it's projected gas purchase costs.

As a result of the above stated changes, Northwest Central proposes to increase its rates effective October 23, 1985, to reflect:

(1) A 7.32¢ per Mcf decease in the Cumulative Adjustment due to a decrease in Northwest Central's projected gas purchase costs.

(2) A 8.79¢ per Mcf increase in the Surcharge Adjustment (to a negative 8.73 per Mcf from a negative 17.52¢ per Mcf) to amortize the Deferred Purchase Gas Cost Subaccount Balance.

(3) A .08¢ per Mcf decrease in the Advance Payment Rate Adjustment (to a negative 1.48¢ Mcf from a negative 1.40¢ per Mcf) in compliance with the Stipulation and Agreement in Docket No. RP82-114-000, *et al.*

Northwest Central states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, motion to intervene or a protest with the Federal Energy Regulation Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to became a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27564, Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-37-002]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

November 12, 1985.

Take notice that on November 6, 1985, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets.

Twenty-Fourth Revised Sheet No. 10
Sixth Amended Substitute Nineteenth Revised Sheet No. 10

The tendered tariff sheets provide for the elimination of the Special Surcharge Credit relating to refunds arising from the Settlement at Docket No. RP81-47-000 as required in Ordering Paragraph (B) of the Federal Energy Regulatory Commission's ("Commission") order at Docket No. TA86-2-37-000 and 001 issued November 1, 1985. As required by the above referenced order, Northwest will include the refund in its normal Semiannual PGA filing to be effective April 1, 1986.

The rate adjustments reflected herein are made in compliance with the Commission's order at the above referenced docket, therefore Northwest requests an effect date of November 1, 1985 for the tendered tariff sheets as provided in the Commission's November 1, 1985 order.

A copy of this filing has been mailed to all parties in Docket No. TA86-2-37-000 and 001 and to all jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE. Washington DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27565 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER-111-000]

Ohio Power Co.; Filing

November 12, 1985

Take notice that American Electric Power Service Corporation (AEP) on behalf of its affiliate Ohio Power Company (OPCO) tendered for filing on November 1, 1985, the following:

1. Agreement, dated August 1, 1985, between Village of Shiloh (Shiloh) and Ohio Power Company; and

Agreement, dated August 1, 1985, between City of St. Clairsville (St. Clairsville) and Ohio Power Company.

The Agreements set forth terms pursuant to which OPCO proposes to supply Transmission Service to Shiloh and St. Clairsville.

The parties request an effective date of November 1, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27577 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-94-000]

Orange and Rockland Utilities, Inc.: Filing

November 12, 1985.

The filing Company submits the following:

Take notice that Orange and Rockland Utilities, Inc. (Orange and Rockland) on October 15, 1985, tendered for filing as a rate schedule an executed agreement dated October 1, 1985, between Orange and Rockland and Public Service Electric and Gas Company for the sale of interruptible power and energy by Orange and Rockland.

The rate schedule provides for an economy reservation charge not to exceed $15.00 per megawatthour by Orange and Rockland for PSE&C and $25.60 per megawatthour; by PSE&G for Orange and Rockland.

Orange and Rockland requests waiver of the notice requirements of § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective October 1, 1985 in accordance with the anticipated utilization by the parties.

Orange and Rockland states that a copy of its filing was served on Public Service Electric and Gas Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27578 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-107-000]

Pacific Gas and Electric Co.; Filing

November 12, 1985.

Take notice that on November 1, 1985, Pacific Gas and Electric Company (PGandE) tendered for filing proposed changes in rates and charges for certain electric services in two phases which would increase revenues from jurisdictional sales and service by approximately $6.3 million, based on the 12-month period ending December 1986.

The proposed effective date for the Phase I rate schedule change for the services provided to NCPA by PGandE is January 2, 1986 with a one day suspension. The proposed effective date for the Phase I rate schedule and tariff changes for the services provided to Sierra Pacific Power Company, CP National Corporation, The City of Palo Alto, Resort Improvement District No. 1, Shasta Dam Area Public Utility District, Tuolomne Power Agency, Calaveras Power Agency, and The City of Redding (Wholesale Customer Group) is January 1, 1986, 60 days after the date of this filing.

The proposed effective date for the Phase II rate schedule change for the services provided NCPA is March 31, 1986. The proposed effective date for the Phase II rate schedule and tariff changes for the services provided the Wholesale Customer group is January 2, 1986, 61 days after the date of this filing.

The proposed increases in rates and changes are being filed to assure the recovery of adequate revenues and returns for the services provided.

Copies of this filing were served upon the customers taking service under the affected rate schedules and tariffs, and upon the public utility regulatory commissions of the states of California and Nevada.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27579, Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL85-24-000]

Pacific Gas and Electric Co., Petitioner, Sacramento Municipal Utility District, Respondent and Cross-Petitioner; Joint Offer of Settlement

November 12, 1985.

Take notice that on October 7, 1985, Pacific Gas and Electric Company (PG and E) and Sacramento Municipal Utility District (SMUD) submitted for filing a written offer of settlement in conformance with Rule 602 of the Commission's Rules and Practice of Procedure. Because PG and E and SMUD are the only parties to this proceeding and mutually agree to this settlement, they request that this submittal be treated as an uncontested offer of settlement under paragraph (g) of Rule 602.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protect with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27570 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-113-000]

Portland General Electric Co.; Filing

November 12, 1985.

Take notice that on November 1, 1985, Portland General Electric Company (PGE) tendered for filing a Summary of Sales made under the Company's first revised Electric Service Tariff, Volume No. 1, during September of 1985, along with a cost justification for the rates charged. This filing also includes new service agreement with the Los Angeles Department of Water and Power.

Copies of this filing were served upon parties having service agreements with PGE, parties to the Intercompany Pool Agreement (revised), intervenors in Docket No. ER77-131 and the Oregon Public Utility Commissioner.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214. All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27580 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-117-000]

Public Service Company of Indiana, Inc.; Termination

November 12, 1985.

Take notice that on November 1, 1985 Public Service Company of Indiana, Inc., (PSI) tendered for filing pursuant to the Power Coordination Agreement, dated August 27, 1982, between Public Service Company of Indiana, Inc. (PSI), and the Indiana Municipal Power Agency (IMPA), a Notice of Termination to become effective for the following

Service Schedules on December 31, 1985 or on the effective date of a proposed Transmission and Local Facilities Ownership, Operation and Maintenance Agreement between PSI, IMPA and Wabash Valley Power Association, Inc., if later.

Service Schedule H—Bulk Transmission System Use
Service Schedule I—Common Transmission System Use
Service Schedule J—Distribution System Use

Copies of the filing were served upon the Indiana Municipal Power Agency and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214. All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27584 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-133-000]

Public Service Company of New Hampshire; Rate Filing

November 12, 1985.

Take notice that on November 1, 1985 Public Service Company of Hampshire ("PSNH" or "the Company") filed wholesale rate schedule supplements incorporating a recovery mechanism similar to the one which PSNH is presently charging its retail customers in order to recover the costs of a coal conversion project through the resulting fuel cost savings.

PSNH was ordered to undertake the project by the New Hampshire Public Utilities Commission ("NHPUC") in March 1980. The project entailed converting three 50 megawatt oil-fired units—Units 4, 5 and 6 at Schiller Station—to coal-fired units at a cost of approximately $60 million. After the NHPUC issued its order negotiations began under the auspices of the NHPUC and its appointed mediator to see if a ratemaking mechanism could be put in place which would enable PSNH to recover the cost of the conversion project out of the fuel cost savings which the project was expected to generate. The settlement agreement which emerged enabled PSNH to go forward with the project on the strength of a mechanism, which would allow PSNH to begin collecting the fixed costs out of the fuel cost savings after the conversion project was completed. The three Schiller units commenced commercial coal-burning operation in December 1984, May 1985 and July 1985, respectively, and the mechanism became effective on July 1, 1985. The fuel cost savings which the project has been generating since December 1984 have been possible only because of the settlement establishing the retail mechanism. The project could not otherwise have been financed.

PSNH committee itself in the retail settlement agreement to file a recovery mechanism similar to that now in place in the state for application to PSNH's wholesale customers. PSNH is fulfilling that commitment in filing the enclosed wholesale mechanism, which parallels the retail mechanism in all important respects and follows the recovery principle supporting Oil Conservation Adjustments being charged by other New England utilities in their retail and wholesale rates.

PSNH requests that this filing be allowed to become effective on January 1, 1986 and that any suspension be limited to one day.

PSNH has served the filing on the NHPUC and the affected; customers listed below with this rate schedule designations:

Customer	Rate schedule FERC No.
Concord Electric Co.	24
Ashland, New Hampshire Electric Department	28
New Hampton, New Hampshire. Village Precinct	29
Exeter & Hampton Electric Co.	35
New Hampshire Electric Cooperative, Inc.	50, 71
Town of Wolfeboro, New Hampshire	72
Citizens Utilities Co.	110

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27586, Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-121-000]

Public Service Company of Oklahoma, Filing

November 12, 1985.

Take notice that on November 1, 1985, Public Service Company of Oklahoma ("PSO") tendered for filing (1) a Letter Agreement, dated March 4, 1985, to be made a part of the Interconnection Agreement between PSO and Western Farmers Electric Cooperative ("Western Farmers") and (2) a Third Amendment, dated October 29, 1985, to the Interconnection Agreement between PSO and Western Farmers. The letter agreement provides for a five month extension of the in-service date of the second 138 kV East West line to be constructed by Western Farmers. The Third Amendment provides for an additional point of interconnection between PSO and Western Farmers and the cancellation of an unneeded service schedule.

PSO requests an effective date of March 4, 1985 for the letter agreement and of November 1, 1985 for the Third Amendment. Accordingly, PSO requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to Western Farmers and the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27581 Filed 11-18-1985; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-24-000]

San Diego Gas & Electric Co.; Filing

November 13, 1985.

Take notice that on October 15, 1985 San Diego Gas & Electric (SDG&E) tendered for filing a notice of cancellation of the CRC-SDG&E Interruptible Optional Purchase and Layoff Energy Agreement between San Diego Gas & Electric and Colorado River Commission.

SDG&E states that the Agreement, by its terms, terminates as of September 30, 1985.

SDG&E requests an effective date of October 1, 1985.

Copies of this filing were served upon the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214. All such motions or protests should be filed on or before November 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27559 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-204-003]

South Carolina Generating Company, Inc.; Compliance Filing

November 12, 1985.

Take notice that on November 1, 1985 South Carolina Generating (GENCO) Company tendered for filing notice of a refund made to South Carolina Electric and Gas Company pursuant to Commission order dated July 2, 1985. GENCO refunded all amounts under accounts 106, 556, 921, 925, 930, 931, and 932/935 for the period January 1, 1985 through August 27, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27587 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-38-002]

U-T Offshore System; Tariff Filing

November 12, 1985

Take notice that on Noverber 5, 1985, U-T Offshore System (U-TOS) tendered for filing Second Substitute Fourth and Substitute Fifty Revised Sheet Nos. 4 to be included in the U-T Offshore System FERC Gas Tariff, Original Volume No. 1, to be effective on January 1, 1983 and January 1, 1985, respectively.

U-TOS states that Second Substitute Fourth and Substitute Fifth Revised Sheet Nos. 4 reflect the settlement rates pursuant to Article I of the Stipulation and Agreement (S&A) approved and modified by the Federal Energy Regulatory Commission (Commission) on July 22, 1985. The Commission modified the S&A to include a Federal income tax tracker. On August 21, 1985 U-TOS filed an application for Rehearing of that portion of the Commission order which imposed a Federal income tax tracker. On October 30, 1985 the Commission issued an Order Denying Rehearing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27566 Filed 11-18-1985; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-400-001]

Vesta Energy Co.; Application To Amend Certificate of Public Convenience and Necessity and Request for Expedited Action

November 12, 1985.

Take notice that on November 4, 1985, Vesta Energy Company (Vesta) filed an application pursuant to sections 4 and 7 of the Natural Gas Act and Part 157 of the Commission's regulations (18 CFR Part 157), requesting that the certificate of public convenience and necessity authorizing Vesta's special marketing program,[1] Vesta Energy Trading (VET) be amended (1) to extend permanently the term thereof and (2) to remove limitations on the customer eligibility criteria, all as more fully described in the application which is on file with the Commission and open for public inspection.

Applicant further requests that its application be acted upon on an expedited basis and states that such expedited action is necessary to prevent disruption of the spot market that the Commission's recently issued Order No. 436 is intended to foster.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before November 22, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All pretests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

[1] 32 FERC ¶ 61,037 (1985).

to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27567, Filed, 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-105-000]

Virginia Electric and Power Co.

November 12, 1985

Take notice that Virginia Electric and Power Company (the Company), on October 31, 1985, tendered for filing a revised rate for transmission service contained in a contract between the Company and the Southeastern Power Administration (SEPA). The Company requests an effective date of December 31, 1985.

The company states that the increase in the transmission service charge is necessary to place the charge on a compensatory basis.

Copies of the revised rate were served upon SEPA and upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 19, 1985. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27582 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-776-000]

The Washington Water Power Co.; Amended Filing

November 13, 1985.

Take notice that on November 1, 1985, The Washington Water Power Company filed an amendment of clarification of its original filing of an Agreement applicable to what Washington refers to as a Short-Term Thermal Storage Agreement Between Washington and Bonneville Power Administration (BPA) for the period December 18, 1984 through June 30, 1985. In clarification, Washington states that during the term of the contract for storage and return of energy to BPA, all the energy was simultaneously purchased by WWP at a net of 7.0 mills/kwh.

Washington renews its request that the requirements of prior notice be waived, that the effective date be December 18, 1984, and that the Agreement be accepted and simultaneously cancelled because it has expired by its own terms, has not been renewed, and has all obligations satisfied.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426), in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214. All such motions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing and on file with the Commission are are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27560 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-122-000]

West Texas Utilities Co.; Filing

November 12, 1985.

Take notice that on November 1, 1985, West Texas Utilities Company ("WTU") submitted for filing twenty-three (23) executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and Brazos Electric Power Cooperative, Inc., Coleman County Electric Coooperative, Inc., Concho Valley Electric Cooperative Inc., Dickents Electric Cooperative, Inc., Lighthouse Electric Copperative, Inc., Southwest Texas Electric Cooperative, Inc., and Stamford Electric Cooperative, Inc., executed under WTU's FERC Electric Tariff, Original Volume No. 1. The amendments are for the purpose of either providing for the establishment of a new delivery point, changing delivery voltage, changing location, terminating a delivery point, or for increasing or decreasing the stated maximum contract demand at certain existing delivery points.

WRU states that copies of the filing have been sent to the Public Utility Commission of Texas and the affected full requirements wholesale customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's revised Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such petitions or protests should be filed on or before November 19, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27583 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8774-000 et al.]

Hydroelectric Applications (Limestone Hydro Associates et al.); Applications Filed with the Commission

Take notice that the following hydroelectic applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Minor License.

b. Project No.: P-8774-000.

c. Date Filed: December 5, 1984.

d. Applicant: Limestone Hydro Associates.

e. Name of Project: Edwards Falls.

f. Location: On the Limestone Creek in Onondaga County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David M. Coombe, Synergics, Inc. Suite 409, 410 Severn Avenue, Annapolis, MD 21403.

i Comment Date: December 16, 1985.

j. Description of Project: The proposed project would utilize existing facilities consisting of: (1) A 350-foot-long and 24-foot-high masonry and earthen dam; and (2) a reservoir having a surface area of 3.5 acres and 20 acre-feet of storage capacity at the normal maximum surface elevation of 730 feet

msl. Applicant proposes to construct: (1) an intake structure; (2) a 4.5-foot-diameter and 730-foot-long penstock; (3) a powerhouse containing 2 generating units having a total rated capacity of 800-kW; (4) a tailrace; (5) a 330-foot-long 5-kV transmisson line; and (6) appurtenant facilites. Applicant estimates that the average annual energy output would be 2.3 GWh. Project energy would be sold to the Niagara Mohawk Power Corporation. The owner of the dam is Willard Lipe, Manlius, New York.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

2a. Type of Application: License.

b. Project No.: 8924–000.

c. Dated Filed: February 4, 1985.

d. Applicant: Northeast Hydrodevelopment Corporation.

e. Name of Project: McLane Dam.

f. Location: On the Souhegan River in Hillsboro County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Norman E. Hebert, Northeast Hydrodevelopment Corporation, 6 Able Street, Hudson, NH 03051.

i. Comment Date: December 13, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing McLane Dam with a maximum height of 18 feet and an overall length of 328 feet; (2) the existing 6-acre reservoir which contains a gross storage capacity of 42 acre-feet at a normal pool elevation 230 feet msl; (3) the proposed installation of 3-foot-high flashboards which will raise the surface of the impoundment to 233 feet msl with a negligible increase in the reservoir surface area; (4) the proposed construction of approximately 60 feet of a water canal conduit; (5) a proposed 12-foot-wide by 20-foot-long powerhouse to contain 3 generating units with a total installed capacity of 265 kW; (6) a proposed 400-foot-long, 600-volt transmission line; (7) the proposed 0.6/7.8-kV transformers; (8) the existing 4,000-foot-long, 23-KV distribution line; (9) the proposed 2,800-foot-long access road; and (10) appurtenant facilities.

The Applicant estimates the average annual energy production to be 1.5 GWh. The power will be sold to and the dam is owned by the Public Service Company of New Hampshire.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

3a. Type of Application: License (5 MW or Less).

b. Project No.: 8955–000.

c. Date Filed: February 14, 1985 and supplemented July 22, 1985.

d. Applicant: D.J. Pitman International Corporation.

e. Name of Project: Oakland Mills Dam.

f. Location: On the Skunk River near Mount Pleasant, Henry County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Robert A. Olson, Esquire, Eli Corporation, 21 Green Street, Concord, NH 03301.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would consist of (1) An existing dam approximately 460 feet long and 25 feet high inclusive of 3-foot-high flashboards; (2) an existing 28-acre reservoir having a storage capacity of 62 acre-feet; (3) a new powerhouse containing two 440-kW generators and one 180-kW generator for a total capacity of 1,060 kW; (4) a new 12.47-kV transmission line approximately 50 feet long; and (5) appurtenant facilities. The applicant estimates that the average annual energy generation would be 4,813 MWh.

k. Purpose of Project: All project energy would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

4a. Type of Application: Preliminary Permit.

b. Project No.: 9329–000.

c. Date Filed: July 5, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Leeds Dam.

f. Location: On the Mill River, in the Town of North Hampton, Hampshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing, 22-foot-high, 235-foot-long Leeds Dam; (2) an existing 6-acre reservoir with a normal maximum surface elevation of 358 feet USGS; (3) a proposed powerhouse which will contain an installed generating capacity of 75 kW; (4) an existing 10-foot-wide, 300-foot-long, dirt access road; (5) a proposed 400-foot-long, 35.4-kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation would be 325 MWh. The Leeds Dam and appurtenant facilities are owned by P.H. Corp.

k. Purpose of Project: All project power generated would be sold to the Massachusetts Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $5,500.

5a. Type of Application: Preliminary Permit.

b. Project No.: 9331–000.

c. Date Filed: July 5, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Spring Street Dam.

f. Location: On the Mill River, in the Town of North Hampton, Hampshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing, 24-foot-high, 180-foot-long Spring Street Dam; (2) an existing 2-acre reservoir with a normal maximum surface elevation of 310 feet USGS; (3) a proposed powerhouse which will contain an installed generating capacity of 100 kW; (4) an existing 10-foot-wide, 20-foot-long, dirt access road; (5) a proposed 100-foot-long, 35.4-kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation would be 440 MWh. The Spring Street Dam and appurtenant facilities are owned by the Meadow Trust Company, Massachusetts Electric, and Fairway Village, Inc.

k. Purpose of Project: All project power generated would be sold to the Massachusetts Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, & D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the

studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $5,500.

6a. Type of Application: Preliminary Permit.

b. Project No.: 9332–000.

c. Date Filed: July 5, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Paradise Pond.

f. Location: On the Mill River, in the Town of North Hampton, Hampshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would consist of: (1) The existing, 20-foot-high, 230-foot-long Paradise Pond Dam; (2) an existing 9-acre reservoir with a normal maximum surface elevation of 135 feet USGS; (3) a proposed powerhouse which will contain an installed generating capacity of 75 kW; (4) an existing 20-foot-wide, 500-foot-long, dirt access road; (5) a proposed 500-foot-long, 35.4-kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation would be 325 MWh. The Paradise Pond and appurtenant facilities are owned by Smith College.

k. Purpose of Project: All project power generated would be sold to the Massachusetts Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $5,500.

7a. Type of Application: Preliminary Permit.

b. Project No.: 9351–000.

c. Date Filed: July 19, 1985.

d. Applicant: McCallum Hydro Enterprises.

e. Name of Project: Sandy Hook Dam.

f. Location: On the Pootatuck River in Fairfield County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Donald Szarmach, 805 Housatonic Avenue, Bridgeport, CT 06604.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would consist of; (1) An existing 31-foot-high and 185-foot-long stone masonry dam with a proposed spillway crest elevation of 211.6 feet msl; (2) a proposed 2.8-acre surface reservoir with a storage capacity of 28.3 acre-feet with a maximum surface elevation of 211 feet msl; (3) two existing sluice gates which control the intake to a 72-inch diameter riveted steel conduit which transports water to; (4) a proposed powerhouse to contain one turbine/generator unit with an installed capacity of 100 kW with flows discharging back into the river; (5) a new 13-kV transmission line 125 feet long; and (6) appurtenant facilities. The estimated average annual energy produced by the project would be 275,000 kWh operating under a net hydraulic head of 22 feet. The owner of the dam is Shorewood Realty, LTD.

k. Purpose of Project: Project energy will be used by the tenants at the factory and surplus power will be sold to the Connecticut Light and Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be 7,500.

8a. Type of Application: Major License.

b. Project No.: 2973–004.

c. Dated Filed: July 1, 1985.

d. Applicant: Fall River Rural Electric Cooperative, Inc.

e. Name of Project: Island Park.

f. Location: On Henry's Fork of the Snake River at the Bureau of Reclamation's Island Park Dam in Fremont County, Idaho, and affecting U.S. lands within the Targhee National Forest.

g. Filed Pursuant to: 16 U.S.C. 791(a)—825(r).

h. Contact Person: Calvin Wickham, 714 Main Street, Ashton, Idaho 83420.

i. Comment Date: December 23, 1985.

j. Description of Project: The proposed project would utilize the existing releases from the Bureau of Reclamation's Island Park Dam and would consist of: (1) A screened intake structure; (2) a 700-foot-long, 10-foot-diameter siphon conduit at the left (east) abutment; (3) a powerhouse containing two generating units each rated at 2,400-kW operated at a head of 74 feet and at a flow of 480 cfs; (4) an access road to the powerhouse; (5) a 4.16/24.9-kV switch-yard; (6) a 15,000-foot-long underground 24.9-kV transmission line; and (7) a 24.9/44-kV substation. The average annual energy generation is estimated to be 26,889,000-kWh. Applicant estimates that the project construction cost in 1985 would be $4,300,000.

k. Purpose of Project: Project energy would be fed into Applicant's interconnected system.

l. The notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

9a. Type of Application: Major License.

b. Project No.: 6617–003.

c. Date Filed: November 15, 1984

d. Applicant: Olympus Energy Corporation.

e. Name of Project: Silver Creek.

f. Location: On Silver Creek in Clallam County, Washington, entirely within the Olympic National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C 791(a)–825(r).

h. Contact Person: Mr. Jerome E. Livingston, President, Olympus Energy Corporation, 201–215th Street, S.E., Bothell, WA 98021.

i. Comment Date: December 23, 1985.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high diversion structure at approximate streambed elevation 2,700 msl with an overall length of 35 feet; (2) a 3,640-foot-long, 42-inch-diameter penstock/pipeline, (3) a powerhouse containing two generating units with a total capacity of 3.45 MW operated at a head of 680 feet and at a flow of 80 cfs; (4) a concrete tailrace; and (5) 6.5 miles of three-phase transmission line to the nearest point of intertie located near the forks of the Dungenese and Graywolf Rivers. The annual energy production is anticipated to be 14.0 GWh. The cost of the project is estimated to be $2,800,000 in 1985 dollars.

This application has been accepted for filing as of August 19, 1982, the submittal date of the Applicant's originally accepted exemption

application pursuant to Eagle Power Co. *et al.*, 28 FERC ¶ 61,061, issued July 18, 1984.

k. Purpose of Project: Project energy would be sold.

l. This notice also consists of the following standard paragraphs: A9, B, C, D1.

10a. Type of Application: Major License (Under 5 MW).

b. Project No.: 8390–001.

c. Date Filed: July 22, 1985

d. Applicant: PRODEK, INC.

e. Name of Project: Paonia Dam.

f. Location: On Muddy Creek, a tributary to the North Fork Gunnison River, near Paonia, in Gunnison County, Colorado.

g. Filed Pursuant to: 16 U.S.C 791(a)–825(r).

h. Contact Person: Mr. Flake H. Wells III, PRODEK, INC., 3314 E. 51st St., Suite B, Tulsa, OK 74135, (918) 749–7749.

i. Comment Date: December 18, 1985.

j. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation's 199-foot-high, 300-foot-long Paonia Dam and would consist of: (1) A 72-inch-diameter, 370-foot-long steel pipe installed inside the existing 10-foot 6-inch-diameter outlet tunnel; (2) a 72-inch-diameter, 50-foot-long steel pipe exiting the tunnel and connecting to a 72-inch x 54-inch reducing lateral; (3) a 54-inch diameter, 14-foot-long penstock; (4) a 24-inch-diameter, 100-foot-long and a 48-inch-diameter, 100-foot-long bypass line; (5) a 25-foot by 105-foot powerhouse located adjacent to the existing combined low level outlet and spillway stilling basin, containing eight 300 kw Francis turbine-generator units with a total installed capacity of 2,640 kW and producing an estimated average annual generation of 8.2 GWh; (6) eight 30-inch-diameter, 23-foot-long tailrace pipelines discharging water to the existing stilling basin; (7) a 12.45-kV, 1,200-foot-long transmission line interconnecting the project to an existing Delta-Montrose Electric Association line; and (8) 300 feet of new access road, reconditioning of 800 feet of existing road and a new timber bridge across Muddy Creek. Applicant estimates construction cost of $2.7 million and intends to sell project power to Colorado-Ute Electric Association, Inc.

The proposed project will utilize irrigation and flood control releases without alteration of the normal scheduled pattern or quantity of releases.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

11a. Type of Application: Major License.

b. Project No.: 8910–000.

c. Date Filed: January 31, 1985

d. Applicant: Ten Sleep Hydropower, Inc.

e. Name of Project: Ten Sleep Creek.

f. Location: On Ten Sleep Creek, tributary to the Bighorn River, near the town of Ten Sleep, in Washakie County, Wyoming, and affecting lands within the Bighorn National Forest.

g. Filed Pursuant to: 16 U.S.C 791(a)–825(r).

h. Contact Person: Jeff Burt, 165 Wright Brothers Drive, Salt Lake City, UT 84116.

i. Comment Date: December 19, 1985.

j. Description of Project: The proposed run-of-river project would consist of: (1) An 8-foot-high, 45-foot-long reinforced-concrete dam having a sluice gate and a screened intake at elevation 7600 feet; (2) a 30,200-foot-long underground steel penstock varying in size from 42-inch-diameter to 32-inch-diameter; (3) a powerhouse containing a generating unit rated at 9,500-kW operated at a head of 1,890 feet and at a flow of 72 cfs; (4) a 40-foot-long tailrace; (5) a 2,400-v/4,160-v/34.5-kV transformer; (6) a 200-foot-long 34.5-kV transmission line; and (7) a 200-foot-long access road to the powerhouse. The average annual energy generation is estimated to be 28 million kWh. Applicant estimates that the total project cost in 1986 would be $8,806,000.

k. Purpose of Project: Project energy would be sold to The Montana Power Company, the Montana-Dakota Utilities Company, or to the Pacific Power and Light Company through wheeling arrangements to be provided by the Bighorn Rural Electric Association and the Western Area Power Administration.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C.

12a. Type of Application: Preliminary Permit.

b. Project No: 9348–000.

c. Date Filed: July 11, 1985.

d. Applicant: Ririe Hydro Ltd., Partnership.

e. Name of Project: Ririe Dam.

f. Location: On Willow Creek at the Bureau of Reclamation-administered Ririe Dam in Bonneville County, Idaho

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Archie R. Ford P.O. Box 1940, Orofino, ID 83544.

i. Comment Date: December 23, 1985.

j. Description of Project: The proposed project would utilize the existing dam and reservoir and would consist of: (1) A 200-foot-long penstock through the outlet conduit; (2) a powerhouse on the southern bank of the outlet channel containing one or two generating units with a total installed capacity of 2.5 MW and a average annual output of 10.9 GWh; and (3) a transmission interconnection with lines serving the dam or with Utah Power and Light Company transmission lines near the dam.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environment studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $90,000.

k. Purpose of Project: Project output would be sold to Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

13a. Type of Application: Preliminary Permit.

b. Project No.: 9475–000.

c. Date Filed: September 24, 1985.

d. Applicant: Porthill Hydro Partners.

e. Name of Project: Long Canyon.

f. Location: On Long Canyon Creek in the Kaniksu National Forest, near the town of Porthill, Boundary County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Louis Rosenman, Attorney at Law, Suite #600, 1350 New York Avenue, Washington, DC 20005.

i. Comment Date: December 23, 1985.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high diversion dam at elevation 3,200 feet; (2) a 13,500-foot-long, 5-foot-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 6,500 kW; and (4) a 500-foot-long transmission line. Applicant estimates the average annual energy production to be 19.0 GWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $145,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: The proposed power produced is to be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

14a. Type of Application: Preliminary Permit.

b. Project No.: 9504–000.

c. Dated Filed: October 1, 1985.

d. Applicant: St. Vrain Environmentalists.

e. Name of Project: North St. Vrain Creek.

f. Location: On North St. Vrain Creek, near Allenspark, in Boulder County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: St. Vrain Environmentalist, c/o Louis Rosenman, Esq., 1350 New York Avenue, #600, Washington, DC 20005 (202) 783–2100.

i. Comment Date: December 23, 1985.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 25-foot-long rock diversion structure; (2) a 30-inch-diameter, 1,700-foot-long steel penstock; (3) a 25-foot by 25-foot powerhouse located at elevation 8,000 feet msl containing a single turbine-generator unit with a rated capacity of 320 kW and producing an estimated average annual generation of 1.125 GWh; (4) a 20-foot-long, 5-foot-deep, 10-foot-wide concrete tailrace; and (5) a 50-foot-long, 12.5-kV transmission line. The project would be located on Roosevelt National Forest lands. Applicant intends to sell project power to Estes Park Power and Light Company.

A preliminary permit if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $145,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

15a. Type of Application: Minor License.

b. Project No: 9029–000.

c. Date Filed: March 18, 1985.

d. Applicant: Nelson Creek Power, Inc.

e. Name of Project: Grasshopper Flat.

f. Location: On East and West Forks of Nelson Creek in Shasta County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Mark Henwood, Henwood Associates, Inc., 1818–11th Street, Suite 4, Sacramento, CA 95814.

i. Comment Date: December 23, 1985.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 60-foot-long, diversion dam at elevation 2,332 feet on East Fork Nelson Creek; (2) a 22-inch-diameter, 700-foot-long pipe; (3) a 7-foot-high, 125-foot-long diversion dam at elevation 2,320 feet on West Fork Nelson Creek; (4) a 34-inch-diameter, 7,180-foot-long penstock; (5) a powerhouse, at elevation, 1,940 feet, with a total installed capacity of 1,035 kW; and (6) a 1,500-foot-long, 12–kV transmission line connecting with an existing transmission line of Pacific Gas and Electric Company (PG&E). No recreational facilities are proposed by the Applicant.

k. Purpose of Project: The estimated 4.16 million KWh generated annually by the project would be sold to PG&E. The estimated cost of the project is $2,000,000.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

16a. Type of Application: License (Over 5MW).

b. Project No: 8620–000.

c. Date Filed: September 26, 1984 and supplemented August 15, 1985.

d. Applicant: Bath County, Kentucky, and Eastern States Energy & Resources, Inc.

e. Name of Project: Cave Run Dam Hydroelectric Project.

f. Location: On the Licking River near the town of Farmers, Bath and Rowan Counties, Kentucky.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Edward H. Curland, 1700 Broadway, Suite 2501, New York, New York 10019.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Cave Run Dam and reservoir, and would consist of: (1) The existing outlet works consisting of a trashrack, an enclosed intake structure, a 15-foot diameter circular tunnel and two service and emergency control gates; (2) a new powerhouse of reinforced concrete, approximately 40 feet wide by 100 feet long, to be constructed adjacent to and on the south side of the existing stilling basin, and housing a single 10-MW generator; (3) a proposed 75-foot-wide and 175-foot-long tailrace; (4) a new 69-kV transmission line approximately one-mile-long interconnecting with an existing 69-kV line, owned by East Kentucky Power Cooperative; and (5) appurtenant facilities. Applicant estimates the average annual generation of the project would be 31 GWh.

k. Purpose of Project: All project energy generated would be sold to Kentucky Utilities Company, and East Kentucky Power Cooperative.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

17a. Type of Application: Preliminary Permit.

b. Project No: 9522–000.

c. Date Filed: October 4, 1985.

d. Applicant: Swift River/Hafslund Company.

e. Name of Project: Baltic Mills.

f. Location: On the Shetucket River in New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Peter B. Clark, Swift River/Hafslund Company, 10 Harbor Street, Danvers, MA 01923.

i. Comment Date: December 12, 1985.

j. Competing Application: Project No. 9147–000, Date Filed May 1, 1985.

k. Description of Project: The proposed run-of-river project would consist of: (1) An existing 30-foot-high and 500-foot-long dam; (2) a reservoir with a surface area of 500 acres and surface elevation of 100 feet NGVD; (3) an existing intake structure; (4) existing 100-foot-wide and 1000-foot-long canal; (5) an existing powerhouse with 2 new turbine generator units with a total installed capacity of 2,500 kW; (6) an existing 1,500-foot-long tailrace; (7) a new 12.5-kV and 500-foot-long transmission line; and (8) other appurtenances. The existing facilities are owned by Baltic Mills Associates, of Hartford, Connecticut. Applicant estimates an average annual generation of 9,100,000 kWh. Applicant would also study the alternatives of constructing a new powerhouse at the north bank or at the dam in lieu of utilizing the existing canal and powerhouse.

l. Purpose of Project: Project energy would be sold to the Connecticut Power and Light Company.

m. This notice also consists of the following standard paragraphs: A8, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $100,000.

18a. Type of Application: Preliminary Permit.

b. Project No.: P-9415-000.

c. Date Filed: August 21, 1985.

d. Applicant: Wayne E. Gauthier and Lucien F. Langlois.

e. Name of Project: Pulsifer Rips.

f. Location: On the Androscoggin River in Coos County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lucien F. Langlois, 36 Hill Street, Berlin, NH 03570.

i. Comment Date: December 20, 1985

j. Competing Application: Project No. 9404, Date Filed August 15, 1985.

k. Description of Project: The proposed project would consist of: (1) A proposed 20-foot-high and 900-foot-long concrete and earth dam with a proposed spillway crest elevation of 854 MSL; (2) a proposed 30-acre reservoir with a storage capacity of 146 acre-feet; (3) a proposed 4,700-foot-long and 18-foot-diameter penstock; (4) a proposed concrete powerhouse to contain two turbine/generators with an installed capacity of 6000 kW; (5) a proposed tailrace; (6) a new 7.2-kV transmission line 900 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be 42,640,000 kWh.

l. Purpose of Project: The project power will be sold to the Public Service Company of New Hampshire.

m. This notice also consists of the following standard paragraphs: A8, B, C, D2.

n. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $46,000.

19a. Type of Application: Exemption from Licensing (5MW or Less).

b. Project No.: 9231-000.

c. Date Filed: May 20, 1985.

d. Applicant: Scott Paper Company.

e. Name of Project: Canyon Lake.

f. Location: On Canyon Creek in Whatcom County, Washington near the town of Deming.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708).

h. Contact Person: Nicholas J. DeBenedictis, Esquire, Scott Paper Company, Scott Plaza Two, Philadelphia, PA 19113 and Nancy J. Skancke, Esquire, Ross, Marsh and Foster, 888 16th Street, NW., Washington, DC 2006.

i. Comment Date: December 16, 1985.

j. Description of Project: The proposed project would consist of: (1) A 45-foot-long, 8-foot-wide, concrete flume-intake structure at elevation 2,230 feet; (2) an 11,200-foot-long steel penstock varying in diameter from 36 feet to 32 feet; (3) a powerhouse containing two generating units with a combined capacity of 2,620 kW operating under a head of 1,402 feet, producing an annual energy output of 15.5 GWh; (4) a tailrace; (5) a 1.5-mile-long, 34-kV transmission line tying into a Puget Sound Power and Light Company line; (6) an 800-foot-long access road to the diversion structure; and (7) a 1,000-foot-long access road to the powerhouse.

Purpose of Exemption—An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or licensee applicants that would seek to take or develop the project.

k. Purpose of Project: Project power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

20a. Type of Application: Preliminary Permit.

b. Project No.: 9338-000.

c. Date Filed: July 9, 1985.

d. Applicant: Little Horn Water Group, a Limited Partnership.

e. Name of Project: Little Big Horn Pumped Storage.

f. Location: On East Twin Creek, Little Bighorn River, and tributaries of the Little Bighorn within Bighorn National Forest in Sheridan County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: David F. Palmerlee, 130 South Main, Buffalo, WY 82834.

i. Comment Date: December 18, 1985.

j. Description of Project: The proposed project would consist of: (1) A 235-foot-high, 3,000-foot-long zoned earthfill dam impounding the Half Ounce Reservoir at surface elevation 8,440 feet, with pipelines to; (2) Wagon Box Reservoir, impounded at surface elevation 6,960 feet by a 160-foot-high, 980-foot-long zoned earthfill dam and Wagon Box Powerhouse containing a generating unit rated at 40 MW, and to; (3) Lick Creek Reservoir, impounded at surface elevation 8,640 feet by a 200-foot-high, 1,100-foot-long zoned earthfill dam with a pipeline to: (4) Dry Fork Reservoir, impounded at surface elevation 6,400 feet by a 300-foot-high, 1,000-foot-long zoned rockfill dam and Dry Fork Powerhouse containing a generating unit rated at 40 MW, with a pipeline to; (5) Ridge Reservoir, impounded at surface elevation 8,435 feet by a 90-foot-high, 3,300-foot-long rockfill dam, with a pipeline to; (6) West Pass Powerhouse containing a generating unit rated at 10.2 MW, with a pipeline to; (7) Taffner Powerhouse containing a generating unit rated at 20 MW, with a pipeline to; (8) Parkman Reservoir, impounded at surface elevation 4,405 feet by a 150-foot-high, 3,250-foot-long zoned earthfill dam and Parkman Powerhouse containing a generating unit rated at 7 MW; and (9) intermediate transmission lines connecting the powerhouses and an 18-mile-long, 230-kV transmission line connecting to an existing Pacific Power and Light Company line. The project would have an average annual generation of 176 GWh.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. The estimated cost of permit activities is approximately $7,000,000.

k. Purpose of Project:

The proposed market area for power generated by the project is northern Wyoming and south central Montana.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial

development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30 (b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application) and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife

Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: November 13, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-27456 Filed 11-18-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41020 FRL-2924-6]

Seventeenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Seventeenth Report to the Administrator of EPA on November 1, 1985. This report, which revises and updates the Committee's priority list of chemicals, adds three chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The new chemicals are cyclohexane, 2,6-di-*tert*-butylphenol, and diisodecyl phenyl phosphite. None of these chemicals is designated for response within 12 months. The Seventeenth Report is included in this notice. The Agency invites interested persons to submit written comments on the Report, and to attend Focus Meetings to help narrow and focus the issues raised by the ITC's recommendations. Members of the public are also invited to inform EPA if they wish to be notified of subsequent public meetings on these chemicals. ITC also notes the removal of 7 chemicals from the priority list because EPA has responded to the ITC's previous recommendations for testing of the chemicals.

DATES: Written comments should be submitted by December 19, 1985. Focus Meetings will be held on December 16, 1985.

ADDRESSES: Send written submissions to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency Rm. E-108, 401 M St., SW., Washington, D.C. 20460.

Submissions should bear the document control number (OPTS-41020).

The public record supporting this action, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. Focus Meetings will be held at EPA Headquarters, Rm. 2 South Conference Area, 401 M St., SW, Washington, D.C. Persons planning to attend any one of the Focus Meetings and/or seeking to be informed of subsequent public meetings on these chemicals, should notify the TSCA Assistance Office at the address listed below. To insure seating accommodations at the Focus Meeting, persons interested in attending are aksed to notify EPA at least one week ahead of the scheduled dates.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 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: EPA has received the Report of the TSCA Interagency Testing Committee to the Administrator.

I. Background

TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq;* 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations under section 4(a) requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemical substances and mixtures may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances and mixtures to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the Committee to revise its list of recommendations at least every 6 months as necessary. The ITC may "designate" up to 50 substances and mixtures at any one time for priority consideration by the Agency. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the **Federal Register** its reasons for not doing so. The ITC's Seventeenth Report was received by the Administrator on November 1, 1985, and follows this Notice. The Report adds three substances to the TSCA section 4(e) priority list.

II. New Section of 4(e) Priority List

The Seventeenth Report establishes a third section of the priorty list. This new section is Part B of the list and contains those chemicals and categories of chemicals "recommended with intent-to-designate." Part A continues to list those chemicals, mixtures, and categories designated for priority consideration and response by EPA within 12 months, and Part C contains those chemicals, mixtures, and categories that have been recommended for priority consideration without being designated for response within 12 months.

The information received following recommendation with intent-to-designate of a chemical, mixture, or category of chemicals may influence the committee either to designate or not designate that chemical mixture, or category for EPA response within 12 months. That decision would be announced in a subsequent report to the Administrator.

III. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals. A notice is published elsewhere in today's **Federal Register** adding the three substances recommended in the ITC's Seventeenth Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716). The section 8(d) rule requires the reporting of unpublished health and safety studies on the listed chemicals. These three chemicals will also be added to the TSCA section 8(a) Preliminary Assessment Information

Rule (40 CFR Part 712) published elsewhere in this issue. The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

Focus Meetings will be held to discuss relevant issues pertaining to the chemicals and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meetings will be held on December 16, 1985 at EPA Headquarters, Rm. 2 South Conference Area, 401 M St., SW., Washington, D.C. These meetings are intended to supplement and expand upon written comments submitted in response to this notice. The schedule for the Focus Meetings is as follows: 9:30 a.m., cyclohexane; 1 p.m., 2,6-di-*tert*-butylphenol; 2 p.m., diisodecyl phenyl phosphite.

Persons wishing to attend one or more of these meetings or subsequent meetings on these chemicals should call the TSCA Assistance Office at the toll free number listed above at least one week in advance.

All written submissions should bear the identifying docket number (OPTS-41020).

IV. Status of List

In addition to adding the three recommendations to the priority list, the ITC's Seventeenth Report notes the removal of seven chemicals from the list since the last ITC report because EPA has responded to the Committee's prior recommendations for testing of the chemicals. Subsequent to the ITC's preparation of its Sixteenth Report, EPA responded to the ITC's recommendations for seven additional chemicals. The seven chemicals removed and the dates of publication in the **Federal Register** of EPA's responses to the ITC for these chemicals are: bisphenol A, May 17, 1985 (50 FR 20691); carbofuran intermediates, July 22, 1985 (50 FR 29761); 2-chloro-1,3-butadiene, August 6, 1985 (50 FR 34546); 1,2-dibromo-4-(1,2-dibromoethyl) cyclohexane, May 8, 1985 (50 FR 19460); diisopropyl biphenyl, May 3, 1985 (50 FR 18920); 2-ethylhexanoic acid, May 17, 1985 (50 FR 20678); isopropyl biphenyl, May 3, 1985 (50 FR 18920).

The current list contains eleven designated substances or groups of substances, two chemicals recommended with intent-to-designate and two recommended substances or groups of substances.

Authority: 15 U.S.C. 2603

Dated: November 8, 1985.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division.

Seventeenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94-469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee (ITC), composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. At least every 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of three chemicals, and is noting the removal of seven as a result of responses by EPA.

The Priority List traditionally has been divided into two parts: Part A containing those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months, and Part B containing chemicals and groups that have been recommended for priority consideration by EPA without being designated for response within 12 months. Although TSCA does not establish a deadline for EPA response to non-designated chemicals and groups, the Committee anticipates that the EPA Administrator will respond in a timely manner. Beginning with this report, the part that has been called Part B in previous reports will be called Part C.

With this report, the Committee is establishing a third part, to be called Part B, to contain those chemcials and groups "recommended with intent-to-designate." The "recommended with intent-to-designate" category is being established to take advantage of recent rules, published on August 28, 1985, promulgating automatic reporting requirements for non-designated ITC recommendations under the TSCA section 8(a) Preliminary Assessment rule (50 FR 34805) and the TSCA section 8(d) Health and Safety Data Reporting rule (50 FR 34809). The 8(a) and 8(d) rules require the submission to EPA of information on production, use, exposure and unpublished health and safety studies that may not be publicly available. The information received following "recommendation with intent-to-designate" of a chemical or group of chemicals may influence the Committee to either designate or not designate that chemical or group, for EPA response within 12 months, in a subsequent report to the Administrator.

The chemcials being added to the Priority List are presented, together with the types of testing recommended, in the following Table 1:

TABLE 1.—ADDITIONS TO THE SECTION 4(e) PRIORITY LIST, NOVEMBER 1985

Chemical/Group	Recommended studies
A. Designated for response within 12 months.	None.
B. Recommended with intent-to-designate:	
Cyclohexane [1] (CAS No. 110-82-7).	Health Effects: Chronic toxicity including oncogenicity and neurotoxicity; teratogenicity; reproductive toxicity.
2,6-Di-tert-butylphenol [2] (CAS No. 128-39-2).	Health Effects: Toxicokinetics; chronic toxicity. Chemical Fate: Persistence in aerobic and anaerobic sediments. Ecological Effects: Acute toxicity to benthic organisms; bioconcentration in benthic organisms.
C. Recommended without being designated for response within 12 months:	
Diisodecyl phenyl phosphite [3] (CAS No. 25550-98-5).	Health Effects: Toxicokinetics; subchronic toxicity including neurotoxicity.

CA Index Names (9 CI)
[1] Cyclohexane.
[2] Phenol, 2,6-bis(1,1-dimethyl ethyl)-
[3] Phosphorous acid, diisodecyl phenyl ester.

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representative

Council on Environmental Quality
Harvey Doerksen, Member
Department of Commerce
Bernard Greifer, Member and

Chairperson
Environmental Protection Agency
John D. Walker, Member [1]
Laurence Rosenstein, Alternate [1]
National Cancer Institute
Elizabeth K. Weisburger, Member
Richard Adamson, Alternate
National Institute of Environmental Health Sciences
Douglas Bristol, Member [2]
National Institute for Occupational Safety and Health
Rodger L. Tatken, Member
National Science Foundation
Rodger W. Baier, Member [3]
Jarvis L. Moyers, Alternate [4]
Occupational Safety and Health Administration
Stephen Mallinger, Alternate

Liaison Agencies and Their Respresentatives

Consumer Product Safety Commission
Marilyn Wind [5]
Lakshmi Mishra
Department of Agriculture
Homer E. Fairchild
Richard M. Parry, Jr.
Department of Defense
Edmund Cummings
Patrick A. Truman
Food and Drug Administration
Arnold Borsetti, Vice Chairperson
National Toxicology Program
Dorothy Canter

Committee Staff

Robert H. Brink, Executive Secretary
Norma Williams, ITC Coordinator

Support Staff

Alan Carpien—Office of the General Counsel, EPA
Vera W. Hudson—National Library of Medicine

Notes

(1) Appointed on May 30, 1985.
(2) Appointed on July 24, 1985.
(3) Appointed on August 28, 1985.
(4) Appointed on September 16, 1985.
(5) Appointed on June 27, 1985.

The Committee acknowledges and is grateful for the assistlance and support given the ITC by the staffs or CRCS, Inc., and Dynamac Corporation (technical support prime and subcontractors) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Public Law 94–469). The specific mandate of the Committee is to recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommendations shall be in the form of a Priority List, which is to be published in the **Federal Register.** The Committee is directed by section 4(e)(1)(A) of TSCA to designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. There is no statutory time limit for EPA response regarding chemicals that ITC has recommended but not designated for response within 12 months

At least every 6 months, the Committee makes those revisions in the section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

The Committee is comprised of representatives from eight statutory member agencies, four liaison agencies, and one national program. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and priority recommendations are described in previous reports (Ref. 1).

1.2 *Committee's previous reports.* Sixteen previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Ref. 1). Ninety-one entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, one chemical and one group of chemicals were recommended without being so designated.

1.3 *Committee's activities during this reporting period.* Between April 1, 1985, and September 30, 1985, the Committee continued to review chemicals from its fourth and fifth scoring exercises, and from nominations by Member Agencies, Liaison Agencies and State Agencies.

The Committee contacted chemical manufacturers and trade associations to request information that would be of value in its deliberations. Most of those contacted provided unpublished information on current production, exposure, uses, and effects of chemicals under study by the Committee.

During this reporting period, the Committee reviewed available information on 85 chemicals. Three chemicals were selected for addition to the section 4(e) Priority List, and 18 were deferred indefinitely. The remaining chemicals are still under study.

On April 4, 1985, the ITC published an Intent-to-Designate notice (50 FR 13419) that listed three chemical substances and described additional information needed by the ITC to reach a more informed decision on whether or not to designate the chemical substances in a subsequent report to the EPA Administrator. The three chemical substances were lH-benzotriazole (CAS No. 95–14–7), C.I. Pigment Green (CAS No. 1328–53–6) and N-ethyl-N-benzylaniline (CAS No. 92–59–1). A deadline of September 1, 1985 was provided for receipt of relevant information.

Information was received on aquatic toxicity, persistence and measured amounts in various environmental water samples for lH-benzotriazole. The information shows that lH-benzotriazole is unlikely to be present in the environment at concentrations that will cause significant environmental effects. The ITC has decided to defer indefinitely further consideration of lH-benzotriazole.

Information received on Pigment Green 7 shows that the water solubility of this pigment is in the range 2×10^{-16} to 7×10^{-18} mg/L at 20 °C. The major purpose in obtaining information on water solubility was to evaluate data from aquatic toxicity tests using the pigment entirely in solution. The extremely low water solubility of Pigment Green 7 obviates aquatic toxicity testing of that sort. The ITC has decided to defer indefinitely further consideration of Pigment Green 7.

None of the requested information was received on N-ethyl-N-benzylaniline. Howevere, other information received by the Committee shows that N-ethyl-N-benzylaniline is: (1) Produced at only one location in the U.S., (2) used as an intermediate in the production of dyes and (3) released to wastewater treatment facilities in low to moderate amounts where it is expected to sorb to sludge solids. Given the potential for low releases to surface waters at just one geographical location, the Committee has decided to defer indefinitely further consideration of N-ethyl-N-benzylaniline.

1.4 *The TSCA section 4(e) Priority List.* Section 4(e)(1)(B) of TSCA directs the Committee to: ". . . make such revisions in the [priority] list as it determines to be necessary and . . .

transmit them to the Administrator together with the Committee's reasons for the revisions." Under this authority, the Committee is revising the Priority List by adding three chemicals: cyclohexane; 2,6-di-*tert*-butylphenol; and diisodecyl phenyl phosphite. None of these chemicals is designated for response within 12 months. The testing recommended for these chemicals and the rationales for the recommendations are presented in Chapter 2 of this report.

Seven chemicals are being removed from the Priority List because the EPA Administrator has responded to the Committee's prior recommendations for testing them. They are listed in the following Table 2 with citations to EPA responses:

TABLE 2.—REMOVALS FROM THE TSCA SECTION 4(e) PRIORITY LIST, APRIL 1, 1985 THROUGH SEPTEMBER 30, 1985

Chemical/Group	EPA responses	
	Federal Register citation	Publication date
Bisphenol A	50 FR 20691	May 17, 1985.
Carbofuran intermediates	50 FR 29761	July 22, 1985.
2-Chloro-1, 3-butadiene	50 FR 34546	Aug. 26, 1985.
1,2-Dibromo-4-(1,2-dibromoethyl) cyclohexane	50 FR 19460	May 8, 1985.
Diisopropyl biphenyl	50 FR 18920	May 3, 1985.
2-Ethylhexanoic acid	50 FR 20678	May 17, 1985.
Isopropyl biphenyl	50 FR 18920	May 3, 1985.

Removal of 74 entries was noted in previous reports (Ref. 1). To date, 81 chemicals and groups of chemicals have been removed from the Priority List.

With the three recommendations and seven removals noted in this report, 15 entries now appear on the section 4(e) Priority List. The Priorty List is divided in the following Table 3 into three parts; namely, Table A, Chemicals and Groups of Chemicals Designated for Response Within 12 Months, Table B, Chemicals and Groups of Chemicals Recommended with Intent-to-Designate, and Table C, Chemicals and Groups of Chemicals Recommended Without Being Designated for Response Within 12 Months. Table 3 follows:

TABLE 3.—THE TSCA SECTION 4(e) PRIORITY LIST, NOVEMBER 1985

Entry	Date of designation
A. Chemicals and Groups of Chemicals Recommended and Designated for Response Within 12 Months	
1 Anthraquinone	Nov. 1984.
2. Cumene	Nov. 1984.
3. Mercaptobenzothiazole	Nov. 1984.
4. Methylcyclopentane	May 1985.
5. Octamethylcyclotetrasiloxane	Nov. 1984.
6. Pentabromoethylbenzene	Nov. 1984.
7. Sodium *N*-methyl-*N*-oleoyltaurine	Nov. 1984.
8. Tetrabromobisphenol A	May 1985.
9. Triethylene glycol monomethyl ether	May 1985.
10. Triethylene glycol monoethyl ether	May 1985.
11. Triethylene glycol monobutyl ether	May 1985
B. Chemicals and Groups of Chemicals Recommended With Intent-To-Designate	
1. Ctclohexane	Nov. 1985.
2. 2,6-Di-*tert*-butylphenol	Nov. 1985.
C. Chemicals and Groups of Chemicals Recommended Without Being Designated for Response Within 12 Months	
1. 3,4-Dichlorobenzotrifluoride	May 1984.
2. Diisodecyl phenyl phosphite	Nov. 1985.

Reference

(1) Sixteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 21, 1985, 50 FR 20930–20939. Includes references to Reports 1 through 15 and annotative list of removals.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section 4(e)(1)(B) of TSCA, the Committee is adding the following three chemical substances to the section 4(e) Priority List: cyclohexane; 2,6-di-*tert*-butylphenol; and diisodecyl phenyl phosphite. The recommendation of these chemicals is being made after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

Sections 2.3 and 2.4 of this report present the recommendations and supporting rationales. Section 2.3 presents two recommendations with intent-to-designate. Section 2.4 presents one recommendation without designation for response within 12 months.

2.2 *Chemicals designated for response within 12 months. None.*

2.3 *Chemicals recommended with intent-to-designate but not designated for response within 12 months.*

2.3.a Cyclohexane (9 CI)

Summary of recommended studies. It is recommended that cyclohexane be tested for the following:

Health Effects:

Chronic effects including oncogenicity and neurotoxicity (with special emphasis on neuropathology)

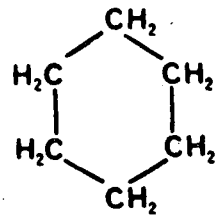
Teratogenicity and reproductive toxicity

Physical and Chemical Information

CAS Number: 110–82–7

Synonyms: Hexamethylene; Hexahydrobenzene

Structural Formula:



Empirical Formula: C_6H_{12}

Molecular Weight: 84

Melting Point: 6.5°C

Boiling Point: 80.7°C

Vapor Pressure: 100 mmHg at 25.5°C

Specific Gravity: 0.7781 (20/4°C)

Solubility in Water: 55 mg/L at 25°C (Ref. 18, Kirk-Othmer, 1983)

Solubility in Organic Solvents: Soluble in ethanol, ether, acetone, benzene, petroleum ether, and carbon tetrachloride

Log Octanol/Water Partition Coefficient: 3.18 (esstimated; Ref. 20, Konemann, 1981)

Description of Chemical: Colorless, flammable, mobile liquid with bland to slightly pungent odor depending on presence of impurities

Rationale for Recommendations

I. *Exposure information*—A. *Production/use.* Cyclohexane is currently produced by nine domestic manufacturers (Ref. 5, CEH, 1983; Ref. 10, Exxon, 1984; Ref. 43, USITC, 1984). In 1983, the U.S. production volume was reported to be 1.66 billion pounds (Ref. 43, USITC, 1984). Annual domestic production capacity is approximately 2.8 billion pounds (Ref. 5, CEH, 1983).

In 1982, approximately 96 percent of the cyclohexane produced was used in the manufacture of adipic acid and caprolactam via cyclohexanol and cyclohexanone, respectively. The rest was principally consumed in solvent uses. In 1981, about 5 percent of the cyclohexane produced was used as a solvent for cellulose ethers, essential oils, rubber, and paint strippers (Ref. 5, CEH, 1983; Ref. 6, CPS, 1982).

Adipic acid and caprolactam are raw materials used in the production of nylon-6,6 and nylon-6, respectively. Adipic acid, cyclohexanol, and cyclohexanone are also used as solvents and as intermediates in the manufacture

of plasticizers and polyurethane resins (Ref. 5, CEH, 1983).

B. *Evidence for exposure.* The National Occupational Hazard Survey, conducted by the National Institute of Occupational Safety and Health (Ref. 25, NIOSH, 1976) from 1972 to 1974, estimated that 68,863 workers in 4,653 plants were potentially exposed to cyclohexane in the workplace in 1970. Preliminary data from the more recent National Occupational Exposure Survey, conducted by NIOSH from 1980 to 1983, indicated that 42,560 workers, including 12,020 women, were potentially exposed to the compound in the workplace in 1980 (Ref. 26, NIOSH, 1984).

The 8-hour time-weighted average (TWA) permissible exposure limit (PEL) for cyclohexane is 300 ppm (1050 mg/m^3) based on its potential to cause eye and mucous membrane irritation (Ref. 29, OSHA, 1983); the 8-hour TWA threshold limit value is the same (Ref. 1, ACGIH, 1985). In plant inspections conducted by the Occupational Safety and Health Administration (Ref. 30, OSHA, 1985) from 1981 through 1985, cyclohexane levels in 114 workplace atmosphere samples ranged from not detected to 227 ppm. Available industry monitoring data indicate that cyclohexane concentrations are below the PEL. For example, the arithmetic mean of 56 personal 8-hour TWA samples with potential cyclohexane exposure was determined to be 1.77 ppm (Ref. 40, Texaco, 1984); and, based on 3,586 air samples (personal and area) taken at four facilities with potential cyclohexane exposure (Ref. 35, Phillips, 1984), the average concentrations of cyclohexane ranged from 0.20 to 0.54 ppm and the maximum concentrations ranged from 0.44 to 113 ppm.

Workers may also be exposed to cyclohexane via inhalation or through skin absorption in a wide variety of industries that use the compound. For example, cyclohexane was identified as one of the solvents found in breathing zone samples taken from a number of shoe factors (Ref. 32, Perbellini et al., 1981) in which a commercial hexane mixture was used as a solvent. The percentage concentrations of cyclohexane and n-hexane ranged from 5 to 42 percent and 20 to 60 percent, respectively. These were the highest percentage concentrations noted in the workplace air. The percentage concentrations for other solvents (2-mehtylpentane, 3-methylpentane, and methylcyclopentane) ranged from 1 to 18 percent. In addition, cyclohexane is present in regular, premium, and unleaded gasoline to the extent of 1.58 volume percent (Ref. 3 API, 1985; Ref. 36, Sanders and Maynard, 1968); therefore, workers may also be exposed through contact with these refined petroleum products.

General population exposure to cyclohexane may occur, since it has been found in ambient air samples (urban and rural) (Ref. 4, Arnts and Meeks, 1981; Ref. 15, Holzer et al., 1977; Ref. 17, Ioffe et al., 1977), surface water samples (Ref. 9, Ewing et al., 1977), and marine waters (Ref. 22, McAuliffe et al., 1980), suggesting the possibility of widespread dispersal. Additional evidence for population exposure may be inferred from the fact that cyclohexane was qualitatively identified in five of six breast-milk samples taken from women in two states, Pennsylvania, and New Jersey. Cyclohexane was not found in either of two samples from Louisiana (Ref. 42, USEPA, 1985).

Consumer exposure to cyclohexane may occur through dermal contact with, and/or inhalation of, the compound present in paints, paint strippers, and gasoline, and from spills of other refined petroleum products and crude oil.

II. *Chemical fate information.* Cyclohexane is expected to partition largely to the atmosphere with a portion going into water. Existing data indicate that cyclohexane will not persist in air or in surface waters and will degrade rapidly in both media. Therefore, chemical fate testing is not being recommended at this time.

III. *Biological effects of concern to human health*—A. *Short-term (acute) effects.* In an inhalation toxicity test, mice, rabbits, and cats exposed to cyclohexane at 18,000 ppm became recumbent within 30 minutes (Ref. 11, Flury and Zernik, 1931). The oral LD_{50} for the rat was between 8.0 and 39.0 mL/kg (6.22 and 30.3 g/kg) (Ref. 19, Kimura et al., 1971).

B. *Metabolism.* Cyclohexane has been shown to be absorbed by several routes including inhalation in humans (Ref. 24, Mutti et al., 1981) and by oral and dermal routes in laboratory animals (Ref. 8, Elliot et al., 1959; Ref. 37, Sandmeyer, 1984). Cyclohexane administered orally to rabbits was found in expired air and urine. It was oxidized predominantly to cyclohexanol and cyclohexanediol, and to a lesser extent to CO_2 (Ref. 8, Elliot et al., 1959). Cyclohexanol appears to be a metabolite of inhaled cyclohexane in humans (Ref. 31, Perbellini and Brugnone, 1980). Cyclohexane inhibits *in vitro* noradrenaline-induced respiration of hamster brown fat cells (Ref. 34, Pettersson, et al., 1980).

In another metabolism and disposition study (Ref. 27, NTP, 1984), following intravenous administration of 0.76 mg/kg [^{14}C]-cyclohexane to adult male Fischer 344 rats, it was demonstrated that 54 percent of the dose was excreted in the breath in the first hour, 80 percent in 24 hours, and 83 percent in 72 hours. After oral administration at doses of 2,000, 1,000, 200, and 100 mg/kg, 78, 76, 62, and 63 percent, respectively, of the dose was excreted in the breath over 72 hours, with the maximum rate of excretion generally occurring within 2 to 8 hours. In the same experiments, 12, 15, 29, and 29 percent, respectively, of the dose was excreted in urine, compared to 14 percent excreted in urine following the intravenous dose. Greater excretion of polar metabolites in urine following the smaller oral doses is attributed to relatively greater metabolism in liver following absorption from the gastrointestinal tract. No significant excretion of ^{14}C in feces was observed. Unchanged cyclohexane accounted for 93 to 99 percent of the radiolabel excreted in breath, but less than 0.1 percent of the radiolabel in the urine. A maximum of 0.04–0.4 percent of the dose was excreted in breath as the more toxic cyclohexanone or 0.09 to 0.6 percent as cyclohexanal. Less than 0.1 percent of the dose was excreted in the urine as either of these compounds. Cyclohexane was concentrated primarily in adipose tissues, but these concentrations were very transient and total excretion was quite rapid.

C. *Carcinogenicity.* There have been no carcinogenicity studies conducted using currently accepted standard testing protocols. It should be noted, however, that cyclohexane was used as a vehicle control in two studies identified in the published literature. One study was designed to evaluate the carcinogenic potential of middle distillates of shale oil and petroleum (Ref. 7, Easley, et al., 1982). The other study compared the tumor-promoting activity of pristane and a series of *n*-alkanes (Ref. 16. Horton, et al., 1981). Both studies were not of sufficient duration and were conducted in only one rodent species using a limited number of animals. More importantly, neither investigation was designed to directly address the carcinogenicity of cyclohexane. Hence, because of the intended purpose of each study, these investigations must be considered inadequate for evaluating cyclohexane's carcinogenic potential.

D. *Genotoxicity.* Cyclohexane did not exhibit genotoxic effects in various genotoxicity test systems. It was negative in the Ames test with

Salmonella typhimurium strains TA98, TA100, TA1535, and TA1537 with and without metabolic activation (Ref. 23, McCann et al., 1975; Ref. 28, NTP, 1985); in an unscheduled DNA synthesis test with a human lymphocyte cell culture (Ref. 33, Perocco et al., 1983); in a DNA cell-binding assay with *Escherichia coli* (Ref. 21, Kubinski et al., 1981); and in a mouse lymphoma forward mutation assay and a rat bone marrow cytogenic assay (Ref. 2, API, 1981). In an *in vitro* study (Ref. 39, Seemayer and Manojlovic, 1982), cell cultures of kidneys from Syrian golden hamsters were incubated for 18 hours with cyclohexane at various concentrations (not stated) and subsequently infected with SV40-virus. Inoculation of *in vitro* transformed cells into Syrian golden hamsters induced malignant tumors at high frequency; no other information was given. It was also positive in the SV40 virus-induced cell transformation system (Ref. 39, Seemayer and Manojlovic, 1982).

E. *Reproductive effects, teratogenicity and embryotoxicity.* No published information was found.

F. *Chronic effects.* No published information was found.

G. *Subchronic effects*—Rats exposed to cyclohexane in an inhalation chamber at concentrations of 300, 1,000 or 2,000 ppm, 6 hours/day, 5 days/week for 2 weeks, showed reduced enzyme activity, especially brain azoreductase (Ref. 38, Savolainen and Pfaffli, 1980). Rabbits exposed to cyclohexane at 434 or 786 ppm for 6 hours/day for 50 days showed no toxic changes in the tissues at the low-dose level and minor microscopic changes in liver and kidneys at the high-dose level (Ref. 41, Treon et al., 1943); however, some of the rabbits died after exposure to cyclohexane at concentrations ranging from 7,400 to 18,500 ppm, 6 hours/day for 10 days.

H. *Neurotoxicity.* Cyclohexane has been shown to be a central nervous system (CNS) depressant. Observed effects have included dizziness, nausea, and unconsciousness (Ref. 37, Sandmeyer, 1984). At high vapor concentrations, convulsions in rabbits have also been reported (Ref. 14, Gosselin et al., 1984). In addition, cyclohexane has been reported to be suspect in producing classical solvent-induced polyneuropathies (Ref. 10, Exxon, 1984). In a description of a clinical case (Ref. 12, Franco et al., 1979), peripheral neuropathy was identified in an automobile painter exposed to paint solvents. Analysis of environmental air samples indicated the presence of cyclohexane, acetone, toluene, xylene, and isobutyl alcohol in concentrations below the TLV. No tricresyl phosphate or lead was observed. The authors attributed the presence of neurologic symptoms to cyclohexane exposure, basing their conclusion on the symptoms and the apparent absence of substances with known neurotoxic properties.

In one animal study (Ref. 13, Frontali et al., 1981) six to nine rats were intermittently exposed to cyclohexane (9 to 10 hours/day, 5 to 6 days/week) via inhalation for up to 30 weeks at concentrations of 1,500 and 2,500 ppm. Post-exposure histologic examination of both tissue and sectional preparations from the peripheral nervous system did not reveal any pathologic alteration; the CNS was not examined. In the same study, rats treated with *n*-hexane at 2,500 ppm for 30 weeks and 5,000 ppm for 14 weeks developed solvent-induced giant axonal neuropathies.

The experimental evidence accumulated to date, relative to cyclohexane's neurotoxic potential, is very limited. The human experience and the conclusion drawn may be questionable (Ref. 12, Franco et al., 1979), and the animal study (Ref. 13, Frontali et al., 1981) reflects data obtained from histologic observations of only the peripheral nervous system (and not the CNS) following 30 weeks of exposure. No definitive experimental data appear to exist in the published literature on the potential of cyclohexane to induce pathologic changes, not necessarily in the peripheral nervous system but more importantly in the CNS, following long-term chronic exposure.

I. *Rationale for health effects recommendations.* The large production volume and many of the uses of cyclohexane indicate the potential for widespread human exposure. The number of workers occupationally exposed is high, and there is the possibility for general population exposure from cyclohexane's use as a solvent. Cyclohexane has also been detected in body fluids and in ambient air and water. Data are lacking on chronic effects, including oncogenicity. In particular, there is an absence of information on the neurotoxicity (with special emphasis on extensive pathologic examination of the CNS) of cyclohexane following long-term chronic exposure. In addition, no data are available on potential teratogenic and reproductive effects resulting from exposure to this chemical. Based on the potential for human exposure and the lack of adequate information on the health effects of cyclohexane, a chronic toxicity study, including both oncogenicity and neurotoxicity is needed, as well as testing for teratogenic and reproductive effects.

IV. *Ecological effects.* Several static acute toxicity tests with aquatic organisms have indicated moderate toxicity (LC_{50} values greater than 10 and less than 100 mg/L), but measured environmental concentrations (low $\mu g/L$ or less) and expected rapid degradation in air and water suggest that cyclohexane will not cause adverse ecological effects at concentrations likely to be found in the environment. Therefore, ecological effects testing is not being recommended at this time.

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2.3.b 2,6-Di-*tert*-butylphenol

Summary of recommended studies. It is recommended that 2,6-di-*tert*-butylphenol (DTBP) be tested for the following:

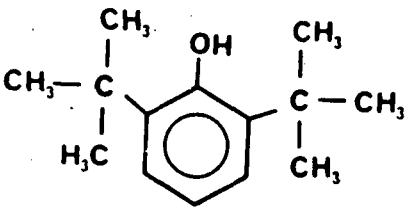
A. Chemical Fate:
  Persistence in aerobic and anaerobic sediments
B. Health Effects:
  Toxicokinetics
  Chronic toxicity
C. Ecological Effects:
  Acute toxicity to benthic organisms
  Bioconcentration in benthic organisms

Physical and Chemical Information

CAS Number: 128–39–2

Synonyms: Phenol, 2,6-bis(1,1-dimethylethyl)-(9 CI); DTBP

Structural Formula:



Empirical Formula: $C_{14}H_{22}O$

Molecular Weight: 206

Melting Point: 39°C (Ref. 2, Ethyl, 1984)

Boiling Point: 253

Vaport Pressure: <0.01 mmHg at 20°C

Specific Gravity: 0.914

Solubility in Water: 2.5 mg/L (Ref. 4, Geyer et al., 1981) 0.4 mg/L (estimated; Ref. 9, Lyman et al., 1982)

solubility Organic Solvents: Soluble in isopentane, methyl ethyl ketone, benzene, ethyl alcohol

Log Octanol/Water Partition Coefficient: 5.43 (estimated; Ref. 9, Lyman et al., 1982)

Description of Chemical: Light straw-colored crystalline solid

Rationale for Recommendations

I. *Exposure information*—A. *Production/use.* DTBP is produced by at least two domestic manufacturers. The quantity of DTBP produced domestically is multimillion pounds per year, but the exact production figures are confidential (Ref. 2, Ethyl, 1984).

DTBP is used primarily (about 95 percent of production) as an intermediate in the production of high-molecular-weight hindered phenolic antioxidants (Ref. 2, Ethyl, 1984). These compounds are used to prevent oxidative degradation of synthetic polymers and plastics (e.g., polypropylene) during processing and service. DTBP is also used directly as an oxidation inhibitor and stabilizer for fuel oils, gasoline, plastics, rubber, and other products, and as an intermediate for synthetic resins, pesticides, and other products.

B. *Occupational exposure.* The National Occupational Hazard Survey conducted by the National Institute for Occupational Safety and Health during 1972–1974 estimated that 2,192 people in six industries were exposed to DTBP in the workplace in 1970 (Ref. 10, NIOSH, 1976). It was reported that occupational exposure to DTBP is confined to reactor operators, maintenance people, and workers involved in bulk shipment loading and off-loading operations. DTBP is manufactured and used as an intermediate primarily in closed

systems, resulting in minimal workplace exposure. Protective clothing (e.g., gloves, goggles, respirators) and local and mechanical exhaust are recommended to control exposure to dust during handling (Ref. 2, Ethyl, 1984).

C. *Environmental release.* Release to wastewater treatment plants from production of DTBP may occur during washup or cleaning with solvents, and it is anticipated that this would result in the release of 0.002 to 0.004 pounds of DTBP per day. If entrainment occurs during separation of the aqueous and organic phases, releases to wastewater treatment plants could be greater than 6 pounds per day (Ref. 8, Lopez-Avila and Hites, 1981). Disposal of containers or solvents with a residue of 0.1 to 1 percent DTBP may result in environmental releases of 550 to 5,500 pounds per year from processing. DTBP was tentatively identified in three industrial and one domestic wastewater treatment facilities. These are unpublished data but a description of the analytical procedures was published by Shackelford et al. (Ref. 12, 1983). Releases of DTBP from use may occur during accidental spills of fuels containing DTBP. Available monitoring data for DTBP are summarized in Table 4. The measured concentrations probably result from processing or use-related releases and not from production. Table 4 follows:

TABLE 4.—MEASURED CONCENTRATIONS OF DTBP IN WASTEWATER, RIVER WATER, AND SEDIMENT

Source of DTBP	Sampling date	Concentration	Reference
Specialities Chemical Plant Wastewater	1976–77	0.6 to 0.8 mg/L	Ref. 6, Jungclaus et al. (1978).
Downstream river water	1976–77	1.6 ug/L	Ref. 6, Jungclaus et al. (1978).
Downstream sediment	1976–77	0.1 to 150 mg/kg	Ref. 6, Jungclaus et al. (1978).
Sediment near plant (0 to 27 cm depth)	1976–77	0.5 to 180 mg/kg	Ref. 8, Lopez-Avila and Hites (1981).
Sediment 1 km downstream	1976–77	22 to 760 mg/kg	Ref. 8, Lopez-Avila and Hites (1981).

II. *Chemical fate information*—A. *Transport and persistence.* Based on the estimated low water solubility and high soil sorption coefficient ($K_{oc} > 1{,}000$) of DTBP, the chemical, if released to landfills, is expected to remain within the landfills. Limited data on activated sludge biodegradation suggest that less than 10 percent of DTBP would volatilize or mineralize, but more than 45 percent would be transformed to metabolites or remain as unextractable residues in sludge after 5 days at 25 C (Ref. 3, Freitag et al., 1982). Extrapolation from these data to sediments suggests that DTBP, or its oxidation products (quinones), might not be readily biodegradable in sediments. Measurements of DTBP and oxidation products in sediments at concentrations of 70 to 760 ppm and 7 to 38 ppm, respectively, seem to confirm this suggestion (Ref. 8, Lopez-Avila and Hites, 1981).

B. *Rationale for chemical fate recommendations.* Based on the reported multimillion pound production of DTBP, its occurrence in wastewaters, surface waters, and sediments, and its potential to partition to and persist in sediments, data are needed on the persistence of DTBP in aerobic and anaerobic sediments.

III. *Biological effects of concern to human health*—A. *Carcinogenicity.* No information was found.

B. *Mutagenicity.* No information was found.

C. *Reproductive effects, teratogenicity, embryotoxicity, and fetotoxicity.* DTBP was nontoxic to mothers in fetal resorption studies with rats at a total dose of 0.25 g for 21 days. The DTBP treatment caused large decreases in the number of litters, implantations, and normal fetuses (Ref. 14, Telford el at., 1962).

D. *Special studies.* Animal tests indicate that DTBP is both a mild eye and skin irritant (Ref. 2, Ethyl, 1984). Doses applied were 1.0 to 8.0 g/kg.

E. *Toxicity*—1. *Short-term (acute) effects.* The acute toxicity of DTBP is summarized in Table 5:

TABLE 5.—ACUTE TOXICITY OF DTBP IN LABORATORY ANINALS [1]

Species	Route	LD_{50} (mg/Kg)	References
Mouse	Oral	2,995	Ref. 1, Cao et al. (1982).
Mouse	Intravenous	120	Ref. 5, James and Glen (1980).
Rat	Oral	9,200	Ref. 2, Ethyl (1984).
Rabbit	Skin	10,000	Ref. 2, Ethyl (1984).

[1] Sex and number of animals not specified.

2. *Subacute/subchronic.* In subacute feeding studies of DTBP in rats, 10 male Sprague-Dawley rats were fed DTBP at a dose level of 4.55 mmol/kg/day for 3 weeks. Six control rats received a laboratory ration. Two of ten rats fed DTBP died of hemorrhaging during the 3 weeks. In the two dead animals, hemorrhages in the epididymis, muscle, thymus, pleural cavity, cranial cavity, submaxillary lymph node, and intragastric blood pooling were observed. The prothrombin index was significantly decreased in animals given DTBP (Ref. 13, Takahashi and Hiraga, 1978).

F. *Chronic.* No information was found.

G. *Rationale for health effects recommendations.* DTBP is used in applications where there is the potential for human exposure. The short-term toxicity of DTBP does not appear to be high; however, on continued feeding, pronounced effects on the prothrombin index were observed. In addition, DTBP has an irritant action. Therefore, studies

on the toxicokinetics of DTBP are needed, as well as studies to delineate the extent of its chronic toxicity.

IV. *Ecological effects of concern*—A. *Acute effects.* No empirical data were found. However, using the data published by Saarikoski and Viluksela (Ref. 11, 1982) and Lipnick et al. (Ref. 7, 1985), and using an estimated log P of 5.43, the LC_{50} to fish is estimated to be about 0.28 mg/L. With respect to this estimate, the effect of steric hindrance on the degree of toxicity is unknown.

B. *Chronic effects.* No information was found.

C. *Bioconcentration.* A bioconcentration factor (BCF) of 800 after 1 day was measured in an alga (*Chlorella*) (Ref. 4, Geyer et al., 1981). The measured BCF in a fish (golden orfe), was 660 after 3 days (Ref. 3, Freitag et al., 1982). The estimated BCF of DTBP, based on a log P of 5.43 and using the method of Veith et al., (Ref. 15, 1979) is 8,200; the acutal BCF may be lower if DTBP is metabolized.

D. *Rationale for ecological effects recommendations.* The available test data suggest relatively rapid partitioning of DTBP to biological tissues. Based on this information, the lack of empirical data on toxicity, and the measured concentrations of DTBP in sediments, data are needed on the acute toxicity of DTBP to benthic organisms and on the bioconcentration of DTBP in benthic organisms.

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2.4 *Chemicals recommended without designation for response within 12 months*

2.4.a Diisodecyl phenyl phosphite

Summary of recommended studies. It is recommended that diisodecyl phenyl phosphite (PDDP) be tested for the following:

Health Effects:

Toxicokinetics

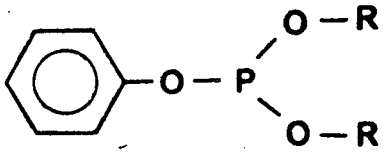
Subchronic toxicity including neurotoxicity

Physical and Chemical Information

CAS Number: 25550–98–5

Synonyms: Phenyl diisodecyl phosphite; Phosphorous acid, diisodecyl phenyl ester (9 CI)

Structural Formula:



R= isodecyl

R=isodecyl

Empirical Formula: $C_{26}H_{47}O_3P$

Molecular Weight: 438

Melting Point: No information was found.

Boiling Point: 200°C at 5 mmHg (Ref. 16, Witco, 1982)

Vapor Pressure: <1 mmHg at 20°C (Ref. 16, Witco, 1982)

Specific Gravity: 0.940 25/15.5°C (Ref. 5, Borg-Warner, 1983)

Solubility in Water: Insoluble (Ref. 5, Borg-Warner, 1983); 0.01–20 ppb (estimated)

Solubility in Organic Solvents: Soluble in most common aprotic organic solvents (Ref. 5, Borg-Warner, 1983)

Log Octanol/Water Partition Coefficient: 7.4 (estimated)

Description of Chemical: Water-white liquid with a slight phenolic odor (Ref. 16, Witco, 1982)

Rationale for Recommendations

I. *Exposure information*—A. *Production/use.* One manufacturer reported production of 1 to 10 million pounds of the compound in 1983. Another manufacturer of PDDP is listed in the public portion of the TSCA Inventory, but volume is not reported. Domestic production and importation volumes of PDDP have not been reported by the U.S. International Trade Commission for the period 1977 through 1983. PDDP, an organophosphite, is used primarily as a heat/light stabilizer and secondary antioxidant for a variety of polymeric materials, including vinyl polymers and polyrethanes (Ref. 11, Minagawa et al., 1983; Ref. 3, Aza et al., 1982), poly(ether ester) rubbers Ref. 2, Anon, 1982), and epoxy resins (Ref. 15, Uram, 1982; Ref. 13, Nippon Steel, 1980). The estimated domestic consumption of phosphite antioxidants in plastics applications in 1980 was 25.5 million pounds, with a projected growth to 34.5 million pounds by 1985 (Ref. 6, CEH, 1982).

B. *Evidence for exposure.* The National Occupational Hazard Survey estimated that 900 workers were potentially exposed to PDDP in the workplace in 1970 (Ref. 12, NIOSH, 1976). Manufacturers of PDDP recommend the use of personal protective equipment [e.g., neoprene gloves, aprons, goggles (Ref. 16, Witco, 1982), and organic vapor respirators (Ref. 5, Borg-Warner, 1983)] to limit worker exposure. The compound may cause skin irritation, and one commercial formulation contains 5 percent by weight triphenyl phosphite, a neurotoxicant (Ref. 5, Borg-Warner, 1983).

II. *Chemical fate information.* In the enviroment, PDDP is expected to sorb to soil and sediment due to its low water solubility and low vapor pressure. No information was found on its persistence, but this phosphite may hydrolyze or biodegrade in surface and ground waters. Environmental releases should be quite low, with most of the release to landfills via discarded bags and polymer trimmings. Therefore, chemical fate testing is not being recommended at this time.

III. *Biological effects of concern to human health—A. Toxicokinetics (absorption, distribution, and excretion).* No information was found.

B. *Genotoxicity.* No information was found.

C. *Short-term (acute) effects.* The acute oral LD_{50} value for the rat is 9.40 g/kg (Ref. 5, Borg-Warner, 1983).

D. *Long-term (subchronic/chronic) effects.* No information was found.

E. *Reproductive and developmental effects.* No information was found.

F. *Rationale for health effects recommendations.* Current production data for PDDP are not precise and appear to represent lower limits; e.g., one manufactuer of PDDP is not listed in the public portion of the TSCA Inventory. Available information does indicate that recent annual production of PDDP is at least 1 to 10 million pounds and may be higher. In addition, the dispersive use pattern for the variety of products that may contain PDDP suggests potentially widespread exposures. In addition to such polymeric materials as vinyl polymers and polyurethanes, epoxy resins, and rubber, PDDP is also used in fluorinated refrigeration agents (Ref. 1, Ando et al., 1982), heat-pump working fluids (Ref. 4, Berenbaum et al., 1978), and epoxidized esters and oils (Ref. 9, Kauder, 1968). Other potential uses include an antioxidant for xylenol (Ref. 10, Kotas et al., 1982), a catalyst component for the reaction of olefins with maleic anhydride (Ref. 8, Kao Soap Co., 1979), PVC cross-linking agents (Ref. 14, Sugahara, 1978), and as a solvent for an antimicrobial solution (Ref. 7, Hill, 1982).

No data on the health effects of PDDP were found that would permit an assessment of its potential hazard to humans. However, PDDP is structurally related to triphenyl phosphite, a neurotoxicant (Ref. 5, Borg-Warner, 1983). Because of the lack of health effects data and the exposure potential discussed above, toxicokinetic and subchronic toxicity testing, including neurotoxicity, are being recommended for PDDP.

IV. *Ecological effects of concern.* No information was found on the ecological effects of PDDP. Releases of PDDP to surface waters are expected to be insignificant, and the PDDP disposed of in landfills should sorb strongly to particulates until hydrolyzed or biodegraded. Therefore, ecological effects testing is not being recommended at this time.

References

(1) Ando E, Goto Y, Moriyama K, Takeshita I, Hirao K. 1982. Composition or absorption refrigeration. European Patent Application EP 62516 Al, October 13, 1982. [Abstract from DIALOG].

(2) Anon. 1982. Stabilizer system for reducing discoloration of copolyether ester elastomers. Res. Discl. 215:78–79. [Abstract from ORBIT IV.]

(3) Aza AD, Keeley C, Rogers JL, Brilliant SD. 1982. Homogeneous storable liquid barium-cadmium-triphosphite stabilizer systems for poly(vinyl chloride) resins. European Patent Application EP 47894 A2, March 24, 1982. [Abstract from DIALOG.]

(4) Berenbaum MB, Evans FE, Eibeck RE, Robinson MA. 1978. Stabilized heat activated heat exchange absorption pair. U.S. Patent No. 4072027, February 7, 1978. [Abstract from CA Search.]

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(15) Uram JR, Jr. 1982. Transparent composite laminate molding and transparent compositions for its production. German Offen. Patent 3203975. [Abstract from ORBIT IV.]

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[FR Doc. 85–27385 Filed 11–18–85; 8:45 am]
BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067–0166.

Title: Crisis Counseling Assistance and Training.

Abstract: In order to obtain a Crisis Counseling Grant, the State IFG Agency named by the Governor, usually the State Mental Health Agency, must send a letter of request and a plan of services to FEMA.

Type of Respondents: State or Local Governments.

Number of Respondents: 3.

Burden Hours: 1,720.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C Street S.W., Washington, D.C. 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: November 12, 1985.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 85–27513 Filed 11–18–85; 8:45 am]
BILLING CODE 6718–01–M

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection

package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067–0142
Title: Hazard Identification Capability Assessment, and Multi-year Development Plan (HICA/MYDP)
Abstract: HICA/MYDP data will establish nationwide baseline on State/local hazards, current capability, and resource requirements. Data will be used to set program priorities, prepare the budget, and allocate funds.
Type of respondents: State of Local Governments
Number of respondents: 3,456
Burden hours: 26,992

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: November 8, 1985.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 85–27507 Filed 11–18–85; 8:45 am]

BILLING CODE 6718–01–M

[FEMA-754-DR]

Pennsylvania; Major-Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA–754–DR), dated November 9, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice: Notice is hereby given that, in a letter of November 9, 1985, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania resulting from severe storms, landslides, and flooding, beginning on or about November 3, 1985, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide Public Assistance, if necessary, in the effected areas, once an acceptable State commitment has been provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. F. Scott Martin of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for the this declared disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster and are designated eligible:

Allegheny, Fayette, Greene, Somerset, Washington, and Westmoreland Counties eligible for Individual Assistance.

Dated: November 9, 1985.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 85–27498 Filed 11–18–85; 8:45 am]

BILLING CODE 6718–02–M

[FEMA-755-DR]

Virginia: Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA–755–DR), dated November 9, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notices: The notice of a major disaster for the Commonwealth of Virginia, dated November 9, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 9, 1985:

Page, Shenandoah, Madison, Warren, Clarke, Augusta, Bath, Craig, Montgomery, Campbell, Nelson, Fluvanna, Rockingham, Amherst, Appomattox, Highland, and Albermarle Counties for Individual Assistance.

Lynchburg City and Waynesboro City for Individual Assistance.

Dated: November 10, 1985.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85–27500 Filed 11–18–85; 8:45 am]

BILLING CODE 6718–02–M

[FEMA-755-DR]

Virginia: Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA–755–DR), dated November 9, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice: The notice of a major disaster for the Commonwealth of Virginia, dated November 9, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 9, 1985:

Gloucester and Stafford Counties for Individual Assistance.

Dated: November 12, 1985.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85–27501 Filed 11–18–85; 8:45 am]

BILLING CODE 6718–02–M

[FEMA-755-DR]

Virginia; Amendment To Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia (FEMA–755–DR), dated November 9, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice: The notice of a major disaster for the Commonwealth of Virginia, dated November 9, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 9, 1985:

The Counties of Roanoke, Botetourt, Alleghany, and Rockbridge for Public Assistance.

The Cities of Roanoke, Salem, Covington, Clifton Forge, Buena Vista, and Lexington for Public Assistance.

The Counties of Northumberland, Westmoreland, Richmond, and Bedford for Individual Assistance.

The Cities of Richmond and Harrisonburg for Individual Assistance.

Dated: November 11, 1985.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85–27502 Filed 11–18–85; 8:45 am]

BILLING CODE 6718–02–M

Virginia; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–755–DR), dated November 9, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice: Notice is hereby given that, in a letter of November 9, 1985, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia resulting from severe storms, landslides, and flooding, beginning on or about November 3, 1985, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under PL 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Robert J. Adamcik of the Federal Emergency Mangement Agency to act as the Federal Coordinating Officer for this declared disaster. I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster and are designated eligible:

Roanoke City, Roanoke County, Salem City, Franklin County, Botetourt County, Alleghany County, Covington City, Clifton Forge City, Rockbridge County, and Buena Vista City eligible for Individual Assistance.

Dated November 9, 1985.

Julius W. Becton, Jr.,

Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance)

[FR Doc. 85–27499 Filed 11–18–85; 8:45 am]

BILLING CODE 6718–02–M

[FEMA-753-DR]

West Virginia; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Mangement Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of West Virginia (FEMA–753–DR), dated November 7, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice: The notice of a major disaster for the State of West Virginia, dated November 7, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 7, 1985:

Barbour, Braxton, Calhoun, Doddridge, Gilmer, Hampshire, Lewis, Marion, Mineral, Taylor, Tyler, Upshur, Webster, Morgan, Nicholas, Berkeley, Jefferson, Summers, Monroe, and Monongalia Counties for Individual Assistance.

Dated: November 10, 1985.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85–27503 Filed 11–8–85; 8:45 am]

BILLING CODE 6718–02–M

[FEMA-753-DR]

West Virginia, Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of West Virginia (FEMA–753–DR), dated November 7, 1985, and related determinations.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice: The notice of a major disaster for the State of West Virginia, dated November 7, 1985, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 7, 1985:

Randolph County for Individual Assistance.

Dated: November 9, 1985.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85-27504 Filed 11-18-85; 8:45 am]

BILLING CODE 6718-02

National Board Plan for Carrying Out Emergency Food and Shelter Program

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice sets out the text of the Plan by which the National Board, created by Pub. L. 99-88, will conduct a program for distributing $20,000,000 to local private voluntary organizations and units of local government for the purpose of delivering emergency food and shelter to needy individuals in localities determined by the Board as being in high need. The distribution formula for selecting these localities, the listing of the localities, and the award amount for each follow the Plan text.

DATE: The award to the National Board was made September 18, 1985.

FOR FURTHER INFORMATION CONTACT: Shannon Brady, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3656.

Dated: November 12, 1985.

Dennis Kwiatkowski,

Chairman, National Board for Emergency Food and Shelter Program.

1.0 Background and Introduction

On March 24, 1983, the President signed the "Jobs Stimulus Bill", Public Law (Pub. L.) 98-8. That bill provided $50 million for emergency food and shelter to the Federal Emergency Management Agency (FEMA) for allocation by a National Board between March 1983 and March 1984. The Board, chaired by FEMA, consisted of representatives of United Way of America, The Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and The American Red Cross. Congress designated these agencies because of their history of service in this area. This funding was provided to address emergency needs which had become evident in recent years.

Due to the continuing high need for emergency food and shelter services, additional funds were appropriated in November 1983 (Pub. L. 98-151 and 98-181) for $40 million and in August 1984 (Pub. L. 98-396) for $70 million.

On August 15, 1985, Pub. L. 99-88 was signed by the President, providing $20 million for the Emergnecy Food and Shelter National Board Program. FEMA awarded the grant to the National Board in September 1985. It is the intent of Congress that these funds be spent during calendar year 1985, although they remain available through July 31, 1986.

1.1 Purpose

This Plan details the roles, responsibilities, and implementation procedures which shall be followed by the National Board, Local Boards, and Local Recipient Organizations in the use of this $20 million award. This program is nationwide in scope and will provide food and shelter assistance to needy individuals through local private voluntary organizations and units of government in areas designated by the National Board as being in highest need.

The intent of Congress is that there is an emergency need to supplement other food and shelter assistance individuals might currently be receiving, as well as to assist those who are receiving no assistance. Individuals who received assistance under previous programs may again be recipients, providing they meet local eligibility requirements. Services received under this program should not reduce or affect assistance an individual receives under any other federal, state, or local assistance program.

2.0 Concept of Operations

A. United Way of America will act as the National Board's fiscal agent and Secretariat and perform the necessary administrative duties that the Board must accomplish.

B. Funds distributed by the National Board will be to areas of greatest need. The formula for distribution is explained in Section 2.2B.

C. National Board funds will be distributed to Local Recipient Organizations certified eligible by Local Boards. (Refer to Section 2.2D for Selection of Recipient Organizations.)

D. There is an administrative cost limitation of one and one-quarter percent (1.25%) for local jurisdictions, and three-quarters of one percent (.75%) for National Board administrative costs. Local administrative funds are intended for use by local service providers and not for reimbursement of program or administrative costs any recipient's parent organization (its state or regional offices) might incur as a result of this additional funding. (See item 2.3A, Eligibility of Costs.)

E. The National Board will award funds not later than December 31, 1985, to local private voluntary and public organizations based upon recommendation by Local Boards. Unused or recaptured funds will be reallocated by the National Board.

F. All funds shall be paid out by recipient organization, and spending shall cease by July 31, 1986. Local Boards have until September 30, 1986, (60 days) to provide complete documentation of expenses to the National Board.

2.1 Roles and Responsibilities

A. FEMA's Responsibilities

1. Constitute a National Board consisting of individuals affiliated with United Way of America, The Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., The American Red Cross, and the Federal Emergency Management Agency.

2. Chair the National Board, using Parliamentary procedures and consensus by the Naitional Board as the mode of operations.

3. Provide guidance, coordination and staff assistance to the National Board.

4. Award the grant to the National Board.

5. Assist the Secretariat in implementation of the National Board Program.

6. Conduct an audit of funds.

7. Initiate federal collection procedures when the efforts of the National Board to collect funds due have not been successful.

B. National Board Responsibilities

1. Identify areas of highest need for food and shelter assistance and determine amount to be distributed to each area.

2. Advise national organizations interested in food and shelter but not represented on the National Board to promote the availability of funds.

3. Develop this operational Plan for distributing funds and establishing criteria for expenditure of funds.

4. In jurisdictions that received previous awards, notify the former Local Board Chair that additional funds are available. In areas newly selected for funding, notify the local United Way or American Red Cross.

5. Provide copies of award notification materials to National Board member agencies and to heads of government in areas selected to receive funds.

6. Secure certification from Local Boards that funds will be used in accordance with established criteria.

7. Distribute funds to selected Local Recipient Organizations.

8. Hear appeals and grant waivers.

9. Within 60 days following the grant award, submit to FEMA a plan to review documentation from Local Recipient Organizations.

10. Ensure that funds are properly accounted for, and that funds due are collected and returned to FEMA.

11. Submit end-of-program report on jurisdictions' use of funds to FEMA.

C. Responsibility of Local United Way/ Red Cross (in Newly Funded Areas) or Former Local Board Chair (in Previously Funded Areas)

1. Constitute a Local Board of individuals nominated by, to the extent practicable, the same voluntary organizations represented on the National Board with the local head of government replacing FEMA. Local Boards may also include representatives nominated by other community organizations.

2. Convene initial meeting.

D. Local Board's Responsibilities

1. Elect a Chair.

2. *Advertise and promote the program and consider all private voluntary and public organizations providing or capable of providing emergency food and shelter services, not just those represented on the Local Board.*

3. Recommend which local organizations should receive grants and the amounts of the grants.

4. Establish an appeals process and, if possible, involve individuals not a part of the decision in the dispute; hear and resolve appeals made by funded or nonfunded organizations; and investigate complaints made by individuals or organizations. Those cases that cannot be handled locally or that involve fraud or other misuse of federal funds should be referred in writing to the National Board, giving details on action that has been taken.

5. Secure and retain signed forms from each Local Recipient Organization (LRO) certifying they have read and understand program guidelines and will comply with cost eligibility and reporting requirements.

6. Return Local Board Certification Form, Board Roster *and* Local Board Plan to National Board within *25 working days* after receipt of award notification.

7. Provide technical assistance to service providers.

8. Coordinate local food distribution and other federal assistance programs with state agencies which administer those programs (i.e., USDA—surplus food; LIHEAP—utilities, etc.).

9. In accordance with National Board guidelines, Local Boards should establish criteria for documentation to be submitted by Local Recipient Organizations.

10. *Monitor expenditures of funds and compliance with eligible cost provisions at local level and ensure that all recipient organizations maintain proper documentation and submit reports accurately and on time.* Ensure that recipient organizations spend all funds by July 31, 1986.

11. Reallocate funds within a jurisdiction, as necessary, from food to shelter (or vice-versa) or from one recipient organization to another and immediately notify the National Board and the Local Recipient Organizations, *in writing.*

12. Submit reports to the National Board on LRO's expenditures by May 31, 1986 (for period through April 30, 1986) and September 30, 1986 (for the period through July 31, 1986). All required report forms will be sent by the National Board.

13. After close of program, retrieve and review for accuracy recipient organizations' reports and documentation and forward to the National Board. In the event of expenditures violating the eligible costs under this award, the Local Board must ensure reimbursement is made to the National Board.

Local Boards are required to remain in operation until all program and audit requirements of the National Board have been satisfied. All records related to the program must be retained for three (3) years.

2.2 General Guidelines

A. Grant Award Process

United Way of America has been designated as the fiscal agent for the National Board. The grant awarded to the National Board will provide for checks to be written to organizations recommended by Local Boards for funding. Local Boards have the right to reallocate funds within their jurisdiction throughout the program period, as Boards determine necessary. When a Local Board reallocation occurs, it is the responsibility of the Local Board to promptly notify the Secretariat in writing so that the Local Board's records can be updated accordingly.

To ensure greater accountability and reporting, grant awards over $5,000 will be made in multiple payments. Recipient organizations with awards of $5,000 or less will receive a single check for the total amount. Those with awards totaling more than $5,000 but less than $100,000 will be paid in two equal installments. Those with awards totaling $100,000 or more will be paid in three equal installments. The first check will be mailed directly to the Local Recipient Organization and second and third checks will be mailed to the Local Board Chair, upon his/her written request. The Local Board will distribute second/third checks once they are assured that the organizations is implementing the program as intended and according to the guidelines in this Plan.

B. Designation of Target Areas

Local areas will be selected to receive funds from the National Board based upon average unemployment statistics by the Department of Labor for the period June 1984 through May 1985 and poverty statistics from the 1980 census. The Board adopted this combined approach in order to more effectively target funds for high-need areas. Funds designated for a particular jurisdiction must be used to provide services within that jurisdiction.

Jurisdictions may *qualify* for an award based upon their rate of unemployment *or* their rate of poverty. Once a jurisdiction's eligibility is established, the National Board will determine its fund distribution based on a ratio calculated as follows: the average number of unemployed within an eligible area divided by the average number of unemployed covered by the national program equals the areas portion of the award (less National Board administrative costs, and less that portion of program funds required to fulfill the minimum per state).

$$\frac{\text{Area's average number unemployed}}{\text{Average number unemployed in all eligible areas}} = \text{Area's percent of the award less National Board's administrative costs and state minimums}$$

A notice will be placed in the **Federal Register** in October 1985 listing the civil jurisdictions that are selected and the dollar amount each has been awarded.

In states where no jurisdictions qualify or the total amount awarded to all qualifying jurisdictions is less than the minimum, an award shall be made to a State Selection Committee. This award shall equal the difference between the minimum and the total amount awarded to all jurisidictions in that state. The State Selection Committee will recommend high-need jurisdictions and award amounts to the National Board.

Puerto Rico and the U.S. territories will receive a percentage of the total award based upon the determination of the National Board.

C. Formation of Local Boards

Each area designated by the National Board to receive funds shall constitute a Local Board with affiliates nominated by, to the extent practicable, the same voluntary organizations represented on the National Board. The Mayor (or his/her designee) or appropriate head of local government (or his/her designee) will replace the FEMA member. Local Boards may also include representatives nominated by other community organizations. The member of each Local Board will elect a Chair.

1. If a locality has previously received National Board funding, the previous Chair of the Local Board will be contacted regarding any new funding the locality is designated to receive. The Local Board may elect a new chair.

2. If a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board as described above. In the event the local United Way does not convene the Board, the local American Red Cross will be responsible for convening the initial meeting of the Local Board.

3. In the event a state is designated to receive the minimum for its high-need localities, the United Way in the capital city will be asked to convene a State Selection Committee of individuals nominated by, the extent practicable, the same voluntary organizations represented on the National Board. The Governor (or his/her designee) will replace the FEMA member. Members of the State Selection Committee shall elect their own chair.

The State Selection Committee is charged with recommending high-need jurisdictions and award amounts within the state. *The State Selection Committee has two weks to notify the National Board of its selections.* The National Board will then notify these jurisdictions directly, and the State Selection Committee may dissolve after Local Boards have been chosen.

4. Local Boards which recommend that they can better utilize their resources by merging their Boards may do so, provided that the head of government for each Local Board sits on the merged Board to ensure that the award amount designated for their respective civil jurisdictions is used to provide assistance to individuals within that jurisdiction.

5. Local Boards will have 25 working days after notification of award selection by the National Board in which to:

—Advertise and promote the availability of funds;
—Select local organizations to receive grants; and,
—Complete and return required application forms.

After 25 working days, if a Local Board is unable to satisfy the National Board as to the local area's capability to utilize funds in accordance with this Plan, the National Board may reallocate the funds to areas of greatest need.

6. The Chair of the Local Board will be the central point of contact between the National Board and the Local Recipient Organizations selected to receive assistance for emergency food and shelter programs. To facilitate program coordination, the Chair of the Local Board will contact the state agencies through which surplus food and other federal assistance is provided. A listing of those agencies will be provided to the Local Board along with the grant award letter.

7. Local Boards will be responsible for monitoring programs carried out by the organizations they have selected to receive funds. To prevent fraud or misuse of funds, Local Boards might wish to create a central clearinghouse for all organizations providing similar assistance to individuals so information can be shared daily.

When misuse of funds has been found, or for other reasons they deem necessary, Local Boards have the right to reallocate funds within a jurisdiction from one organization to another or between categories (from food to shelter, shelter to energy, etc.). The National Board must be notified in writing of any such alteration in the originally approved Local Board Plan or of any fraud.

D. Selection of Recipient Organizations

In selecting Local Recipient Organizations to receive funds, the Local Board must consider the demonstrated capability of any organization to provide food and shelter assistance. Local participation in the program is not limited to organizations that are part of a state or national organization. Organizations that received awards from previous legislation may again be eligible providing that the organization still meets eligibility requirements. The Local Board should be prepared to justify an allocation of ⅓ or more of its total award to a single recipient organization.

For a local organization to be eligible for funding it must:

—Be nonprofit
—Have an accounting system; conduct an annual audit;
—Practice nondiscrimination; and
—For private voluntary organizations, have a voluntary board.

Each Local Recipient Organization will be responsible for certifying in writing to the Local Board that it has read and agrees to abide by the cost eligibility and reporting standards of this Plan, and any other requirements made by the Local Board. (See Annex 2.4).

Where there is a local nonprofit organization which does not have an adequate accounting system but meets all the other criteria, the Local Board may authorize funds to be channeled through a fiscal agent. Fiscal agents will be held accountable for compliance with the Plan.

All agencies receiving funds through a fiscal agent must be separately listed on the Board Plan. Checks will be made out to the fiscal agent on behalf of the recipient organization. The fiscal agent will be responsible for paying all bills and maintaining all financial documentation for the recipient organization. No payment should be made directly to the recipient organization.

2.3 Eligibility of Costs

This appropriation is for the *purchase of food and shelter,* to supplement and extend current available resources and *not to substitute or reimburse ongoing programs and services.* Interpretation questions should be cleared by the recipient organization with the Local Board *prior* to action. Local Boards unsure of the meaning of these guidelines should contact the Secretariat for clarification *prior to* advising the Local Recipient Organization.

A. *Ineligible Costs,* purposes for which funds *cannot be used,* include:

1. *Rental security or utility deposits,* payment of more than one month's rent or mortgage, or payment of more than one month's portion of an accumulated utility bill for an individual or family.

2. Payment of any kind made directly to clients.

3. Cash payments of any kind.

4. Capital expenditures or real property and equipment purchases (i.e., land, building, vehicles, office equipment, or any equipment costing more than $300); repairs of rehabilitation to profit-making facilities; lease-purchase agreements except as provided under 2.3.B.4.

5. Administrative cost reimbursements to state or regional offices of governmental or voluntary organizations.

6. Lobby efforts which use federal funds.

7. Expenditures made prior to the date of Local Board Plan approval (i.e., the date the National Board signs and approves the plan) or after July 31, 1986.

8. Repairs of any kind to an individual's house/apartment; purchases of supplies or equipment for individual's home/private use; private transportation.

9. Medication purchases; clothing purchases (except underwear for clients of mass shelters, if necessary).

10. Payments for expenses not incurred are ineligible (i.e., payment where no service has been provided, payments to LRO's themselves).

11. Internal transfers of funds for program expenses (unless supported by documentation).

B. Eligible Program Costs include:

1. Purchase of food for distribution (hot meals, groceries, food vouchers).

2. *Transportation expenses related to the provision of food and shelter* (e.g., actual fuel costs for transporting clients or food; contracted services; public transportation).

3. Purchase of supplies *essential* to mass feeding (e.g., utensils, pot, pans, blenders, toasters) and/or mass shelters of five or more beds (e.g., soap, linens, blankets, cleaning supplies). Small equipment must not exceed $300 per item.

4. Leasing, only for the program period, of capital equipment associated with mass feedings or mass shelters (such as stoves, freezers, vans, etc., over $300 in cost) *only if approved in advance by the Local Board.* Lease-purchase agreements are allowed if the cost of the lease for the program period (i.e., plan approval date up to 7/31/86) would exceed the purchase price, *and* the agreement is approved *in advance* by the Local Board.

5. Direct expenses associated with new or expanded services or to prevent closings of mass shelters or feeding operations (e.g., cots, blankets, supplies, rent, cleaning, pest control), only during program period.

6. Increased utility costs due to expanded services, for heating or cooling, electricity, or water are allowable for mass shelters and mass feeding operations. *This is not intended for reimbursement of normal operating costs.*

7. *Once only,* for one month, limited utility assistance for individuals or families only after all other resources have been exhausted (includes gas, electricity, oil, water, firewood).

This assistance is available if the household has needs that cannot be sufficiently met or provided under the state's Low Income Home Energy Assistance Program (e.g., services not immediately available, eligibility requirements or services too restricted, funds exhausted). In such instances, utility payments may be provided but are *restricted to one month maximum.* If a utility bill contains charges for more than one month, *only one month's* portion of that accumulated bill can be paid. Reconnect fees, not deposits, may be paid if necessary to continue service.

The National Board recommends that dispensing of individual utility assistance be limited to one private and/or public agency, to avoid duplication of benefits. Other agencies can then refer potential clients to that agency(s) for utility assistance.

8. Emergency lodging or shelter costs (e.g., hotel or motel expenses only if the Local Recipient Organization provides emergency shelter by using a voucher system).

9. *Once only,* limited emergency rent or mortgage assistance (one month maximum) to avoid immediate eviction *when no other resources or assistance exist.*

10. Rehabilitation *approved in advance* by Local Boards for a local government or not-for-profit mass shelter (i.e., five or more beds) or mass feeding facility necessary to expand capacity or to bring the facility into compliance with local building codes. Funds for rehabilitation may also be used to make a facility safe, secure, and sanitary, but should not be used for decorative or non-essential purposes. Individual residences or profit-making facilities are not eligible for these funds.

All rehabilitation work *must be completed and paid for by the end of the program (7/31/86).* Expenses which occur after that date *will not* be accepted as eligible costs.

Note.—Refer to the Preamble of this Plan for further detail on the National Board's intent with regard to shelter rehabilitation.

C. *Eligible Administration Costs* (limited to up to 1.25% of total funds received, less if Local Board takes administrative costs).

Local Recipient Organizations whose Local Boards have approved their taking of up to 1.25% administrative costs may claim this expense, but *do not need to submit* documentation on that portion of the award to this office. However, documentation must be available for an on-site audit.

Note.—If there is any question regarding the cost eligibility of any item, contact the National Board staff prior to incurring any expense or making payment.

3.0 Report Requirements

Local Boards will *monitor* Local Recipient Organizations' expenditures and eligible cost compliance throughout the program period. An interim report of expenditures is due to the National Board on May 31, 1986 and a final report accompanied by all financial documentation is due September 30, 1986. The National Board advises Local Boards to request to least one other report from their Recipient Organizations, at a time deemed appropriate by each Local Board. The National Board will provide forms for all required reports.

The National Board will compile the reports it receives from the Local Boards and submit a detailed accounting of the use of all program monies in the form of a report to FEMA by December 31, 1986.

The National Board will conduct an audit of food and shelter expenditures made under this program for each Local Board and Local Recipient Organization. FEMA's Inspector General may also conduct an audit of these funds. The program office in FEMA will prepare a report for the FEMA Director. The FEMA Director will prepare a report to Congress.

4.0 Amendments To Plan

The National Board reserves the right to amend this Plan at any time.

SUPPLEMENTARY INFORMATION: The National Board based their determination of high-need localities on four factors: (1) Most current twelve-month unemployment rates; (2) total number of unemployed within a civil jurisdiction; (3) total number of individuals below the poverty level within a civil jurisdiction.

Unemployment data for the period June 1984 through May 1985 and poverty data from the 1980 census were used to select the following jurisdictions:

- Jurisdictions, including balance of counties with 18,000+ unemployed and a 6.3%+ rate of unemployment.
- Jurisdictions, including balance of counties, with 1,000 to 17,999 unemployed and an 11%+ rate of unemployment.
- Jurisdictions, including balance of counties, with a 12%+ rate of poverty and over 1,000 unemployed persons.
- A minimum of $35,000 per state has been awarded for high-need areas within each state.

The following listing is of localities that meet any of the above qualifications.

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATIONS

[In dollars]

ALABAMA	
Autauga County	4,805

Baldwin County	12,278
Barbour County	4,636
Blount County	5,247
Butler County	4,307
Calhoun County	17,437
Chambers County	5,225
Cherokee County	5,426
Chilton County	6,204
Choctaw County	3,370
Clarke County	4,763
Coffee County	5,153
Colbert County	12,417
Covington County	5,745
Cullman County	11,201
Dale County	5,635
Dallas County	11,637
De Kalb County	11,084
Elmore County	5,277
Escambia County	6,959
Etowah County	18,127
Fayette County	4,044
Franklin County	8,166
Geneva County	3,718
Houston County	10,615
Jackson County	9,896
Jefferson County	87,349
Lauderdale County	15,677
Lawrence County	5,957
Lee County	8,374
Limestone County	6,819
Madison County	25,895
Marengo County	4,646
Marion County	7,115
Marshall County	12,954
Mobile County	61,609
Monroe County	6,370
Montgomery County	25,928
Morgan County	13,436
Pickens County	3,689
Pike County	4,093
Randolph County	3,966
Russell County	8,139
St. Clair County	7,297
Shelby County	10,039
Talladega County	16,809
Tallapoosa County	5,540
Tuscaloosa County	17,089
Walker County	13,907
Washington County	3,653
Winston County	5,869
Total	585,591

ALASKA

State Selection Committee	8,441
Fairbanks North Star Boro	12,600
Kenai Peninsula Borough	7,108
Matanuska-Susitna Census	6,851
Total	35,000

ARIZONA

Apache County	6,601
Cochise County	6,760
Coconino County	9,236
Gila County	4,766
Navajo County	8,901
Pima County	39,325
Pinal County	10,667
Santa Cruz County	3,878
Yavapai County	6,685
Yuma County	16,273
Total	113,092

ARKANSAS

Clay County	3,966
Conway County	5,374
Craighead County	7,678
Crawford County	4,899
Crittenden County	7,193
Desha County	3,852
Faulkner County	6,624
Garland County	8,611
Greene County	5,104
Hot Spring County	4,512
Independence County	4,483
Jackson County	4,866
Jefferson County	11,015
Mississippi County	11,542
Ouachita County	3,783
Phillips County	5,573
Poinsett County	3,673
Pope County	5,312
Pulaski County	32,884
St. Francis County	6,282
Sebastian County	10,879
Union County	5,830
Washington County	7,573
White County	8,410
Total	179,938

CALIFORNIA

Alameda County	77,342
Oakland City	49,673
Butte County	23,527
Calaveras County	3,435
Colusa County	3,455
Contra Costa County	68,626
Del Norte County	3,526
Fresno County	74,166
Fresno City	45,148
Glenn County	4,714
Humboldt County	17,372
Imperial County	52,481
Kern County	80,904
Kings County	12,538
Lake County	6,519
Lassen County	3,536
Los Angeles County	530,426
Los Angeles City	441,469
Madera County	12,525
Mendocino County	11,757
Merced County	30,294
Monterey County	49,894
Orange County	169,756
Plumas County	4,005
Riverside County	83,926
Sacramento County	97,560
San Benito County	7,128
San Bernardino County	90,520
San Diego County	163,102
San Francisco City/County	79,167
San Joaquin County	74,099
San Luis Obispo County	14,405
Shasta County	23,569
Siskiyou County	8,950
Stanislaus County	69,238
Sutter County	14,548
Tehama County	6,760
Tulare County	54,927
Tuolumne County	5,927
Ventura County	67,852
Yolo County	18,706
Yuba County	10,111
Total	2,667,583

COLORADO

Boulder County	21,864
Denver City/County	49,878
Fremont County	3,634
La Plata County	3,878
Larimer County	14,782
Montezuma County	3,318
Montrose County	4,402
Pueblo County	16,286
Weld County	13,234
Total	131,276

CONNECTICUT

Fairfield County	62,374
Hartford County	67,297
New Haven County	63,561
Total	193,232

DELAWARE

Kent County	10,508
New Castle County	41,563
Sussex County	8,325
Total	60,396

DISTRICT OF COLUMBIA

District of Columbia, total	90,195

FLORIDA

Alachua County	9,900
Bay County	15,124
Broward County	88,217
Citrus County	5,999
Collier County	12,805
Columbia County	3,585
Dade County	159,843
Miami City	58,938
Duval County	51,267
Escambia County	21,123
Gadsden County	3,328
Hendry County	4,798
Hernando County	5,895
Highlands County	5,322
Hillsborough County	65,428
Indian River County	9,678
Jackson County	5,147
Lake County	17,984
Leon County	11,718
Marion County	13,963
Monroe County	3,735
Nassau County	3,491
Okeechobee County	3,295
Orange County	50,997
Palm Beach County	68,157
Pinellas County	50,568
Polk County	58,870
Putnam County	5,947
St. Johns County	7,079
St. Lucie County	20,329
Santa Rosa County	6,994
Sarasota County	13,588
Sumter County	4,346
Volusia County	20,401
Total	887,859

GEORGIA

Atlanta/Dekalb, Fulton Counties	101,698
Macon/Bibb, Jones Counites	16,637
Bartow County	5,823
Carroll County	6,083
Chatham County	20,719
Chattooga County	3,579
Clarke County	6,275
Coffee County	3,374
Colquitt County	3,845
Coweta County	3,634
Dougherty County	12,716
Floyd County	9,649

Glynn County	5,293
Gordon County	4,463
Laurens County	4,216
Lowndes County	7,326
Muskogee County	15,170
Newton County	4,395
Polk County	3,816
Richmond County	16,188
Spalding County	7,014
Sumter County	3,595
Thomas County	5,436
Tift County	3,465
Troup County	6,191
Upson County	3,754
Walker County	5,609
Ware County	4,008
Total	293,971

HAWAII

State Selection Committee	23,354
Hawaii County	11,646
Total	35,000

IDAHO

State Selection Committee	14,762
Bingham County	4,499
Bonner County	4,408
Canyon County	11,331
Total	35,000

ILLINOIS

Cook County	268,649
Chicago City	452,861
Champaign County	14,564
Clark County	3,982
Clay County	3,419
Coles County	6,571
Crawford County	4,649
Fayette County	4,633
Franklin County	7,821
Fulton County	9,154
Henry County	10,280
Jackson County	7,489
Jefferson County	8,035
Jersey County	4,135
Kankakee County	16,370
Knox County	13,911
La Salle County	21,282
Lawrence County	3,683
Mc Donough County	6,275
Macon County	19,110
Marion County	8,026
Mercer County	4,486
Montgomery County	6,204
Peoria County	29,780
Perry County	4,148
Pike County	3,962
Richland County	4,561
Rock Island County	36,823
St. Clair County	42,626
Saline County	5,147
Shelby County	3,731
Tazewell County	20,404
Union County	3,276
Vermillion County	18,114
Warren County	3,842
Wayne County	4,785
White County	4,011
Whiteside County	11,861
Will County	44,260
Williamson County	12,460
Winneabago County	37,577
Total	1,196,957

INDIANA

Daviess County	4,197
Dearborn County	6,493
Delaware County	16,754
Fayette County	5,869
Greene County	5,420
Jay County	4,106
Jefferson County	6,409
Knox County	5,963
Lake County	64,417
Gary City	43,804
Lawrence County	7,085
Madison County	15,482
Indianapolis City	97,719
Monroe County	9,824
Orange County	3,390
Perry County	4,424
Porter County	19,034
St. Joseph County	30,089
Scott County	4,216
Starke County	3,627
Sullivan County	3,569
Vanderburgh County	23,637
Vermillion County	3,266
Wayne County	12,824
Total	401,618

IOWA

Blackhawk County	25,309
Des Moines County	7,518
Jackson County	3,595
Johnson County	5,338
Wapello County	5,937
Total	47,697

KANSAS

State Selection Committee	7,553
Crawford County	3,966
Douglas County	4,626
Wyandotte County	18,855
Total	35,000

KENTUCKY

Barren County	5,420
Bell County	4,115
Boyd County	7,616
boyle County	3,282
Carter County	6,061
Casey County	3,949
Christian County	5,644
Clark County	3,289
Clay County	3,367
Daviess County	13,822
Lexington/Fayette County	16,468
Floyd County	7,258
Grayson County	4,154
Greenup County	4,558
Hardin County	6,165
Harlan County	5,407
Hopkins County	5,615
Jefferson County	88,751
Johnson County	4,070
Kenton County	14,864
Laruel County	5,674
Letcher County	5,013
Lincoln County	3,862
Logan County	3,670
McCracken County	8,514
Madison County	4,219
Marshall County	4,232
Muhlenberg County	5,866
Nelson County	5,218
Ohio County	5,156
Perry County	4,987
Pike County	13,777
Pulaski County	6,988
Warren County	8,104
Whitley County	3,910
Total	303,065

LOUISIANA

Shreveport/Bossier, Caddo Parishes	40,467
Acadia Parish	9,255
Allen Parish	4,119
Ascension Parish	12,216
Assumption Parish	4,951
Avoyelles Parish	7,837
Beauregard Parish	4,987
Calcasieu Parish	34,695
Concordia Parish	4,864
De Soto Parish	4,115
Baton Rouge City	44,579
Evangeline Parish	6,568
Franklin Parish	4,454
Iberia Parish	13,039
Iberville Parish	6,448
Jefferson Parish	63,506
Jefferson Davis Parish	5,748
Lafayette Parish	21,566
LaFourche Parish	12,678
Lincoln Parish	3,312
Livingston Parish	13,953
Morehouse Parish	5,121
Natchitoches Parish	5,166
New Orleans City	81,512
Ouachita Parish	19,142
Plaquemines Parish	3,575
Pointe Coupee Parish	4,763
Rapides Parish	17,164
Richland Parish	3,621
St Bernard Parish	13,488
St Charles Parish	7,616
St James Parish	5,469
St John Baptist Parish	8,634
St Landry Parish	19,213
St Martin Parish	8,009
St Mary Parish	13,319
St Tammany Parish	18,159
Tangipahoa Parish	18,289
Terrebonne Parish	15,615
Vermilion Parish	9,454
Vernon Parish	4,574
Washington Parish	7,177
Webster Parish	6,519
Total	618,956

MAINE

Androscoggin County	11,845
Aroostook	12,034
Cumberland	13,286
Franklin	3,611
Hancock County	4,398
Oxford County	5,433
Penobscot County	12,495
Somerset County	6,090
Waldo County	4,216
Washington County	4,258
Total	77,666

MARYLAND

Dorchester County	4,844
Garrett County	4,792
Somerset County	4,093
Wicomico County	6,910
Worcester County	5,081
Baltimore City	94,586

Total	120,306
MASSACHUSETTS	
Bristol County	46,830
Essex County	48,066
Hampden County	34,474
Middlesex County	77,271
Plymouth County	31,770
Suffolk County	52,409
Worcester County	44,328
Total	335,148
MICHIGAN	
Lansing/Eaton, Ingham Counties	61,049
Alpena County	5,511
Barry County	5,778
Bay County	24,425
Berrien County	27,353
Calhoun County	21,432
Charlevoix County	3,787
Cheboygan County	6,493
Chippewa County	7,232
Clare County	4,698
Delta County	7,691
Emmet County	5,664
Genesee County	74,716
Cladwin County	3,614
Gogebic County	4,297
Gratiot County	7,082
Houghton County	5,108
Ionia County	12,518
Isabella County	8,139
Jackson County	25,079
Kalamazoo County	26,761
Kent County	76,867
Lenawee County	14,864
Mackinac County	5,277
Macomb County	115,618
Manistee County	4,203
Mason County	5,397
Mecosta County	5,400
Menominee County	4,574
Midland County	20,072
Monroe County	26,976
Montcalm County	15,908
Muskegon County	24,617
Newaygo County	7,063
Oakland County	136,718
Odeana County	4,519
Ogemaw County	3,559
Saginaw County	36,335
St. Clair County	25,925
Sanilac County	7,938
Shiawassee County	14,633
Tuscola County	10,104
Van Bruen County	11,907
Washtenaw County	33,758
Wayne County	146,596
Detroit City	227,441
Wexford County	5,147
Total	1,339,843
MINNESOTA	
Becker County	4,743
Beltrami County	4,655
Blue Earth County	4,493
Cass County	3,497
Crow Wing County	5,622
Hennepin County	77,582
Itasca County	6,978
Morrison County	4,499
Otter Tail County	7,518
Pone County	3,357
Polk County	4,681
St. Louis County	34,129
Total	161,754.00
MISSISSIPPI	
Adams County	$7,030
Alcorn County	9,734
Attala County	3,826
Bolivar County	6,936
Coahoma County	5,361
Copiah County	3,513
De Soto County	6,035
Forrest County	8,663
George County	4,210
Granada County	4,187
Harrison County	18,416
Hinds County	28,605
Holmes County	4,008
Jackson County	21,126
Jones County	8,305
Lafayette County	3,471
Lauderdale County	9,024
Lee County	9,184
Leflore County	6,734
Lincoln County	5,345
Lowndes County	7,196
Madison County	5,482
Marion County	4,561
Marshall County	4,925
Monroe County	5,143
Neshoba County	3,731
Oktibbeha County	3,471
Panola County	4,636
Pearl River County	5,127
Pike County	5,605
Prentiss County	5,361
Scott County	3,546
Sunflower County	4,811
Tate County	3,559
Tippah County	4,854
Tishomingo County	6,327
Warren County	7,866
Washington County	12,300
Yazoo County	3,595
Total	275,809
MISSOURI	
Kansas City/Clay, Jackson, Platte Counties	77,553
Boone County	7,941
Butler County	5,514
Dunklin County	5,130
Greene County	17,645
Howell County	4,310
Jasper County	9,070
Laclede County	3,884
Miller County	3,718
New Madrid County	3,390
Newton County	3,741
Phelps County	3,429
St. Francois County	6,656
Scott County	5,218
Stoddard County	4,027
Taney County	4,610
Texas County	3,894
St. Louis City	64,056
Total	233,786
MONTANA	
State Selection Committee	27,948
Lincoln County	3,487
Ravalli County	3,565
Total	35,000
NEBRASKA	
State Selection Committee, total	35,000
NEVADA	
Clark County, total	78,103
NEW HAMPSHIRE	
State Selection Committee, total	35,000
NEW JERSEY	
Atlantic County	30,665
Camden County	38,595
Cumberland County	21,982
Essex County	48,951
Newark City	52,302
Hudson County	82,725
Mercer County	25,882
Passaic County	57,718
Union County	52,019
Total	410,839
NEW MEXICO	
Bernalillo County	46,378
Chaves County	5,280
Cibola County	5,797
Curry County	3,416
Dona Ana County	11,035
Eddy County	6,666
Grant County	3,972
Lea County	4,525
McKinley County	6,074
Otero County	3,764
Rio Arriba County	6,685
Sandoval County	3,988
San Juan County	14,148
San Miguel County	3,692
Santa Fe County	7,184
Taos County	5,836
Valencia County	3,406
Total	141,846
NEW YORK	
Albany County	20,798
Allegany County	5,202
Broome County	17,040
Cattaraugus County	10,222
Chenango County	5,108
Clinton County	8,016
Cortland County	6,321
Delaware County	3,949
Erie County	61,752
Buffalo City	50,685
Essex County	5,413
Franklin County	5,921
Fulton County	10,287
Herkimer County	8,315
Jefferson County	16,406
Lewis County	3,393
Monroe County	50,669
Niagara County	28,729
Oneida County	22,632
Onondaga County	37,376
Otsego County	5,121
Rensselaer County	11,975
St. Lawrence County	11,552
Schenectady County	11,227
Schoharie County	3,390
Steuben County	9,034
Suffolk County	113,835
Sullivan County	5,521
Tompkins County	5,579
Warren County	6,057
Washington County	4,925
Westchester County	64,289
New York City	917,671
Total	1,548,410

NORTH CAROLINA

Guilford, Davidson Counties	40,880
Ashe County	3,419
Beauford County	4,421
Bladen County	5,325
Brunswick County	6,845
Buncombe County	16,842
Carteret County	3,962
Cherokee County	3,452
Cleveland County	11,533
Columbus County	8,439
Craven County	5,989
Cumberland County	17,551
Duplin County	5,023
Durham County	9,668
Edgecombe County	8,598
Forsyth County	20,921
Franklin County	4,860
Granville County	4,236
Halifax County	8,156
Harnett County	5,713
Haywood County	6,340
Henderson County	6,025
Hertford County	3,292
Jackson County	3,796
Johnston County	6,028
Lee County	5,420
Lenoir County	8,488
Martin County	3,579
Mecklenburg County	31,194
Moore County	5,638
Nash County	8,754
New Hanover County	13,312
Onslow County	4,633
Orange County	4,808
Pender County	3,279
Person County	4,262
Pitt County	8,706
Richmond County	5,856
Robeson County	18,032
Rockingham County	11,663
Rutherford County	8,946
Sampson County	6,884
Scotland County	4,600
Stokes County	4,109
Surry County	7,534
Vance County	5,931
Wayne County	9,535
Wilkes County	5,332
Wilson County	11,136
Total	422,945

NORTH DAKOTA

State Selection Committee	35,000

OHIO

Columbus/Fairfield, Franklin Counties	111,438
Dayton/Greene, Montgomery Counties	76,063
Adams County	4,883
Ashtabula County	18,429
Athens County	6,288
Belmont County	16,523
Brown County	5,556
Butler County	36,563
Carroll County	4,818
Clark County	17,834
Columbiana County	17,492
Coshocton County	6,471
Crawford County	7,948
Cuyahoga County	195,107
Fayette County	4,675
Gallia County	4,665
Guernsey County	6,695
Hamilton County	103,533
Hardin County	4,502
Harrison County	3,751
Highland County	5,371
Hocking County	4,089
Huron County	10,371
Jackson County	4,672
Jefferson County	11,942
Lawrence County	12,928
Lorain County	39,692
Lucas County	64,338
Mahoning County	44,241
Marion County	14,717
Meigs County	3,754
Mercer County	6,884
Monroe County	3,640
Morrow County	4,011
Muskingum County	14,997
Perry County	6,236
Pike County	4,883
Richland County	21,568
Scioto County	13,498
Stark County	56,934
Summit County	70,289
Trumbull County	37,686
Tuscarawas County	14,392
Washington County	11,445
Total	1,135,812

OKLAHOMA

Bryan County	4,138
Caddo County	4,310
Carter County	5,264
Cherokee County	5,049
Comanche County	7,766
Creek County	8,211
Grady County	5,713
Le Flore County	5,664
Lincoln County	3,949
McCurtain County	5,303
Mayes County	5,661
Muskogee County	10,625
Okmulgee County	4,938
Ottawa County	4,571
Payne County	4,877
Pittsburg County	6,558
Pontotoc County	3,481
Pottawatomie County	6,565
Seminole County	4,379
Sequoyah County	4,691
Tulsa County	59,915
Total	171,628

OREGON

Portland/Clackamas, Multnomah, Washington County	148,114
Baker County	3,491
Benton County	6,406
Coos County	13,491
Curry County	3,282
Deschutes County	13,120
Douglas County	18,156
Hood River County	3,653
Josephine County	9,207
Klamath County	10,635
Lane County	42,076
Lincoln County	6,796
Linn County	16,832
Malheur County	4,610
Tillamook County	3,761
Umatilla County	11,565
Union County	4,935
Wasco County	5,872
Total	326,002

PENNSYLVANIA

Allegheny County	194,558
Armstrong County	12,596
Beaver County	33,313
Bedford County	10,527
Berks County	38,137
Blair County	18,956
Bradford County	7,925
Cambria County	28,221
Carbon County	9,877
Centre County	13,794
Clarion County	7,209
Clearfield County	16,425
Clinton County	6,529
Crawford County	12,948
Dauphin County	23,221
Erie County	37,412
Fayette County	31,709
Greene County	7,037
Huntingdon County	7,242
Indiana County	14,428
Lackawanna County	30,180
Lancaster County	30,050
Lawrence County	16,224
Luzerne County	62,224
Mercer County	18,400
Mifflin County	6,581
Northumberland County	16,904
Philadelphia City-County	201,653
Schuylkill County	26,058
Somerset County	16,227
Susquehanna County	5,791
Tioga County	5,221
Venango County	9,333
Washington County	40,343
Wayne County	4,177
Westmoreland County	69,156
Total	1,090,586

RHODE ISLAND

Providence County, Total	51,501

SOUTH CAROLINA

Abbeville County	3,660
Aiken County	11,054
Anderson County	17,122
Beaufort County	4,629
Berkeley County	7,834
Charleston County	18,582
Cherokee County	4,867
Chester County	6,747
Chesterfield County	4,961
Claredon County	4,203
Colleton County	3,494
Darlington County	8,338
Dillon County	5,134
Dorchester County	4,008
Florence County	13,875
Georgetown County	8,315
Greenville, County	26,806
Greenwood County	8,185
Horry County	16,699
Kershaw County	4,886
Marion County	6,536
Marlboro County	5,722
Oconee County	6,025
Orangeburg County	9,763
Richland County	18,218
Spartanburg County	20,023
Sumter County	9,138
Williamsburg County	5,241

Total	264,065
SOUTH DAKOTA	
State Selection Committee, total	35,000
TENNESSEE	
Anderson County	7,463
Bedford County	4,281
Blount County	10,648
Bradley County	9,662
Campbell County	7,886
Carroll County	5,918
Carter County	7,739
Claiborne County	3,481
Cocke County	9,841
Coffee County	5,661
Cumberland County	4,851
Davidson County	37,187
Dickson County	5,055
Dyer County	4,649
Fentress County	3,520
Franklin County	4,441
Gibson County	8,419
Grainger County	3,348
Greene County	9,935
Hamblen County	7,577
Hamilton County	32,268
Hardeman County	3,582
Hardin County	5,081
Hawkins County	5,745
Haywood County	4,063
Henderson County	3,894
Henry County	4,590
Jefferson County	6,012
Johnson County	3,478
Knox County	32,555
Lauderdale County	4,187
Lawrence County	8,406
Lincoln County	3,549
Loudon County	4,678
McMinn County	7,196
McNairy County	8,006
Madison County	10,937
Marion County	4,024
Maury County	5,947
Monroe County	5,823
Obion County	4,551
Overton County	4,629
Putnam County	8,208
Rhea County	3,943
Roane County	6,275
Robertson County	4,909
Scott County	3,556
Sevier County	10,716
Shelby County	81,028
Sullivan County	17,440
Tipton County	4,210
Warren County	6,269
Washington County	12,099
Wayne County	3,718
Weakley County	4,197
Total	501,331
TEXAS	
Abilene/Jones, Taylor Counties	9,837
Austin/Travis, Williamson Counties	39,618
Dallas/Collin, Dallas Denton Counties	152,150
Houston/Fort Bend, Harris Counties	340,388
Longview/Gregg, Harrison Counties	21,491
Anderson County	4,691
Angelina County	6,848
Bell County	11,971
Bexar County	84,524
Bowie County	9,027
Brazos County	7,323
Brown County	3,539
Cameron County	41,188
Cass County	4,076
Cherokee County	3,862
Ellis County	5,700
El Paso County	69,248
Galveston County	31,091
Hale County	3,497
Hays County	3,696
Henderson County	3,618
Hidalgo County	81,516
Hunt County	6,624
Jasper County	5,365
Jefferson County	41,705
Jim Wells County	3,985
Lamar County	5,186
Liberty County	5,892
Lubbock County	18,985
McLennan County	15,238
Matagorda County	5,547
Maverick County	10,000
Nacogdoches County	5,758
Navarro County	3,946
Nueces County	37,503
Orange County	19,483
Rusk County	5,117
San Patricio County	7,791
Smith County	13,407
Starr County	14,145
Tarrant County	73,048
Tom Green County	7,076
Uvalde County	3,705
Val Verde County	5,400
Victoria County	7,089
Webb County	20,437
Wharton County	4,340
Wichita County	10,120
Zavala County	4,330
Total	1,300,121
UTAH	
Cache County	5,387
Carbon County	3,565
Salt Lake County	63,967
Utah County	21,192
Weber County	15,914
Total	110,025
VERMONT	
State Selection Committee	27,667
Franklin County	3,579
Windham County	3,754
Total	35,000
VIRGINIA	
Accomack County	3,904
Buchanan County	8,449
Carroll County	4,112
Dickenson County	3,471
Halifax County	4,496
Lee County	3,569
Mecklenburg County	3,455
Montgomery County	4,467
Page County	3,409
Pittsylvania County	9,099
Russell County	6,233
Smyth County	5,173
Tazewell County	7,970
Washington County	4,785
Wise County	6,601
Wythe County	3,933
Danville City	5,800
Lynchburg City	5,940
Newport News City	10,882
Norfolk City	17,070
Petersburg City	4,616
Portsmouth City	10,638
Richmond City	20,163
Roanoke City	8,221
Suffolk City	5,732
Total	172,188
WASHINGTON	
Benton County	21,048
Chelan County	11,058
Clallam County	8,670
Cowlitz County	13,452
Franklin County	7,085
Grant County	9,935
Grays Harbor County	13,709
King County	171,213
Kittitas County	4,431
Klickitat County	3,666
Lewis County	11,276
Okanogan County	8,790
Pacific County	4,258
Pierce County	60,968
Skagit County	15,163
Spokane County	43,876
Stevens County	5,745
Whatcom County	17,649
Yakima County	38,339
Total	470,331
WEST VIRGINIA	
Huntington/Wayne Cabell, Counties	20,416
Barbour County	3,842
Berkeley County	6,874
Boone County	6,028
Brooke County	4,385
Fayette County	11,842
Greenbrier County	9,428
Hancock County	5,895
Harrison County	12,613
Jackson County	5,280
Kanawha County	39,247
Lewis County	3,377
Lincoln County	5,260
Logan County	12,470
McDowell County	10,628
Marion County	13,032
Marshall County	8,689
Mason County	5,495
Mercer County	11,959
Mineral County	4,184
Mingo County	7,082
Monongalia County	8,943
Nicholas County	6,643
Ohio County	10,004
Preston County	5,703
Putnam County	7,131
Raleigh County	15,993
Randolph County	7,573
Roane County	3,787
Taylor County	3,510
Upshur County	4,463
Wetzel County	4,854
Wyoming County	8,224
Total	294,854
WISCONSIN	
Eau Claire/Chippewa, Eau Claire Counties	14,799
Clark County	4,473

Dane County	29,102
Dunn County	3,722
Milwaukee County	99,994
Racine County	23,475
Sauk County	7,053
Total	182,618

WYOMING

State Selection Committee, total	35,000
Puerto Rico	376,057
Guam	11,300
American Samoa	11,900
Virgin Islands	15,600
Trust Territories	54,100
N. Mariana Islands	7,100

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BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0556]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Approval of a Private Sector Adjustment Factor for 1986 and 1986 fee schedules for Federal Reserve Bank priced services.

SUMMARY: The Board of Governors has approved a Private Sector Adjustment Factor ("PSAF") for 1986 of $68.1 million. This represents an increase of $7 million, or approximately 11.3 percent, from the 1985 target PSAF of $61.1 million. The PSAF is a recovery of imputed costs that takes into account the taxes that would have been paid and the return on capital that would have been provided had the Federal Reserve's priced services been furnished by a private business firm. The Board also approved 1986 fee schedules for the check collection, automated clearing house, wire transfer of funds and net settlement, definitive securities safekeeping and noncash collection, and book-entry securities services.

EFFECTIVE DATE: January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Associate Director (202/452-2231), David L. Robinson, Associate Director (202/452-3806), Charles W. Bennett, Assistant Director (202/452-3442), Earl G. Hamilton, Assistant Director (202/452-3879), Florence M. Young, Adviser (202/452-3955), or Paul W. Bettge, Analyst (202/452-3174), Division of Federal Reserve Bank Operations; Oliver I. Ireland, Associate General Counsel (202/452-3625), or Daniel L. Rhoads, Senior Attorney (202/452-3711), Legal Division; or Joy W. O'Connell, Telecommunications Device for the Deaf (202/452-3244), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

1986 Private Sector Adjustment Factor

The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) requires that in establishing fee schedules for priced services, the Federal Reserve recover the imputed taxes that would have been paid and the return on capital that would have been provided had the Federal Reserve's priced services been furnished by a private business firm. The PSAF is intended to reflect these imputed costs.

The basic methodology previously adopted by the Board for calculating the PSAF for 1984 and 1985 was used to determine the PSAF for 1986.[1] The PSAF is determined by applying the Federal Reserve's pre-tax cost of capital to the assets used by the Federal Reserve in the production of priced services. These assets are determined on a direct basis and include the net effect of those assets expected to be acquired and disposed of during the year. Short-term assets are assumed to be financed by short-term debt and long-term assets are assumed to be financed by a combination of equity and long-term debt. The ratio of long-term debt to equity and the rates for short-term debt, long-term debt, equity, and income taxes are based on the experience of the 25 largest U.S. bank holding companies. Also included in the PSAF are imputations for estimated sales taxes, FDIC insurance assessment, and the expenses and fixed assets of the Board of Governors related to the development of priced services.

Asset Base

The estimated value of Federal Reserve assets to be used in providing priced services in 1986 is reflected in Attachment 1. As shown in Attachment 2, the value of assets to be financed through debt and equity are projected to total $350.5 million in 1986, which represents an increase of $37.4 million or 12 percent from 1985. This increase results largely from planned capital expenditures for bank premises, furniture, and equipment.

Cost of Capital and Taxes.

In imputing the cost of equity capital for the 1985 PSAF, the Board used a three-year average of rates of return on equity derived from a model consisting of the 25 largest U.S. bank holding companies. The Board believed that the three-year average return on equity resulted in a more representative cost of equity because of abnormal performance by the bank holding companies in 1983/1984. Although earnings of the largest bank holding companies have improved, the Board believes that the rate of return for the twelve-month period ending June 30, 1985, continues to reflect abnormal performance of the bank holding companies.[2] For example, the after-tax return on equity for the largest bank holding companies averaged 10.5 percent for the 12 months ended June 30, 1985, compared with an average after-tax rate of return of 12.3 percent for the three-year period 1982-1984. The Board has therefore determined to continue use of the three-year averaging technique, resulting in an average after-tax rate of return on equity of 12.3 percent.

Rates for those portions of the asset base financed by short- and long-term debt were also derived from the bank holding company model. (The bank holding companies with the highest and lowest rates of return on equity before taxes were again excluded from the model to avoid distortions.) The Board has approved the use of a 10.27 percent rate for short-term debt and, based on the three-year averages for holding companies in the model, a 10.28 percent rate for long-term debt. As shown in Attachment 3, these rates compare with rates of 9.93 percent and 10.38 percent, respectively, for 1985.

An income tax rate based on the taxes paid by the bank holding companies in the model sample is used to approximate an imputed income tax rate for the Federal Reserve. The PSAF effectice tax rate is based upon the taxes actually paid by these bank holding companies and takes no advantage for tax-exempt securities. To be consistent with the methodology used to determine the after-tax rate of return on equity, the Board approved use of the three-year averaging technique. This results in an imputed income tax rate of 37.6 percent for the Federal Reserve.

Other Imputed Costs.

As shown in Attachment 3, other PSAF recoveries for 1986 for sales taxes, FDIC insurance, and Board expenses total $11 million, up $1 million from 1985. Most of the increase is in imputed sales taxes, which is attributable primarily to the increase in capital expenditures

[1] 49 FR 11251 (March 26, 1984); 49 FR 44556 (November 7, 1984).

[2] The model used for calculating the 1986 PSAF differs from the 1985 model in that one bank holding company was removed due to unique circumstances and another bank holding company was added.

planned for 1986. The remainder of the increase is in imputed costs for FDIC insurance, resulting from an expected increase in clearing balances reflected in Attachment 1.

1986 Fee Schedules

Fees approved by the Board for priced services in 1985 were established to recover 102.0 percent of the costs of providing the services in 1985, including the PSAF. Through the first four months of 1985, the System experienced an overall recovery rate of 107.8 percent. Because 85 percent of the overrecovery was from the check service, modifications to the check fee schedules were made at mid-year 1985 to reduce the recovery rate. It is estimated that total costs, including the PSAF, for 1985 will be $569.4 million and revenue will be $602.7 million, resulting in a recovery rate of 105.8 percent.

In 1986, total costs for priced services, including the PSAF, are projected to be $602.3 million. Total revenue is estimated at $618.2 million, resulting in a 102.7 percent recovery rate. The majority of the 1986 fees approved by the Board are the same as those currently in effect. All priced services are expected to recover all costs, plus the PSAF, in 1986.

Commercial Check Collection

It is anticipated that the Federal Reserve's commercial check collection service will recover approximately 106 percent of total costs, including PSAF, in 1985 based on costs of $427.4 million and revenue of $453.2 million. In 1986, costs are expected to amount to $464.5 million, an increase of 8.7 percent over the 1985 level. Revenues are projected to amount to $476.0 million, for an expected recovery rate of 102.5 percent. Over $10 million of the expected increase in costs is due to a change in the way float costs are reported. Other major cost increases, accounting for about $9 million of the change, include the full-year impact of the wire notification service for large-dollar return items, changes in the development schedule for the integrated accounting system, and equipment acquisitions. In addition, continuing efforts to automate such labor intensive operations as return items processing and adjustments, along with an expected volume increase of 2.5 percent, contribute to the cost increase.

Eighty-six percent of the 1986 prices approved by the Board for the check service are the same as those currently in effect. This figure does not include the surcharges for interdistrict transportation, which have not changed since 1983. The Board has approved changes for 65 percent of the surcharges. The new fees reflect a change in the range of these surcharges from 0.4 cent–1.0 cent to 0.3 cent–1.5 cents and more accurately reflect the cost of providing the service. Revenues from interdistrict transportation surcharges are projected to recover the cost of providing the service. The 1986 check collection fee schedules and interdistrict transportation surcharges approved by the Board will be distributed by the Reserve Banks.

Automated Clearing House (ACH).

The 1985 fees approved by the Board for the ACH service were established to recover 80 percent of the total costs of providing commercial ACH services, including PSAF and the cost of float. Based on estimated costs of $22.2 million, at the 80 percent recovery rate, and revenue of $22.6 million, the Federal Reserve expects to achieve a cost revenue match in 1985. Under the Board's ACH incentive pricing policy, the Federal Reserve is required to set fees in 1986 to recover 100 percent of the costs of providing commercial ACH services.

Cost control efforts, achieved primarily through reductions in software development expenses, should result in actual operating costs remaining at the projected 1985 level, even though volume is projected to increase by 18.2 percent. The combination of cost control efforts and volume increases minimize the need to adjust prices. Therefore, the Board has determined that the current fees for processing automated transactions be retained in 1986.

The cost of some of the nonautomated ACH services, such as processing paper return items, courier deliveries, and messenger pickups, are rising due to their labor intensive nature. In addition, the cost of providing these services varies across Reserve Districts. Consequently, the Board has approved increases of these fees and provided Reserve Banks the option of setting fees, within a narrow range, to reflect more accurately their costs. See Attachment 4 for the fee schedule approved by the Board for the commercial ACH service.

It is estimated that these fees will provide a recovery rate of 100.3 percent for the ACH service in 1986, based on tatal costs, including PSAF and the cost of float, of $27.1 million and revenue of $27.2 million.

Funds Transfer and Net Settlement

The 1985 fees for the funds transfer and net settlement service are expected to provide a recovery rate of 105.8 percent, based on costs, including PSAF, of $61.6 million and revenue of $65.1 million. In 1986, the cost of providing this service is expected to amount to $66.5 million, an increase of 8.0 percent over 1985 levels. The increase largely is due to expenditures associated with several Reserve banks implementing the System's automated, resource shared funds transfer operating system as well as a projected volume increase of 6.6 percent in 1986. Because current funds transfer and net settlement fees as well as the electronic connection fees are expected to generate revenue of $68.6 million in 1986, for a recovery rate of 103.1 percent, the Board has determined to retain the current fee schedule. The 1986 fee schedule for the wire transfer of funds and net settlement service is at Attachment 5.

Definitive Securities Safekeeping and Noncash Collection

The recovery rate for 1985 for the definitive securities safekeeping and noncash collection service is expected to be 98.5 percent, based on costs, including PSAF, of $21.9 million and revenue of $21.5 million. Costs for this service in 1986 are expected to increase by $800 thousand or 3.5 percent compared with 1985 costs. The major reason for the cost increase is the projected volume growth of 11.9 percent in definitive safekeeping-primarily due to increased use by regional custodians—and 1.7 percent in noncash collection. The Board has approved fee increases for this service to provide for full cost recovery, including PSAF, in 1986.

The weighted average fee increase for definitive safekeeping in 1986 is 4.9 percent, with approximately 68 percent of definitive safekeeping fees remaining unchanged. Five of the eleven Districts offering definitive safekeeping will increase fees in a range from $0.25 to $10.00. The $10.00 increase involves one District's re-registration fee and brings it more in line with the average fee charged in the System for this activity. The weighted average fee increase in the noncash collection activity is 4.2 percent, with approximately 71 percent of the fees remaining unchanged. Seven Districts will increase fees in a range from $0.25 to $5.00. The $5.00 increase involves on District's bond redemption and sales fee and brings it more in line with the System average fee charged for this activity. The Board believes that the

revised fees for 1986 will provide a recovery rate of 103.5 percent based on total costs, including PSAF, of $22.7 million and revenue of $23.5 million. The revised fee schedules for the definitive securities safekeeping and noncash collection service are at Attachments 6 and 7.

Book-Entry Securities

The 1985 recovery rate for the Federal Reserve's book-entry securities service is projected to the 117.4 percent, based on costs, including PSAF, of $20.9 million and revenue of $24.5 million. Book-entry costs in 1986 are expected to decline by about $14.5 million, or 70 percent, because of a determination by the Department of the Treasury, effective October 1, 1985, that the book-entry transfer of Treasury securities was no longer a priced service activity of the Reserve Banks. Approximately 75 percent of the book-entry volume is related to the transfer of Treasury securities and will no longer be treated as a priced service. Book-entry transfer of government agency securities will, however, remain a priced service. It is anticipated that under the current fee schedule, the book-entry securities service will have a recovery rate of 127.1 percent in 1986, based on total costs, including PSAF, of $6.4 million and revenue of $8.2 million. The Board has therefore decided that the current fee schedule will remain in effect until the Reserve Banks have gained additional experience with the new arrangement. The 1986 fee schedules for the book-entry securities service are at Attachment 8.

Cash Services

The System is projecting a 1985 recovery rate of 100.3 percent for cash services, based on total costs, including PSAF, of $15.8 million and revenues of $15.9 million. Total costs for all cash services will decline in 1986 by $700 thousand, or 4.6 percent, because the Reserve Banks are continuing to withdraw from providing cash transportation services. Fees for those cash services provided will remain in effect until new contracts with armored carriers and coin wrapping vendors are negotiated. Contract negotiations are handled by the Reserve Banks and revised prices will be reviewed by the Board during 1986.

By order of the Board of Governors of the Federal Reserve System, October 31, 1985.

William W. Wiles,

Secretary of the Board.

ATTACHMENT 1.—COMPARISON OF PRO FORMA BALANCE SHEETS FOR FEDERAL RESERVE PRICED SERVICES

[Millions of dollars—average for year]

	1985	1986
Short-term assets:		
Imputed reserve requirements on clearing balance	$156.0	$204.0
Investment in marketable securities	1,144.0	1,496.0
Receivables [1]	24.4	25.9
Materials and supplies [1]	4.4	4.2
Prepaid expenses [1]	6.9	4.2
Net items in process of collection (float)	247.5	334.0
Total short-term assets	1,583.2	2,068.3
Long-term assets:		
Premises [1 2]	166.0	191.0
Furniture and equipment [1]	110.2	123.4
Leases	0.7	0.2
Leasehold improvement [1]	1.2	1.8
Total long-term assets	278.1	316.4
Total assets	1,861.3	2,384.7
Short-term liabilities:		
Clearing balances	1,300.0	1,700.0
Balances arising from early credit of uncollected items	247.5	334.0
Short-term debt [1]	35.7	34.3
Total short-term liabilities	1,583.2	2,068.3
Long-term liabilities:		
Obligations under capital leases	0.7	0.2
Long-term debt [3]	92.9	94.9
Total long-term liabilities	93.6	95.1
Total Liabilities	1,676.8	2,163.4
Equity [3]	184.5	221.3
Total liabilities and equity	1,861.3	2,384.7

[1] Financed through PSAF; other assets are self-financing.
[2] Includes allocations in Board of Governors' assets to priced services of $400 thousand for 1985 and 1986.
[3] Imputed figures; represent the source of financing for certain priced service assets.

NOTE.—Details may not add to totals due to rounding.

ATTACHMENT 2.—DERIVATION OF THE 1986 PSAF

[Dollars in millions]

A. Assets to be financed: [1]	
Short-term	$34.3
Long-term	[2] $316.3
Total	$350.6
B. Weighted average cost:	
1. Capital Structure (percent): [3]	
Short-term debt	9.8
Long-term debt	27.1
Equity	63.1
2. Financing rates/costs [3] Average rates paid by the bank holding companies, included in the sample (percent);	
Short-term debt	10.27
Long-term debt	10.28
Pre-tax equity [4]	19.78
3. Elements of capital costs:	
Short-term debt ($34.3×10.27%)	$3.5
Long-term debt ($94.9×10.28%)	$9.8
Equity ($221.3×19.78)	$43.8
	$57.1
C. Other required PSAF recoveries:	
Sales taxes	$7.9
Federal deposit insurance assessment	$1.4
Board of governors expenses	1.7
	$11.0
D. total PSAF recoveries	$68.1
As a percent of capital (percent)	19.4
As a percent of expenses (percent) [5]	15.7

[1] Priced service asset base is based on direct determination of assets method.
[2] Consists of total long-term assets less capital leases which are self-financing.
[3] All short-term assets are assumed to be financed by short-term debt. Of the total long-term assets, 30.0 percent are assumed to be financed by long-term debt and 70.0 percent by equity.
[4] The pre-tax rate of return on equity is based on average after-tax rates of return on equity for the bank holding company sample, adjusted by the effective tax rate to yield the pre-tax rate of return on equity. The 1986 figure for pre-tax equity and the tax rate is based upon a three-year average of these rates.
[5] Systemwide 1986 budgeted priced service expenses less shipping were $434.4 million.

ATTACHMENT 3.—COMPARISON OF 1985 AND 1986 PSAF COMPONENTS

[Dollars in millions]

	1985	1986
I. Assets to be financed:		
Current	$35.7	$34.3
Long-term	$277.4	$316.2
	$313.1	$350.5
II. Cost of capital (percent):		
Short-term Debt Rate	9.93	10.27
Long-term Debt Rate	10.38	10.28
Pre-tax Equity Rate [1]	20.55	19.78
Weighted Average Cost of Capital	16.32	16.28
III. Tax Rate (percent) [1]	36.90	37.64
IV. Capital structure (percent):		
Short-term Debt	11.4	9.8
Long-term Debt	29.7	27.1
Equity	58.9	63.1
V. Other required PSAF recoveries:		
Sales Taxes	$7.2	$7.9
Federal Deposit Insurance Assessment	$1.1	$1.4
Board of Governors Expenses	$1.7	$1.7
	$10.0	$11.0
PSAF:		
Recovery	$61.1	$68.1
As Percent of Capital (percent)	19.5	19.4
As Percent of Expenses (percent)	15.2	15.7

[1] The 1986 figure for pre-tax equity and the tax rate is based on a three-year average of these rates:

	1982	1983	1984	Average
Pre-tax equity rate	22.0	19.3	18.1	19.8
Tax rate	36.8	35.3	40.8	37.6

Details may not add to totals due to rounding.

ATTACHMENT 4.—FEDERAL RESERVE SYSTEM AUTOMATED CLEARINGHOUSE SERVICE AND FEE SCHEDULE NATIONALLY ESTABLISHED AUTOMATED ACH FEES [1]

Transaction fees	Cents
Origination:	
Intra-ACH	1.0
Inter-ACH	
Unsorted	1.8
Presorted	1.2
Night time surcharges:	
Debits	6.0
Next-day credits	3.0
Receipt:	
Intra-ACH	1.0
Inter-ACH	1.8
New York	1.2

[1] These fees have been in effect since December 27, 1984.

Federal Reserve System Automated Clearinghouse Service and Fee Schedule Locally Established Non-Automated ACH Fees Effective January 1, 1986.

	Tape fee	Nonelectronic delivery fee	Messenger pickup fee	Telephone advice fee	Paper return fee	Paper NOC fee
Boston	$3.00	$3.50	$1.25	$2.50	$3.50	$3.50
New York		3.50				
Philadelphia	3.00	3.50	1.25	2.50	2.50	2.75
Cleveland	3.50	4.50	1.75	3.50	3.50	3.50
Richmond	3.50	4.00	1.75	2.50	3.00	3.00
Atlanta	3.50	3.50	1.75	2.50	2.75	2.75
Chicago	3.50	4.50	1.75	3.00	3.00	3.00
St. Louis	3.50	3.50	1.75	3.50	2.75	2.75
Minneapolis	3.50	3.50	1.75	3.50	3.50	3.50
Kansas City	3.50	3.50	1.75	3.00	2.75	2.75
Dallas	3.50	4.50	1.75	3.50	3.50	3.50
San Francisco	3.00	3.50	1.25	2.50	2.75	2.75

Attachment 5.—Federal Reserve System Wire Transfer and Net Settlement Service and Fee Schedule[1]

	Fees
Wire transfer of funds:	
Basic transfer originated	$0.55
Basic transfer received	.55
Off-line origination	5.50
Telephone advice	3.00
Net settlement:[2]	
Settlement entry	1.30
Off-line settlement	8.00
Telephone advice	3.00
Electronic connections:[3]	
Dedicated leased line	300
Multi-drop leased line	225
Dial-up	60

[1] These fees have been in effect since December 27, 1984.
[2] In cases where net settlement arrangements resulted in higher operating costs than those incurred for standard arrangements, the Reserve Banks may establish higher fees.
[3] Per month.

Attachment 6.—Federal Reserve System Definitive Safekeeping Service and Fee Schedule

[Effective Jan. 1, 1986]

	Deposits		Withdrawals		Receipts/Issues per month				Purchases and sales		Reregistrations		Per month per $1,000 par value[1]	
	1985	1986	1985	1986	1-400 1985	1-400 1986	400+ 1985	400+ 1986	1985	1986	1985	1986	1985	1986
Boston	12.50	12.50	12.50	12.50	2.90	2.90	2.20	2.20	15.00	15.00	12.50	12.50		
New York	35.50	40.00	35.50	40.00	5.35	5.35	4.75	4.75	23.00	23.00	35.50	40.00	0.0050	0.0050
Philadelphia[2]	16.00	16.00	16.00	16.00	3.25	3.25	2.25	2.25	20.00	20.00	20.00	20.00		
Cleveland	15.00	15.00	15.00	15.00	2.00	2.00	1.50	1.50	25.00	25.00	15.00	15.00	0.0050	0.0050
Richmond	15.00	15.00	15.00	15.00	1.95	1.95	1.45	1.45	20.00	20.00	15.00	15.00		
Atlanta[3]	0.00	0.00	5.00	7.00	([3])	([3])	([3])	([3])	0.00	0.00	5.00	5.00		
Chicago	15.00	15.00	15.00	15.00	3.50	4.00	2.75	3.00	21.00	22.00	15.00	15.00		
Detroit[4]	11.00	15.00	11.00	15.00	2.25	3.00	2.00	2.75	0.00	0.00	11.00	15.00		
St. Louis	10.00	18.00	10.00	18.00	1.50	2.50	0.90	1.50	0.00	0.00	10.00	20.00		
Minneapolis	8.00	11.50	8.00	11.50	1.40	1.85	0.75	0.75	10.00	15.00	8.00	11.50		
Kansas City	15.00	15.00	15.00	15.00	2.50	2.50	2.25	2.25	20.00	20.00	15.00	15.00		
Dallas	10.00	10.00	10.00	10.00	2.25	2.25	2.00	2.00	26.50	26.50	10.00	10.00	0.0080	0.0080

[1] Applied to coupon bearing securities only.
[2] Philadelphia imposes $2.25 receipt fee for all registered securities. This is to recognize the lower handling costs of registered securities versus bearer securities.
[3] Atlanta has a three-tier structure: 1-500 receipts at $2.50 in 1985/1986; 500-1,000 at $2.00 in 1985/1986; and 1,000+ at $1.50 in 1985/1986.
[4] For depository institutions maintaining more than 100 receipts, Detroit fees are as follows and include the collection of coupons: 1-100 receipts at $3.00 in 1985 and $3.50 in 1986; over 100 receipts at $2.50 in 1985 and $3.00 in 1986.

Attachment 7.—1986 Price Schedule Noncash Collection for Banks Offering a Mixed Deposit Product

[Effective Jan. 1, 1986]

	Local coupons from in-district DI's				Local coupons from out-of-district DI's				Inter-district coupons				Return items		Bond redemptions and sales	
	City		Country		City		Country		Fine sort		Mixed					
	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986
Cleveland	2.75	2.75	3.00	3.00	3.25	3.25	3.50	3.50	4.00	4.25	5.00	5.25	10.00	10.00	15.00	15.00
Atlanta	1.75	1.75	2.50	2.50	2.40	2.40	3.15	3.15	2.75	2.75	3.75	3.75	0.00	0.00	7.50	7.50
St. Louis[1]	3.25	3.60	3.25	3.60	3.25	3.60	3.25	3.60	3.25	3.60	3.25	3.60	0.00	0.00	10.00	15.00
Dallas	3.00	3.00	3.00	3.00	3.50	3.50	3.50	3.50	3.25	3.25	4.50	4.50	10.00	10.00	20.00	20.00

[1] St. Louis intra-district fine sort coupons $1.75 per envelope.

Federal Reserve System Noncash Collection Service and Fee Schedule—for Banks Not Offering a Mixed Deposit Product

[Effective Jan. 1, 1986]

	Local coupons				Add-on fee for interdistrict coupons		Postage and insurance		Return items		Bond redemptions and sales	
	City		Country									
	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986
Boston	2.00	2.00	2.00	2.00	2.75	2.75	1.00	1.00	3.00	3.00	12.50	12.50
New York	2.75	3.00	4.00	4.50	2.75	5.50	0.75	0.75	10.00	10.00	35.50	40.00
Philadelphia	2.90	2.90	2.90	2.90	2.85	3.45	1.00	1.00	10.00	10.00	20.00	20.00
Richmond	2.00	2.00	2.00	2.00	3.50	3.50	1.00	1.00	5.00	5.00	20.00	20.00
Chicago [1]	3.50	5.00	3.50	5.00	2.75	3.25	1.00/2.00	1.00/2.00	10.00	10.00	20.00	20.00

FEDERAL RESERVE SYSTEM NONCASH COLLECTION SERVICE AND FEE SCHEDULE—FOR BANKS NOT OFFERING A MIXED DEPOSIT PRODUCT—Continued

[Effective Jan. 1, 1986]

	Local coupons				Add-on fee for interdistrict coupons		Postage and Insurance		Return items		Bond redemptions and sales	
	City		Country									
	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986	1985	1986
Detroit	2.50	2.75	2.50	3.50	3.00	3.00	1.00	0.00	10.00	10.00	11.00	15.00
Minneapolis [2]	2.50	2.50	2.50	2.50	3.00	3.50	0.60	0.60	10.00	10.00	8.00	11.50
Kansas City	3.50	3.50	3.50	3.50	3.50	3.50	1.00	1.00	10.00	10.00	20.00	20.00
San Francisco	5.00	N/A	5.00	N/A	N/A	N/A	1.00	N/A	10.00	N/A	35.00	N/A

[1] Chicago—Postage and Insurance $1.00 local, $2.00 interdistrict.
[2] Minneapolis—12th District coupons $4.00; bonds $11.50.

ATTACHMENT 8.—FEDERAL RESERVE SYSTEM BOOK-ENTRY SERVICE AND FEE SCHEDULE [1]

Component	Transaction	Fees
On-Line transfers originated	Per transfer	3.00
New York:		
9:00 a.m. to 12: noon	Per transfer	1.00
12:01 p.m. to 2: p.m.	Per transfer	3.00
2:01 p.m. to closing	Per transfer	5.00
Off-line tansfers originated	Per transfer	10.00
Off-line transfers received	Per transfer	10.00
Account maintenacne	Per account/per month	15.00
Issues in accounts maintained	Per issue/per month	.50

[1] These fees are in place currently.

[FR Doc. 85-26399 Filed 11-18-85 8:45 am]

BILLING CODE 6210-01-M

First Perry Independent Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 6, 1985.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105;

1. *First Perry Independent Bancorp, Inc.,* Loysville, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Loysville, Loysville, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303.

1. *First Burke Banking Company,* Waynesboro, Georgia; to beocme a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Waynesboro, Waynesboro, Georgia.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480;

1. *First Interstate BancSystem of Montana, Inc.,* Billings, Montana ; to acquire 100 percent of the voting shares of First National Montana Bank of Missoula, Missoula, Montana.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222;

1. *Gibsland Bancshares, Inc.,* Gibsland, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Gibsland Bank & Trust Company, Gibsland, Louisiana. Comments on this application must be received not later than December 8, 1985.

2. *Sun Belt Bancshares Corporation,* Conroe, Texas; to become a bank holding company by acquiring 51 percent of the voting shares of National Bank of Conroe, Conroe, Texas.

3. *Texas American Bancshares, Inc.,* Fort Worth, Texas; to acuqire 100 percent of the voting shares of BancTexas Tyler, N.A., Tyler, Texas.

4. *Western Bancshares of Clovis, Inc.,* Clovis, New Mexico; to become a bank holding company by acquiring 80 percent of the voting shares of Western Bank of Clovis, Clovis, New Mexico.

Board of Governors of the Federal Reserve System, November 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27457 Filed 11-18-85; 8:45 am]

BILLING CODE 6210-01-M

Irving Bank Corp. et al.; Correction

This notice corrects a previous **Federal Register** document (FR Doc. No. 85-26401), published at page 46186 of the issue for Wednesday, November 6, 1985.

The comment period for these applications ends November 26, 1985.

Board of Governors of the Federal Reserve System, November 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-27458 Filed 11-18-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85M-0409]

Hydracon Corp., Premarket Approval of HYDRACON®

(Methafilcon A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by Hydracon Corp., Huntington Beach, CA, for premarket approval, under the Medical Device Amendments of 1976, of the HYDRACON® (methafilcon A) Hydrophilic Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the supplemental application.

DATE: Petitions for administrative review by December 19, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lipman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Admnistration, 8757, Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On March 2, 1983, Hydracon Corp., Hntington Beach, CA 92648, submitted to DCRH a supplemental application for premarket approval of the spherical HYDRACON® (Methafilcon A) Hydrophilic Contact Lens indicated for daily wear for the correction of visual acuity in aphakic persons with nondiseased eyes. The lens may be worn by persons who may exhibit refractive astigmatism of 1.50 diopters (D) or less. The lens ranges in powers from +10.00 to +20.00 D. It is to be disinfected using a chemical lens care system only. On July 26, 1983, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed the supplemental application and recommended approval of it. On August 16, 1985, CDRH approved the supplemental application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in Brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the HYDRACON® (methafilcon A) Hydrophilic Contact Lens states that the lens is to be disinfected using only the recommended chemical (not heat) disinfection system. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of the approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 19, 1985, file with the Docket Management Branch (address above) two copies of each petition and supporing data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h)) and under authority delegated to the Commissioner of Food and Drug (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 8, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-27473 Filed 11-18-85; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Orphan Product Board; Public Meeting

AGENCY: Office of the Assistant Secretary for Health, DHHS.

ACTION: Public meeting; orphan products development.

SUMMARY: The Department of Health and Human Services and the Office of the Assistant Secretary for Health announce that a public meeting will be held on December 11, 1985 in Washington, DC, to receive information and views from interested persons on the issue of orphan products development. The meeting will be chaired by Mr. Steven A. Grossman, Deputy Assistant Secretary for Health (Planning and Evaluation) and will commence at 9:00 a.m., in Room 800-Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

ADDRESS: Written requests to participate should be sent to Stephen C. Groft, Pharm. D., Executive Secretary, Orphan Products Board, Department of Health and Human Services (HF-35), Room 12A-40, 5600 Fishers Lane, Rockville, Maryland 20857, and should be received by December 3, 1985.

FOR FURTHER INFORMATION CONTACT: Stephen C. Groft, Pharm. D., Executive Secretary, Orphan Products Board, Department of Health and Human Services (HF-35), 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4718.

SUPPLEMENTARY INFORMATION: An orphan drug is a drug for the treatment of a rare disease or condition which either (1) has a prevalance level in the United States of under 200,000 affected persons or (2) has a higher prevalence level but occurs so infrequently that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drugs. The Orphan Drug Act, Pub. L. 97-414 enacted on January 4, 1983, and Pub. L. 99-91, enacted on August 15, 1985, established a number of incentives to encourage the development and production of orphan drugs.

The Act also established an Orphan Products Board to promote the development of drugs and devices for rare diseases or conditions and to assure appropriate coordination among all interested Federal agencies, manufacturers, and organizations representing patients with rare diseases.

The Orphan Products Board is chaired by the Assistant Secretary for Health. The Board is composed of representatives from the Department of Health and Human Services (DHHS), the Veterans Administration (VA), the National Institute of Handicapped Research (NIHR), and the Department of Defense (DO). Within DHHS, representatives from the Alcohol, Drug Abuse, and Mental Heath Administration (ADAMHA), the Centers for Disease Control (CDC), the Food and Drug Administration (FDA), the Health Care Financing Administration (HCFA), the National Institutes of Health (NIH), and the Office of the Assistant Secretary for Health (OASH) serve on the Board.

This public meeting will have four purposes:

1. An update on the activities of the Orphan Products Board and the involved Federal agencies will be made. Representatives from ADAMAH, CDC, FDA, and NIH will discuss recent orphan product development activities.

2. A Ceremony will be held during the meeting to honor the recipients of the Assistant Secretary for Health's Award for Exceptional Achievement in Orphan Products Development. This recognizes the efforts of certain individuals who have contributed to the development of drugs for rare diseases or conditions. The awards will be presented by the Acting Assistant Secretary for Health.

3. The views of interested public and private entities will be heard on issues related to the development and availability of orphan products and the dissemination to the public of information about orphan products including the National Information Center for Orphan Drugs and Rare Diseases (NICODARD). In keeping with its mandate to foster actions within the Department to facilitate the research, development, and approval of orphan products and to coordinate government activities with the private sector in order to achieve these goals, the Board encourages presentations on any unsettled issues involving the development and availability of orphan products including both general and drug or disease specific items.

4. The views of interested public and private entities will be heard on orphan medical devices. The public meeting of the Orphan Products Board held on December 11, 1984 made clear the need for additional discussion related to medical devices as orphan products. To assist the Board in formulating recommendations to the Assistant Secretary for Health, specific responses are requested to the following questions:

Are there problems blocking the development of medical devices from basic research to availability to patients?

If problems do exist, what is the Federal role?

What Federal incentives would assist in the development of orphan medical devices?

Those persons wishing to make a presentation at the meeting on topics three and four should submit a written request to the Executive Secretary of the Orphan Products Board for a time slot. The request for participation should be submitted before December 3, 1985, and should include:

1. Name, address, and telephone number of the person to make a presentation;

2. Affiliation, if any;

3. A summary of the presentation; and

4. The approximate amount of time required for the presentation (no more than 10 minutes, unless more time can be justified).

Individuals and organizations with common interests or proposals are urged to coordinate or consolidate their presentations. Joint presentations may be required of persons or organizations with a common interest. The time available for the meeting will be allocated among the individuals who request an opportunity for a presentation. Formal written statements or extensions of remarks (preferably five copies) may be presented to the chairman on the day of the meeting for inclusion in the record of the meeting. At the discretion of the chairman of the public meeting, and as time permits, any person in attendance may be heard. This time will, most likely, be at the end of the scheduled session.

For those unable to attend the meeting, comments may be sent to the Executive Secretary of the Orphan Products Board at the address listed above.

Dated: November 12, 1985.

James O. Mason,

Acting Assistant Secretary for Health.

[FR Doc. 85-27481 Filed 11-18-85; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Exchange of Public Lands; Oregon

The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

Willamette Meridian

T. 40, S., R. 24 E.,
Sec. 10, lot 1;
Sec. 11, lots 1-4, W½NE¼, S½SE¼S E¼NE¼, E½NW¼, E½SW¼, SE¼.

The area described aggregates approximately 500 (±) acres in Lake County, Oregon.

In exchange for these lands, the Federal Government will acquire the following described private lands and minerals from Terrance Cahill:

Willamette Meridian

T. 41 S., R. 23 E.,
Sec. 21, SE¼NE¼;
Sec. 22, S½NW¼.

The area described above aggregates 120 acres in Lake County, Oregon.

The purpose of the land exchange is to facilitate resource management opportunities in the South Warner Management Area as identified in the Lakeview District's Management Framework Plan and the Warner Valley Habitat Management Plan. The private being offered have very important values for recreation; and wildlife habitat. 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. All mineral rights will be reserved in the final patent.

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 Lakeview District Office, 1000 So. Street, Lakeview, OR 97630.

For a period of 45 days of the date of publication of this notice in the **Federal Register** interested parties may submit comments to the Lakeview District Manager at the above address.

Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become final determination of the Department of the Interior.

Date of issue: November 6, 1985.

Dick Harlow,

Associate District Manager.

[FR Doc. 85-27468 Filed 11-18-85; 8:45 am]

BILLING CODE 4310-33-M

[N-42733]

Non-Competitive Sale of Public Lands in Clark County, NV

The following described land in the City of Las Vegas, Clark County, Nevada has been determined to be suitable for disposal by sale pursuant to Pub. L. 96-586 at not less than fair market value. The lands will not be offered for sale until 60 days after the date of this notice.

Mount Diablo Meridian

T. 20 S., R. 60 E.,
Sec. 15, E1/2SW1/4SW1/4SE1/4, SE1/4 SW1/4SE1/4, SW1/4SW1/4SE1/4.
Aggregating 17.5 acres (gross).

This notice supplements the Notice of July 7, 1985 (published in the **Federal Register**, 50 FR 27697). The land is initially being offered as a direct sale to the City of Las Vegas in support of a high tech park. The City of Las Vegas desires to purchase this parcel in order to enhance the development of the high tech park.

The land is not required for any federal purposes. The sale is consistent with the Bureau's planning system. The direct sale of this parcel would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interest being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The City of Las Vegas will be required to pay a $50.00 non-returnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All oil and gas, sodium and potassium leasable mineral deposits shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description, which will be incorporated in the patent document, is available upon request.

and will be subject to:

1. Those rights for power and telephone line purposes granted to the Las Vegas Valley Water District by Permit No. N-17000 under the authority of Pub. L. 83-666, 68 Stat. 864.

2. Those rights for highway purposes granted to the State of Nevada by Permit No. Nev-062275 under the authority of the Act of August 27, 1958, 72 Stat. 885.

3. An easement for streets, roads, and utilities in accordance with the transportation plan for the City of Las Vegas.

If the City of Las Vegas chooses not to proceed with a non-competitive sale, the land may be sold utilizing competitive bidding procedures. Specific sale information and procedures will be made available to the public prior to the sale. Upon publication of this notice in the **Federal Register**, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication.

For a perid of 45 days from the date of this notice, interested persons may submit comments regarding the sale to the District Manager, Las Vegas District Office, P.O. Box 26569, Las Vegas, NV 89126-056. Any adverse comments will be reviewed by the State Director who may vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, Pub. L. 96-586, or other applicable laws.

Dated: November 18, 1985.

William C. Calkins,

Acting District Manager, Las Vegas.

[FR Doc 85-27469 Filed 11-18-85; 8:45 am]

BILLING CODE 4310-HC

Geological Survey

Application Notice Establishing the Closing Date for Transmittal of Applications Under the Water Resources Research Grant Program for Fiscal Year (FY) 1986

Applications are invited for water research projects under the Water Resources Grant Program.

Authority for this program is contained in section 105, Water Resources Research Act of 1984, of Pub. L. 98-242. (42 U.S.C. 10301-10309)

The purpose of this program is to provide matching grants for research concerning any aspect of a water resource related problems deemed to be in the national interest.

Applications may be submitted by water resources research institutes and other qualified educational institutions, private foundations, private firms, individuals, and agencies of State or local governments.

Closing Date for Transmittal of Applications: Applications for awards must be received on or before February 28, 1986.

Program Information: This program supports research related to the following general areas of national interest: (1) Aspects of the hydrologic cycle; (2) supply and demand for water; (3) demineralization of saline and other impaired waters; (4) conservation and

best use of available supplies of water and methods of increasing such supplies; (5) water reuse; (6) depletion and degradation of groundwater supplies; (7) improvements in the productivity of water when used for agricultural, municipal, or commercial purposes; and (8) the economic, legal, engineering, social, recreational, biological, geographic, ecological, and other aspects of water problems. Program priorities for FY 1986 are: (1) Problems of groundwater quality; (2) enhancement of water-use efficiency; (3) use of waters of impaired quality; and (4) climate variability and the hydrologic cycle.

Application Forms: The program announcement is expected to be available on November 22, 1985, and may be obtained by writing to the U.S. Geological Survey, Branch of Procurement and Contracts, MS 205C, 12201 Sunrise Valley Drive, Reston, VA 22092 and requesting a copy of announcement 7127. All organizations that applied for a FY 1985 award, all Historically Black Colleges and Universities, and all organizations that requested to be retained on the mailing list since the last announcement will be mailed a copy of the program announcement. The program announcement will be sent to the Office of Sponsored Research of the colleges and universities on our mailing list.

Further Information: For further information contact Robert Madancy, Branch of Research, Grants, and Contracts, Water Resources Division, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, VA 22092. Telephone: 703–860–7324.

(Catalog of Federal Domestic Assistance Number 15.806)

Dated: November 13, 1985.

Jack J. Stassi,

Deputy Assistant Director for Administration.

[FR Doc. 85–27448 Filed 11–18–85; 8:45 am]

BILLING CODE 4310–31–M

Minerals Management Service

Development Operations Coordination Document; Samedan Oil 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 Samedan Oil Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5669, Block 18, West Delta 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 Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on November 5, 1985.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Land 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: November 7, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–27475 Filed 11–18–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 9, 185. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by December 4, 1985.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Montgomery County

Bonnerdale, *Reeves—Melson House,* SE of Montgomery adjacent to branch off Mazarn Creek

Searcy County

St. Joe vicinity, *Henley, Benjamin Franklin, House,* Off US 65

FLORIDA

Bradford County

Starke, *Call Street Historic District,* Bounded by Temple Ave., Jefferson, Cherry, and Madison Sts.

Hillsborough County

Tampa vicinity, *Upper Tampa Bay Archaeological District,* 8001 Double Branch Rd.

Polk County

Lake Wales vicinity, *El Retiro,* Mountain Lake off FL 17

GEORGIA

Camden County

Crooked River Site (9 Cam 118)

ILLINOIS

Cook County

Chicago, *Chicago Bee Building (Black Metropolis TR),* 3647—3655 S. State St.
Chicago, *Chicago Defender Building (Black Metropolis TR),* 3435 S. Indiana Ave.
Chicago, *Eighth Regiment Armory (Black Metropolis TR),* 3533 S. Giles Ave.
Chicago, *Jordon Building (Black Metropolis TR),* 3529—3549 S. State St.
Chicago, *Liberty Life-Supreme Life Insurance Company (Black Metropolis TR),*3501 N. Martin Luther King Jr. Dr.
Chicago, *Overton Hygienic Building (Black Metropolis TR),* 3619—3627 S. State St.
Chicago, *Unity Hall (Black Metropolis TR),* 3140 S. Indiana Ave.
Chicago, *Victory Sculpture (Black Metropolis TR),* Thirty-fifth St. at King Dr.
Chicago, *Wabash Avenue YMCA (Black Metropolis TR),* 3763 S. Wabash Ave.

KENTUCKY

Butler County

Annis Mound and Village Site (15BT2, 15BT20, 15BR21)

Logan County

Watkins Site (15 Lo12)

Mason County

Gillespie Site (15 MS50)
Van Meter Site (15 MS52)

Oldham County

Pewee Valley vicinity, *St. James' Episcopal Church,* 401 Old LaGrange Rd.

Scott County

Dry Run Site (15SC10)

Warren County

Dunklau Sit (15 WA374 and 15 WA380)

Woodford County

Midway vicinity, *Blackburn, Edward M., House,* Spring Station Rd.

MASSACHUSETTS

Essex County

Lawrence, *Building at 24—30 Summer Street,* 24—30 Summer St.
Lynn, *Central Square Historic District,* Central Square, Monroe, Union and Willow Sts.

Franklin County

Greenfield, *United States Post Office—Greenfield Main Post Office,* 442 Main St. (also in Hampshire County)

Norfolk County

Weymouth, *Adams, John, School,* 16 Chuch St.
Wrentham, *Plimpton—Winton House,* 127 South St.

Suffolk County

Boston Habor Islands Archaeological District also in Norfolk and Plymouth Counties)
Boston, *Dudley Station Historic District,* Washington, Warren, and Dudley Sts.

NEW JERSEY

Union County

Plainfield, *Van Wyck Brooks Historic District,* Roughly bounded by Plainfield Ave., W. Eighth St., Park Ave., W. Ninth St., Madison Ave., and Randolph Rd.

NORTH CAROLINA

Alamance County

Thompson, *Kerr—Patton House,* SR 2133

Cabarrus County

Poplar Tent vicinity, *Favoni—Harris, Dr. Charles and William Shakespeare,* SR 1445

Caswell County

Milton vicinity, *Woodside,* NC 57

Guilford County

Greensboro, *Fields, William, House,* 447 Arlington St.

Halifax County

Halifax vicinity, *Halifax County Home and Tubercular Hospital,* NC 903

Madison County

Hot Springs vicinity, *Ottinger, Henry, House,* 391 Boys Home Rd.

New Hanover County

Cape Fear Civil War Shipwreck District

Wake County

Apex, *Apex City Hall,* N. Salem St.
Raleigh, *Capital Club Building,* 16 W. Martin St.

OHIO

Clark County

Springfield, *Shawnee Hotel,* Main and Limestone Sts.

Cuyahoga County

Cleveland, *Kennedy Apartments and Commercial Block,* 6425 Detroit Ave.

Jackson County

Jackson, *Gibson House,* 187 Main St.

RHODE ISLAND

Kent County

East Greenwich, *Fry's Hamlet Historic District,* 2068, 2153, 2196, 2233 South County Trail

Providence County

Providence, *Providence Jewelry Manufacturing Historic District,* Bounded by US 195, US 95, Point,
Parsonage, South, Hospital, Elbow, Aschcroft, Richmond, Eddy, and Ship Sts.

TEXAS

Dallas County

Dallas, *Hilton Hotel,* 1933 Main St.

El Paso County

El Paso, *Silver Dollar Cafe,* 1021 S. Mesa

Val Verde County

Comstock, *Seminole Canyon District (Bounary Increase),* Between US 90 and Rio Grande, 7 miles west of Comstock

VIRGINIA

Bedford (Independent City)

Burks—Guy—Hagen House, 520 Peaks St.

WEST VIRGINIA

Cabell County

Huntington, *Huntington Downtown Historic District,* Roughly bounded by Third Ave., Tenth St., Fifth Ave., Eighth and Seventh Sts.

Monongalia County

Morgantown, *Moore, Elizabeth, Hall (West Virginia University Neo-Classical Revival Buildings TR),* University Ave.
Morgantown, *Oglebay Hall (West Virginia University Neo-Classical Revival Buildings TR),* University Ave.
Morgantown, *Purinton House (West Virginia University Neo-Classical Revival Buildings TR),* University Ave.
Morgantown, *Stalnaker Hall (West Virginia University Neo-Classical Revivial Buildings TR),* Maiden Lane

CORRECTION

Nominations for the following properties being considered for listing in the National Register appeared erroneously in the **Federal Register** on November 5, 1985.

FLORIDA, *Collier County,* Plaza Site (CR-NPS-126)
FLORIDA, *Collier County, Burns Lake Site (CR-NPS-80)*

[FR Doc. 85-27495 Filed 11-18-85; 8:45 am]
BILLING CODE 4310-70-M

Jefferson National Expansion Memorial Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Jefferson National Expansion Memorial Commission will be held November 25–26, 1985. The public meeting will begin at 1:30 on November 25 and will conclude in late afternoon. It will resume again at 9 a.m. on November 26 concluding at 12 noon. The meeting will be held at the East St. Louis State Community College, 601 James R. Thompson Boulevard, East St. Louis, Illinois.

The Commission was originally established on August 24, 1984, pursuant to provisions of the Jefferson National Expansion Memorial Amendments Act of 1984, 98 Stat. 1469, 16 U.S.C. 450jj–6, to implement and support the conceptual plan.

Matters to be discussed at the November 25 meeting will include an orientation for the commission members regarding legislation and an explanation of the terminology and support services concerning contracts and vouchers. On November 26, there will be a discussion regardng the commission, its organization, and the offices to be filled which will then be followed by an election of officers.

The meeting will be open to the public. Interested pesons may submit written statements to the official listed below prior to the meeting. Further information concerning the meeting may be obtained from Alan M. Hutchings, Chief, Division of External Affairs, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402–221–3481 (FTS 864–3481). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: November 7, 1985.

Charles H. Odegaard,

Regional Director, Midwest Region.

[FR Doc. 85–27496 Filed 11–18–85; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Permit; J. Carver Harris

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the

Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with J. Carver Harris authorizing him to continue to provide an interpretive publications and souvenir sales outlet within Castillo de San Marcos National Monument for a period of five (5) years from January 1, 1986, through December 31, 1990.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligation to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1985, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60) day following publication of this notice to be consider and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

Dated: September 19, 1985.

Bob Bake,

Regional Director, Southeast Region.

[FR Doc. 85-27531 Filed 11-18-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMISSION

[Docket No. AB-6 (Sub-No. 272X)]

Burlington Northern Railroad Co.; Abandonment Exemption; Yankton County, SD

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under U.S.C. 10903, *et. seq.*, the abandonment by the Burlington Northern Railroad Company of 3,742.6 feet of track in Yankton County, SD, subject to standard labor protective conditions.

DATES: This exemption will be effective on December 19, 1985. Petitions to stay must be filed by November 29, 1985. Petitions for reconsideration must be filed by December 9, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-6 (Sub-No. 272X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423;

(2) Petitioner's representative, Peter M. Lee, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropotitan area) or toll fee (800) 424-5403.

Decided: November 6, 1985.

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

James H. Bayne,

Secretary.

[FR Doc. 85-27483 Filed 11-18-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 84-38]

Joseph A. Greco, M.D.; Partial Denial; Grant of Restricted Registration

On August 24, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Joseph A. Greco, M.D. of 2 Clay Street, Patchogue, New York 11772 (Respondent) an Order to Show Cause proposing to deny his application, executed on October 21, 1983, for registration as a practitioner under 21 U.S.C. 823(f). The proposed action was predicated upon the Respondent's controlled substance-related felony conviction on September 23, 1977, in the Supreme Court of Suffolk County, New York. Respondent's counsel requested a hearing on the issues raised by the Order to Show Cause.

The hearing in this matter was held in Washington, DC on February 28, 1985. Administrative Law Judge Francis L. Young presided. On August 20, 1985, Judge Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Government counsel filed exceptions to the Administrative Law Judge's opinion and recommended decision pursuant to 21 CFR 1316.66. On September 19, 1985, Judge Young transmitted the record of these proceedings, including the Government's exceptions, to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that in 1974, the Suffolk County narcotics detectives began an investigation to determine whether Respondent was dispensing amphetamines without legitimate medical need. On several occasions, undercover detectives went to Dr. Greco's office. They were able to obtain envelopes filled with amphetamines without first undergoing a physical examination. The detectives were told that after their initial visit with Respondent they could thereafter return and receive the amphetamines directly from Respondent's receptionist. They no longer had to see the Respondent. During the investigation, surveillances conducted on several occasions revealed numerous young people entering the doctor's office and leaving after very short stays. Some of them were observed leaving the office with envelopes similar to the type provided to the undercover detectives. On other occasions, the detectives observed such envelopes taped inside the office's storm door with different patients' names on them.

Dr. Greco was arrested on August 27, 1974 by the investigators who then seized all his amphetamines and certain records on the premises. He was charged with violations of New York law relating to the labeling and packaging of drugs. After this arrest the investigators became aware that Respondent had resumed his improper dispensing of amphetamines. Accordingly, a further investigation was conducted into Dr. Greco's activities. On September 2, 5, 17 and 22 and October 3, 1975, undercover narcotics investigators purchased amphetamines at Respondent's office. On none of these occasions was there any showing of legitimate medical need. In addition, on September 29, October 3 and December 2, 1975, reporters for a Long Island newspaper made such purchases.

As a result of the second investigation, Dr. Greco was indicted by a Suffolk County grand jury on seven counts of criminal sale of a controlled substance in the sixth degree for

improperly dispensing amphetamines. After Respondent's arrest on this indictment, he jumped bail and went to Florida. He was extradited to New York in 1977 following a further indictment for bail jumping. Respondent was then convicted of four felony counts of criminal sale of a controlled substance in the sixth degree and pled guilty to bail jumping in the second degree. On December 2, 1977, he was sentenced to six months in prison on each criminal sale violation and to thirty days for bail jumping, all sentences to be served concurrently. He was also given a three year period of probation. Respondent has been convicted of felony offenses relating to controlled substances. Therefore, there is a lawful basis for the denial of Respondent's application for registration. 21 U.S.C. 824(a)(2).

On November 16, 1976, Dr. Greco's license to practice medicine in New York was revoked. His DEA registration was revoked on October 19, 1977 after a hearing, requested by Respondent, at which he failed to appear. See, *Joseph A. Greco, M.D.*, Docket No. 77-9, 42 FR 56647 (1977).

The evidence presented in this proceeding established that Respondent had developed personal problems with substance abuse, specifically alcohol, in 1964 or 1965. In addition, Respondent encountered marital difficulties in his first marriage. Thereafter, in 1965 or 1966, in addition to alcohol, Respondent began abusing amphetamines distributed to him as a physician by pharmaceutical companies.

Respondent now acknowledges that his previous medical practice was illegal and medically unsound. Upon his release from prison, Respondent voluntarily commenced a year of cooperation with DEA officials investigating the drug companies which had been freely providing large quantities of amphetamines to physicians.

After his release, Respondent worked for a solar window company and also a health company that provided home aid to the disabled. Respondent thereafter opened his own stationery store in Ronkonkoma, New York. During this period he also did voluntary rehabilitative work in hospitals and tutored in religious schools with underprivileged children. Dr. Greco has been referred to in a highly positive fashion by former patients, colleagues, and his parish priest.

In 1979, Respondent made application to the Judge who had sentenced him for a judicial certificate of relief from civil disabilities. This application was denied, but upon reapplication in 1981, it was granted. This grant of certificate creates a statutory presumption under New York law that the person in question has been rehabilitated with respect to the offenses charged. Thereafter, Respondent made application to the Board of Regents of New York for restoration of his license to practice. On August 24, 1983, the Board of Regents, in effect, restored Respondent's license to practice medicine, placing him in a probationary status for four years on condition that he complete, within the four-year period, a course of training approved by the board.

The Administrative Law Judge notes in his opinion that there in no question that in 1975 and 1976, Dr. Greco was an egregious offender with respect to the dispensing of amphetamines. However, those events occurred eight to ten years ago. Judge Young, after reviewing the complete record, including the character witnesses who submitted affidavits on behalf of Respondent, believes that Dr. Greco has resolved this serious alcohol problem and further believes that he will practice good medicine and will not again abuse the privileges that go with a DEA registration. In connection with his revived medical practice, Dr. Greco desires to join the medical staff of Brookhaven Memorial Hospital which will enable him to complete the two-year period of medical training required by the New York licensing board.

The Administrative Law Judge concluded that Respondent is a good candidate for a return to a wholesome medical practice. Respondent's state medical license is in a probationary status until August 1987. Accordingly, the Administrative Law Judge recommended that Respondent be granted a DEA registration limited to Schedules III, IV and V and that the Respondent's situation be reviewed in August 1987 at the time his probationary status ends.

Government's exceptions to the Administrative Law Judge's recommended ruling are not disagreement with the substance of Judge Young's ruling; that is, that Respondent be denied registration in Schedule II and granted a registration restricted to Schedules III, IV and V. However, Government counsel strongly suggested that additional restrictions be imposed on Dr. Greco's registration in view of the very serious criminal acts that he committed which involved not only himself but other people in the Suffolk County, New York area. Government counsel recommended the following conditions be imposed by the Administrator: first, that Respondent comply with the terms of his probation with the New York state medical licensing board; and second, that Respondent report on a quarterly basis to the New York Division Office of the Drug Enforcement Administration the controlled substances which Respondent prescribes, administers and dispenses in his practice. The listing would be in a manner designated by the New York Division Office.

The Administrator concludes that Dr. Greco's past practices were extremely serious and that the imposition of the additional restrictions suggested by Government counsel upon the DEA Certificate of Registration issued to Respondent will both allow the Respondent to demonstrate that he can responsibly handle controlled substances in his medical practice and at the same time protect the public by providing a mechanism for the rapid detection of any improper activity.

Based on the foregoing, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application of Joseph A. Greco, M.D., executed on October 21, 1983, for registration under the Controlled Substances Act be denied as to registration in Schedule II. The Administrator further orders that Dr. Greco be granted a restricted registration in Schedules III, IV, and V subject to the following conditions:

1. The Dr. Greco comply with the terms of his probation with the New York state medical licensing board.

2. That Dr. Greco report on a quarterly basis to the New York Division Office of DEA the controlled substances which he prescribes, administers and dispenses in his practice. This report shall be in such form as specified by the New York Division Office.

Dated: November 13, 1985.

John C. Lawn,

Administrator.

[FR Doc. 85-27526 Filed 11-18-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

United States Employment Service; Labor Certification Process for the Temporary Employment of Aliens in Agriculture: 1983, 1984 and 1985 Adverse Effect Wage Rates for Colorado

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice of Adverse Effect Wage Rates for Colorado.

SUMMARY: The Director U.S. Employment Service, announces the 1983, 1984 and 1985 adverse effect wage rates (AEWRs) for Colorado. The AEWR is the minimum wage rate which the Department of Labor has determined must be offered and paid to U.S. and alien workers by employers of temporary alien agricultural workers. AEWRs are established and set to prevent the employment of these aliens from adversely affecting the wages of similarly employed U.S. workers. In announcing the 1983, 1984 and 1985 AEWRs, DOL determined that there were not yet available data sufficient to set AEWRs for Colorado. See 48 FR 40170 (September 2, 1983), 49 FR 31784 (August 8, 1984) and 50 FR 33121 (August 16, 1985). Such data are now available. The 1983 and 1984 AEWRs for Colorado are being announced for informational purposes. The 1985 AEWR is effective immediately.

EFFECTIVE DATE: November 19, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Bruening. Telephone: (202) 376-6228.

SUPPLEMENTARY INFORMATION:

Requirement of Notice

The Department of Labor (DOL) has published regulations at 20 CFR Part 655, Subpart C, for the certification of nonimmigrant aliens for temporary employment in the United States in agriculture and logging. These regulations require the Director, United States Employment Service (USES), to cause a notice to be published in the Federal Register each calendar year, announcing the adverse effect wage rates (AEWRs) for agricultural workers (except sheepherders) in fourteen States and for sugar cane workers in Florida. 20 CFR 655.207, 48 FR 40175 (September 2, 1983).

Current Methodology

Based upon 1980-82, 1982-83 and 1983-84 aggregate average weekly wage data supplied by the bureau of Labor Statistics and upon the methodology set forth at 20 CFR 655.207 (48 FR 40175 (September 2, 1983)), DOL has computed the 1983, 1984 and 1985 AEWRs for Colorado. The AEWRs set forth below have been computed using the methodology adopted by DOL by reulemaking on September 2, 1983. The AEWR has been changed from the previous year's AEWR by the same percentage change as the percentage change (from the second year previous to the year previous) in the ES-202 report's aggregate average weekly wage rates for the appropriate group of agricultural workers. The appropriate group of agricultural workers are those U.S. agricultrual workers described in the regulation at 20 CFR 655.207(b)(1) (48 FR 40175 (September 2, 1983)).

AGRICULTURAL ADVERSE EFFECT WAGE RATES FOR COLORADO

Year	Rate	Percentage change [1]
1983	$4.84	
1984	5.01	+3.5
1985	4.91	-2.0

[1] Based upon the Bureau of Labor Statistics ES-202 report's aggregate average weekly data for appropriate groups of workers and the formula published at 20 CFR 655.207(b)(1) (48 FR 40175 (September 2, 1983)).

Signed at Washington, DC, this day of November 1985.

Richard C. Gilliland,

Director, U.S. Employment Service.

[FR Doc. 85-27546 Filed 11-18-85; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Bethlehem Steel Corp. et al.

Petitions have filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 211 (a) of the Act

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than November 29, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 29, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 11th day of November 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp. (USWA)	Steelton, PA	10/31/85	10/29/85	TA-W-16,600	Steel rail, merchant mill, rebar, pipe fabricated pipe.
FMC Corporation, Chemical Div. (wkrs)	So. Charleston, WV	10/28/85	10/21/85	TA-W-16,601	Liquid chlorine and caustic soda.
Globe Metallurgical Inc., Beverly Ohio Plant (USWA)	Beverly, OH	10/28/85	10/21/85	TA-W-16,602	Silicon metals.
Keebler Company (Bakery Confectionery & Tobacco Wkrs).	Philadelphia, PA	11/4/85	11/1/85	TA-W-16,603	Cookies, crackers and snack items.
National Steel Pellet Co. (USWA)	Keewatin, MN	10/29/85	10/25/85	TA-W-16,604	Taconite pellets.
Spiegel Bogene Corp. (workers)	Lebanon, PA	10/31/85	9/15/85	TA-W-16,605	Plastic closet accessories—garment bags, shoe bags, shower curtains—wicker items.
The Shenango Furnance Co. (workers)	Dover, OH	11/4/85	11/1/85	TA-W-16,606	Castings, machined and not machined, piston inserts, all or iron steel and bronze.
U.S. Steel Corp., Tubing Specialities (USWA)	Gary, IN	10/29/85	10/25/85	TA-W-16,607	Steel pipe and tube.
Valley Mould Div., Microdot, Inc. (USWA)	Cleveland, OH	10/29/85	10/25/85	TA-W-16,608	Ingot mould.
Westinghouse, Inc., Small Motor Div. (wkrs)	Union City, IN	10/30/85	10/26/85	TA-W-16,609	Fractional horsepower—small motors.
WCI Machnie Tool & System Co. (USWA)	Fairfield, CT	11/4/85	10/22/85	TA-W-16,610	Machine tools—vertical turret lathes, large turning lathes.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Armco, Inc. (USWA)	Ambridge, PA	10/31/85	10/29/85	TA-W-16,611	Tubing pipe.
Anamax Mining Co., Twin Buttes Mine (company)	Sahuarita, AZ	10/25/85	10/21/85	TA-W-16,612	Copper cathodes.
Ingersoll Steel (UAW)	New Castle, IN	11/4/85	10/31/85	TA-W-16,613	Stainless steel plate.
Kenneth Mills, Inc. (ILGWU)	Brooklyn, NY	10/29/85	10/24/85	TA-W-16,614	Womens swimwear.
Ladish Co., Inc. (Die Sinkers)	Cudahy, WI	11/4/85	10/30/85	TA-W-16,615	Carbon Forgings, rollers and links for tracks.
Lebow Clothes, Inc. (company)	Baltimore, MD	10/25/85	10/24/85	TA-W-16,616	Mens clothing.
Main Pants & clothing Corp (ACTWU)	W. Pittston, PA	11/1/85	10/28/85	TA-W-16,617	Mens and ladies slacks.
Marion Mfg Co., Marion Fabrics Div. (company)	Marion, NC	10/28/85	10/23/85	TA-W-16,618	Cotton and cotton/polyester blends.
Monsanto Electric Material Co (workers)	St. Peters, MO	11/4/85	10/16/85	TA-W-16,619	Silcon.
Spang & Co., Manufacturing & Tool Div. (USWA)	Butler, PA	11/1/85	10/30/85	TA-W-16,620	Oil country tubular goods.
Wear-Ever Proctor Silex (Aluminum, Brick & Glass Wrks)	Chillicothe, OH	11/4/85	10/25/85	TA-W-16,621	Cookware, small electric applicances.
B.F. Goodrich Co. (URW)	Oaks, PA	10/28/85	10/24/85	TA-W-16,622	Radial passenger car tires, bias belted truck tires.
Motrola, Inc. (workers)	Austin, TX	10/22/85	10/9/85	TA-W-16,623	Semi-conductors, computer accesories.
Pelican Fashion, Div. of Manhattan Ind., Inc. (workers)	Hialeah, FL	10/22/85	10/16/85	TA-W-16,624	Childrens swimwear and cover-ups.
Pittibone Tiffin Corp. (company)	Tiffin, OH	10/29/85	10/25/85	TA-W-16,625	Hydraulic truck cranes.
Shopsmith, Inc. (workers)	Dayton, OH	10/25/85	10/22/85	TA-W-16,626	Power wood working equipment.
Ware Knitters, Inc. (company)	Ware, MA	10/28/85	10/24/85	TA-W-16,627	Stitching of poly/cotton knitted outerware shirts-pullovers.
Crescent Hills Coal Co., Inc., Ocean #5 Mine (UMWA)	Washington, PA	11/4/85	11/1/85	TA-W-16,628	Metallurgical coal.
Shasta, Inc. (IUMSWA)	Coraopolis, PA	11/4/85	11/4/85	TA-W-16,629	Surface grinds steel.
Hulse Mfg Co. (workers)	Geneva, NY	11/4/85	10/31/85	TA-W-16,630	Steel type for SCM electronic typewriters.
Corning Glass Works Electronic Products Div. (Amer. Flint Glass Workers).	Bradford, PA	11/4/85	10/31/85	TA-W-16,631	Metal film resistors.

[FR Doc. 85-27545 Filed 11-18-85; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-16,222]

Termination of Investigation; Figgie International Inc., Summit Hill Distribution Center, Summit hill, PA

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 19, 1985 in response to a worker petition received on August 2, 1985 which was filed on behalf of workers at Figgie International Incorporated, Summit Hill Distribution Center, Summit Hill, Pennsylvania.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-16,167). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 8th day of November, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-27540 Filed 11-18-85; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-16,569]

Termination of Investigation; Glenn Manufacturing; Morven, NC

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on October 21, 1985 in response to a worker petition received on October 10, 1985 which was filed on behalf of workers at Glenn Manufacturing, Morven, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 8th day of November, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-27541 Filed 11-18-85; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-16,241]

Termination of Investigation; Independent Leather Manufacturing Corp.; Gloversville, NY

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated in response to a worker petition received on July 29, 1985 which was filed by the Amalgamated Clothing and Textile Workers Union (ACTWU) on behalf of workers at Independent Leather Manufacturing Corporation, Gloversville, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 8th day of November, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-27542 Filed 11-18-85; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-16,337]

Termination of Investigation; LTV Steel Co.; Beaver Falls, PA

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 26, 1985 in response to a worker petition received on August 14, 1985 which was filed on behalf of workers at LTV Steel Company (formerly Republic Steel Corporation), Beaver Falls, Pennsylvania.

An active certification covering the petitioning group of workers remains in effect (TA-W-15,194). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 8th day of November, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-27543 Filed 11-18-85; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-16,189]

Termination of Investigation; Texas Apparel Co.; El Paso, TX

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 31, 1985 in response to a worker petitions received on July 11, 1985 which was filed on behalf of workers producing men's and boy's jeans at Texas Apparel Company located in El Paso-(TA-W-16,189), Eagle Pass (Alice Avenue (TA-W-16,187) & Loop 431 (TA-W-16,188)) and Del Rio, Texas (TA-W-16,187A).

On June 25, 1985 the Office of Trade Adjustment Assistance received a

petition (TA-W-16,133) covering the workers at Texas Apparel Company, El Paso, Texas. Workers at Texas Apparel Company, El Paso, Texas (TA-W-16, 133) were certified for Trade Adjustment Assistance on October 30, 1985. Since the earlier petition covering the workers at Texas Apparel Company, El Paso Texas remains in effect until October 30, 1987, the second petition (TA-W-16, 189) covering the same workers is duplicative. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 8th day of November, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-27544 Filed 11-18-85; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-190; Exemption Application No. D-6232 et al.]

Employee Benefit Plans; Grant of Individual Exemptions; Chris Stone & Associates, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Chris Stone and Associates Defined Benefit Pension Plan and The Pacific Fabric Printers, Inc. Defined Benefit Pension Plan (Collectively, the Plans) Located in Los Angeles, California

[Prohibited Transactions Exemption 85-190; Exemption Application Nos. D-6232 and D-6233]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed loans (the Loans) by the Plans of amounts not to exceed, in the aggregate, 25% of the assets of the Plans, to Chris Stone and Associates Pacific Fabric Printers, Inc. and Pacific Fabric Finishers on a recurring basis over a five-year period, provided that the terms and conditions of each such Loan are at least as favorable to the Plans as those obtainable in arm's length transactions between unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on September 16, 1985, at 50 FR 37596.

Temporary Nature of Exemption: This exemption is temporary and will expire five years from the date a grant of this exemption is published in the **Federal Register.** Subsequent to the expiration of this exemption, the Plans may continue to hold Loans originated during the five year period for the remaining terms of such Loans.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

Compton Press, Inc. Employee Profit Sharing Plan (the Plan) Located in Hanover Township, New Jersey

[Prohibited Transaction Exemption 85-191; Exemption Application No. D-6163]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past loan of $250,000 (the Loan) by the Plan to C.P.I: Realty Co., a party in interest with respect to the Plan, provided that the terms of the Loan are no less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 16, 1985 at 50 FR 37599.

Effective Date: The exemption is effective January 31, 1985.

For Further Information Contact: Ms. Linda Shore of the Department, telephone (202) 523-7901. (This is not a toll-free number.)

The Group Insurance Plan for Certain Personnel on a Monthly, Semi-Monthly, Weekly Salary or Hourly Payroll and the Caterpillar Tractor Co. Group Insurance Plan (Collectively, the Plans) Located in Peoria, Illinois.

[Prohibited Transaction Exemption 85-192;Exemption Application No. D-6006]

Exemption

The restrictions of section 406 (a) and (b) of the Act shall not apply to reinsurance of risks and the receipt of premiums therefrom by Caterpillar Insurance Co., Ltd. (CICL) from insurance contracts sold by Metropolitan Life Insurance Company (Metropolitan), or another insurance company as described in the notice of proposed exemption, to provide benefits to the Plans, provided that the following conditions are met:

(a) CICL—

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with Caterpillar Tractor Co. (Caterpillar) that is

described in section 3(14) (E) or (G) of the Act;

(2) Is licensed to sell insurance or conduct reinsurance operations in a "State" as defined in section 3(10) of the Act;

(3) Has obtained a Certificate of Authority from the Insurance Commissioner of the Virgin Islands which has neither been revoked nor suspended; and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of the Virgin Islands) by the Commissioner of Insurance of the Virgin Islands within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plans pay no more than adequate consideration for the insurance contracts;

(c) No commissions are paid with respect to the direct sale of the contract, or the reinsurance thereof; and

(d) For each taxable year of CICL, the gross premiums and annuity considerations received in that taxable year by CICL for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which CICL is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act, does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance (whether direct insurance or reinsurance) in that taxable year by CICL. For purpose of this condition (d):

(1) The term "gross premiums and annuity considerations received" means as to the numerator the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale or other reinsurance of life insurance, health insurance or annuity contracts to such plans (and their employers) by CICL. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by CICL.

(2) All premium and annuity considerations written by CICL for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 16, 1985, at 50 FR 37600.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

The Penn Central Corporation Retirement Plans Master Trust (the Trust) Located in New York, New York

[Prohibited Transaction Exemption 85-193; Exemption Application No. D-5959]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by The Penn Central Corporation (the Employer) of its interest in certain coal properties (the Property) to a master trust (the Trust) in which the assets of the twenty-four defined benefit pension plans maintained by the Employer and its subsidiaries are invested, and the guarantee by the Employer of certain minimum royalty payments under a lease (the Lease) thereof; provided that the price paid is no more than the fair market value of the Property on the date the transaction was consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 9, 1985 at 50 FR 32329.

Effective Date: This exemption is effective September 30, 1985.

Written Comments: The Department received eleven written comments on the proposed exemption. Five of the comments raised no substantive issues. Six of the comments raised issues regarding the desirability of the investment for the Trust, three of which also opposed the transaction. The Employer responded to each of the substantive issues raised in the comments; however, some of these issues were fully addressed in the original application and Notice of Proposed Exemption and will not be discussed below.

Three comments objected to the relative illiquidity of the Property, and an additional comment requested information on prior attempts by the Employer to sell the Property. PaineWebber, the independent appraiser, specifically addressed this issue in a letter to the Department. PaineWebber represents that, in its opinion, the Trust would be able to market the Property successfully to certain institutional and other investors in two to three months. The Employer represented that it had not attempted to market the Property, but it received two unsolicited purchase inquiries and, as a courtesy, offered to sell it to Conoco (the lessee of the Property). The Employer further represented that with respect to these inquiries, it had not offered terms as favorable as those it has offered to the Trust.

Three comments objected to the rate of return to be received by the Trust, two of the commentators noting that the rate of return under the Lease could be as low as 2.2% per annum if, due to disinflation, the payments from Conco decline to the base minimum royalty payment. However, as noted in the Notice of Proposed Exemption, the Employer has guaranteed that it will pay the difference between the amount, if any, paid by Conoco under the Lease and the quarterly payment utilized by PaineWebber in its valuation of the Property. Therefore, the payments received by the Trust will not decline and the rate of return to the Trust will not be less than six percent.

One comment discussed the risk to the Trust of liability from claims relating to environmental damage or major mining accidents. Buck Pension Fund Services, the independent fiduciary for the Trust (the Independent Fiduciary), responded that it had considered this possibility in its opinion on behalf of the Trust. It represented that it had reviewed the evaluation of the Property and Conoco's operations thereon performed by the Employer's engineering consultant, which evaluation had concluded that, due to the technologically advanced nature of the mine facility, the possibility of a significant problem is remote. Further, the Employer noted that the Lease provides an indemnification from Conoco to the lessor for any claim arising from Conoco's use or occupancy of the Property, or from any condition of the Property during and after the term of the Lease, and requires Conoco to name the Trust as co-insured on its public liability and workmen's compensation insurance policies. Last, the Employer agreed to add the Trust as a co-insured on its $200 million public liability insurance policy.

A further comment objected to the purchase by the Trust of a wasting asset, e.g., coal fields with a declining quantity of coal. The Employer responded that Conoco is obligated to make the minimum royalty payments under the Lease regardless of the actual amount of coal mined, and that PaineWebber's valuation of the Property was based on these minimum royalty payments over the 38-year term of the

Lease rather than an appraisal of the Property itself. The Employer further represented that Conoco has mined less than .01% of the estimated recoverable coal in the Property.

The Department also received a comment from the applicant which updated information in the original application. However, none of these modifications affect the findings or conclusions of the Department. In addition, the applicant has requested that the exemption be made retroactive to September 30, 1985, on which date the Employer and the Trust entered into an escrow arrangement in anticipation of the granting of this exemption.

Accordingly, after consideration of the entire record, the Department has concluded that the exemption be granted as proposed and effective September 30, 1985.

For Further Information Contact: Ms. Linda Shore of the Department, telephone (202) 523-7901. (This is not a toll-free number.)

Shearson Lehman Brothers Inc. and Boston Safe Deposit and Trust Company

[Prohibited Transaction Exemption 85-194; Exemption Application No. D-4931]

Exemption

The restrictions of sections 406(a)(1)(A) through (D) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the lending of securities to Shearson Lehman Brothers Inc. (Shearson) [1] by employee benefit plans for which Boston Safe Deposit and Trust Company (Boston Safe) acts as directed trustee or custodian and securities lending agent and to the receipt of compensation by Boston Safe in connection with these transactions.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on August 19, 1985, at 50 FR 33426.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on August 19, 1985, at 50 FR 33426.

Written Comments: The Department received a letter from the applicant commenting on the notice of pendency. The letter contains technical clarification of certain aspects of the lending arrangements described in the proposal. Paragraph 9 of the proposal indicates that Boston Safe, as securities lending agent, will negotiate a broker loan agreement (under Plan A) with Shearson on behalf of a client-plan, subject to approval by an independent fiduciary of the plan. The applicant points out that Boston Safe will seek to negotiate one Broker Loan Agreement with Shearson for all client-plans participating in the Plan A for which Boston Safe acts as securities lending agent. An independent fiduciary of each client-plan then must approve the terms of the agreement before the fiduciary executes the Shearson Lending Authorization.

The notice states at paragraph 14 that "Boston Safe will establish each day a written schedule of lending fees and rebate rates in order to assure uniformity of treatment among borrowing brokers and to limit the discretion Boston Safe would have in negotiating securities loans to Shearson. Loans to all borrowers on that day will be made at rates on the daily schedule or at rates which may be more advantageous to the client-plans." The applicant notes that, while this description is completely true with regard to potential loans to Shearson, Boston Safe retains the flexibility with respect to unaffiliated borrowers to sometimes reduce the lending fees (or increase the rebate rates) in response to market forces when it believes such actions are in the best interests of the client-plans.

The notice states at paragraph 18 that ". . . Shearson will assure the plan that the rate of return on each loan will at a minimum equal the transactional cost to the plan of lending securities to Shearson. The applicant contends that, as a result of this guarantee, the rate of return earned by the plan from lending to Shearon will in total exceed the return from lending securities to other brokers." According to the comment letter, this comparison refers to the rate of return earned by all client-plans from lending securities to Shearson but does not necessarily apply in the case of any individual client-plan.

Upon consideration of the entire record, including the above noted comment letter, the Department has concluded that the exemption should be granted as proposed.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 14th day of November, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-27591 Filed 11-18-85; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-5835 et al.]

Proposed Exemptions; Thomas E. Moore, Jr., M.D., Corporate Plan (the Plan) et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department)

[1] The applicant has represented by letter dated September 25, 1985, that the applicant's name has been changed to Shearson Lehman Brothers Inc. The notice of pendency referred to the firm's former name, Shearson Lehman/American Express Inc.

of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Thomas E. Moore, Jr. M.D., Corporate Pension Plan (the Plan Located in San Francisco, CA

[Application No. D-5835]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the past sale of 5.5 ounces of gold bullion and 104 ounces of gold coin (the Gold) by the Plan to Dr. Thomas E. Moore, Jr. (Dr. Moore); and (2) the proposed sale of the Gold by the Plan to Dr. Moore provided that the terms of the past transactions were as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party and provided the terms of the proposed transaction is also as favorable to the Plan as those obtainable in an arm's-length transaction.

Effective Date: If granted, the effective date for transaction (1) of this exemption will be April 2, 1984.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with total assets of $122,938 as of April 2, 1984. The are two participants in the Plan. Dr. Moore is the trustee and administrator of the Plan and principal shareholder of Thomas E. Moore, Jr., M.D., P.C., the Plan sponsor.

2. On April 1, 1984, assets of the Plan consisted of cash in money market certificates in the amount of $60,800 and the Gold which was valued at $62,138. The Gold constituted approximately 50 percent of total Plan assets. After seeking advice from his investment adviser, Dr. Moore determined that income earning assets would be better investments for the Plan than Gold. Therefore, on April 2, 1984, Dr. Moore personally purchased the Gold from the Plan at its respective "asked" closing price, as published in the Wall Street Journal, on the date. The purchase price was $62,138 in cash. It is represented that Dr. Moore did not wish the Plan to incur expenses for commissions involved in transactions through a dealer, and chose to purchase the Gold himself at prevailing the market price. Dr. Moore did not consult with his professional plan consultant before the cash was transferred from his personal account into the Plan account. The proceeds in the amount of $62,138 from the sale of the Gold were placaed in the Plan's brokerage account at Shearson/American Express and then invested in their Alliance Capital Reserves money market fund.

3. On May 14, 1984, Dr. Moore was advised by Ms. Suzanne Knecht of the Wyatt Company, the Plan's consultant, that the purchase of the Gold from the Plan was a prohibited transaction. Dr. Moore then sold the Gold back to the Plan on May 15, 1984 at the closing "bid" pride as published on the Wall Street Journal on that date.[1] The Plan paid no commissions with respect to the sale of the Gold. Since the price of gold had fallen from April 2, 1984 to May 15, 1984, the Plan purchased the Gold for $60,610. Thus, the Plan repurchased the Gold for $1,528 less than the amount at which Dr. Moore had purchased it on April 2, 1985. In the interim, the cash held briefly by the Plan in the money market fund earned approximately $483.

4. The applicant requests an exemption for the past sale of the Gold to Dr. Moore, Dr. Moore's sale of the Gold back to the Plan and the proposed sale of the Gold to Dr. Moore. Dr. Moore now proposes to purchase the Gold from the Plan at its fair market value. The Purchase price will e determined by the "asked" closing price of the Gold as published in the Wall Street Journal on the date of the consummation of the transaction. No commissions will be paid in connection with this proposed sale. The applicant represents that the sale of the Gold to Dr. Moore will improve the Plan's liquidity and enable the Plan to invest the proceeds from the sale in a variety of securities providing current income, diversification of investment and growth potential.

6. In summary, the applicant represents that the transactions meet

[1] The applicant represents that the repurchase of the Gold by Dr. Moore on May 15, 1984 constitutes a correction within the meaning of section 4941 of the Code. The Department has determined that a correction of a prohibited transaction pursuant to Code section 4941 is not itself a prohibited transaction under section 406 of the Act. However, whether a particular prohibited transaction represents a "correction" of a prior prohibited transaction represents a "correction" of a prior prohibited transaction is a determination that is within the jurisdiction of the Internal Revenue Service.

the statutory criteria of section 408 of the Act because:

1. The Plan received and will receive fair market value for the Gold as determined by an objective source;

2. The Plan's investment portfolio will be more diversified;

3. The Plan has not and will not pay any commissions with respect to the sale of the Gold; and

4. The Plan trustee has determined that the proposed transaction is in the interest of and protective of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

J.H. Blades & Co., Inc. Profit Sharing Plan and Trust (the Plan) Located in Houston, Texas

[Application No. D-6002]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of the section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sale of a ten percent undivided beneficial interest in certain real property (the Property) by the Plan to J.H. Blades & Co., a party in interest with respect to the Plan, provided that the sale price of the Plan's interest in the Property is the higher of either $14,300 or the fair market value of the Plan's interest in the Property on the date of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 12 participants and total assets of $286,048.46, as of December 31, 1984. The establishment of the Plan occurred January 1, 1964, under a prototype trust agreement, which is administered by the American Industries Trust Company (the Trustee) and sponsored by J.H. Blades & Co. (Blades). Blades is an insurance wholesaler, specializing in gas and oil insurance with total assets of $20,669,317, as of June 30, 1985. Effective July 7, 1978. Blades was acquired by Crum & Foster Corporation (Crum & Foster) and Blades continued its operations as a wholly owned subsidiary of Crum & Foster. Since July 15, 1978, contributions have not been made to the Plan and Plan participants became eligible to participate in the Crum & Foster Employee Savings Plan. Aside from the Trustee, the other named fiduciary with respect to the Plan is the Plan Committee (the Committee), consisting of three individuals: (a) Benjamin D. Wilcox, Chairman of the Board and President of Blades; (b) James W. McGrath, Executive Vice President of Blades; and (c) Marianne Ryan, Senior Vice President of Blades. The Committee has investment discretion for the Plan and gives investment instructions to the Trustee. However, the Trustee may initiate investments for the Plan after obtaining within a thirty day period either explicit or tacit approval from the Committee.

2. During 1971, the Plan acquired as an investment its ten percent undivided beneficial interest in the Property. The total size of the Property consists of 6.575 acres of raw land known as the Simsbrook Tract located in Houston, Harris County, Texas. J.C. Noonan of Noonan and Company, Houston, Texas acquired legal title to the property on March 3, 1971, as trustee for a number of investors, including the Plan.

In acquiring its interest in the Property the Plan paid a total of $8,600.53 of which $7,000 was in principal and $1,600.53 was in interest. In addition, from 1972 through 1984, the Plan spent $3,330.18 for expenses in maintaining the Property. These expenses included such items as insurance, taxes, accounting, advertising, management fees, office expenses, and mowing expenses. Thus far, the Plan has expended a total of $11,930.71 in acquiring and maintaining its ten percent undivided beneficial interest in the Property.

3. The application requests an exemption from the prohibited transaction provisions of the Act in order to permit the sale by the Plan of its interest in the Property to Blades for cash in an amount not less than the higher of either $14,300 or the fair market value of the Plan's undivided ten percent beneficial interest in the Property on the date of the sale. This sale will return to the Plan at least $9,000 more than its proportionate share of the Property's appraised fair market value and $2,369.31 more than it expended in acquiring and maintaining the Property. Futhermore, the application represents that since the Plan was frozen in 1978 and no contributions have been made to the Plan, this proposed sale of the Plan's interest in the Property will not cause the Plan to exceed the limitations prescribed by section 415 of the Code. Mr. Na Gum Jeu, IFAS, ASA of Houston, Texas, an independent qualified appraiser, determined, as of June 5, 1985, that the fair value of the entire Property is $53,000. The value and use of the Property is affected by its location in flood plain and floodway; resulting, in the City of Houston's refusal to issue a building permit for the Property and the inability of the Plan or Mr. Noonan to sell the Property.

4. The Trustee represents that the proposed sale of the Property by the Plan as requested in the application is administratively feasible, appropriate and in the best interests of the Plan participants, and protective of the rights of the Plan participants and beneficiaries. In making the determination with respect to the proposed sale, the Trustee represents that it reviewed the following information: (a) The independent appraisal of the Property; (b) the expenditures incurred in acquiring and maintaining the Property by the Plan; (c) the $14,300 valuation of the Plan's interest in the Property as reported by the Plan in its last annual statement; (d) the several unsuccessful attempts to sell the Property; (e) the terms and conditions of the offer to purchase the Property by Blades; and (f) no selling expenses incurred by the Plan in the sale of its interest in the Property to Blades. Furthermore, the Trustee represents the proposed sale will give the Plan needed liquidity and diversity of its assets and transform a drain on Plan assets into an investment with earnings.

5. In summary, the application represents that the proposed sale meets the statutory criteria of section 408(a) of the Act because: (a) The cash sale of the Property to Blades will permit the Plan, at no expense, to dispose of a non-income producing asset which has been incurring a drain on other assets; (b) the sale will permit the Plan to recover its investment in the Property, plus all expenses; (c) the Plan will be able to overcome its inability to sell its interest in the Property in the open-market; and (d) the Plan has relied upon the counsel of its Trustee and the appraisal of the fair market value of the Property by a qualified independent appraiser.

For Further Information Contact: Mr. C.E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Fulbright & Jaworski Attorney 401K Plan (the Plan) and the Fulbright & Jaworski Attorney Pension Plan and Trust Agreement (the Pension Plan) Located in Houston, Texas

[Application No. D-6267]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of the section 406(b)(2) of the Act shall not apply to the proposed sale by the Plan of 24,570 shares of M Corp. Common Stock (the Stock) to the Pension Plan, provided that the sales price of the Stock is the fair market value of the Stock on the date of sale.

Summary of Facts and Representations

1. The Plan is a defined contribution plan which was established on June 1, 1985. The Plan has approximately 153 participants as of July 8, 1985. The Pension Plan is a defined benefit plan which was established on June 1, 1975. The Pension Plan had approximately 282 participants as of July 8, 1985. Both the Plan and the Pension Plan are sponsored by Fulbright & Jaworski (the Firm), a partnership engaged in the practice of law.

2. Prior to the time the Pension Plan was established, the Firm maintained the Fulbright & Jaworski Attorneys' Retirement Plan (the Keogh Plan), a defined contribution plan which was established on May 4, 1964. The Keogh Plan was frozen effective June 1, 1975, and the Pension Plan was substituted in its place. Effective June 1, 1985 the frozen Keogh Plan was merged into the Plan. The application states that all the assets held by the Keogh Plan are in process of being transferred to the Plan.

3. InterFirst Bank, Houston, N.A. (InterFirst), is the trustee of the Plan, and MBank Houston, N.A. (MBank) is the trustee of the Pension Plan. MBank is a banking subsidiary of MCorp., a bank holding company which is the issuer of the Stock. Prior to the merger of the Keogh Plan and the Plan, MBank was trustee of the Keogh Plan. The Stock, currently owned by the Plan, was held in the Keogh Plan before the merger. From January 1968 to November 1979, the Keogh Plan purchased a total of 15,300 shares of the Stock at a total cost of $258,900. Since these purchases, the Stock has appreciated and split to form the present 24,570 shares held by the Plan with a market value of approximately $528,255 as of July 8, 1985. However, the Firm and InterFirst believe it is inappropriate for the Stock to be held by the Plan. The Plan provides for several investment funds between which participants may elect to have their contributions invested.

The applicant states that because of the expected size of the equity fund in the Plan, the Stock will represent too high a percentage of the assets of the equity fund. However, the applicant states further that since the former participants in the Keogh Plan are all participants in the Pension Plan, the purchase of the Stock by the Pension Plan would enable those former Keogh Plan participants to continue to benefit from appreciation of the Stock along with the other participants of the Pension Plan.

4. The applicant proposes that the Plan sell the Stock to the Pension Plan for cash at its fair market value, as determined by the mean between the highest and lowest selling price as evidenced by published quotations on the New York Stock Exchange (the Exchange) as of the date of the sale. No brokerage commissions will be charged on the transaction. The applicant states that since the Stock is presently held by MBank in its capacity as the former trustee of the Keogh Plan, no transfer fees will be incurred on the transaction.

5. Underwood, Newhaus & Company (Unerwood) has been engaged to act as an independent fiduciary for the purchase of the Stock by the Pension Plan. Underwood represents that the purchase of the Stock is in the best interest of the Pension Plan. Underwood states that MCorp, the third largest bank holding company in Texas as a result of the acquisition in October 1984 of Southwest Bancshares, has received Standard & Poor's highest quality rating (A+). Underwood has reviewed the terms of the proposed transaction and states that the purchase price, at the mean between the highest and lowest selling price on the Exchange on the date of the salle, will be at fair market value. Further, the Stock represents only 2.7% of the assets of the Pension Plan. Thus, Underwood states that after the proposed purchase the Pension Plan will continue to have sufficient diversification of assets and adequate liquidity to meet its current pension obligations. Underwood has been given the authority, as an independent fiduciary, to act on behalf of the Plan to monitor the proposed purchase and take all appropriate actions to safeguard the interests of the Pension Plan and its participants and beneficiaries. In addition, Underwood represents that it understands and acknowledges the duties, responsibilities and liabilities under the Act in acting as a fiduciary with respect to the Pension Plan.

6. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act because: (a) The transaction will be a one-time cash transaction; (b) the price to be set for the Stock will represent its fair market value on the date of sale as evidenced by published quotations; (c) no brokerage commissions or transfer fees will be charged upon the sale or purchase; (d) InterFirst, as trustee for the Plan, and the Firm state that the sale of the Stock is in the Plan's best interest; and (e) Underwood, as an independent fiduciary for the Pension Plan, has determined that the purchase of the Stock is in the best interest of the Pension Plan.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Charles R. Chung, M.D., P.A. Defined Benefit Pension Plan (the Plan), Located in Arlington, Texas

[Application No. D–6301]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale by the Plan of an interest in Ninety Four-Ten Associates (the Partnership) to Charles R. Chung, M.D. (Dr. Chung), a fiduciary with respect to the Plan, provided that: (1) The sales price is not less than the fair market value of the interest in the Partnership on the date of sale; and (2) the Partnership executes appropriate documents that reflect the substitution of Dr. Chung as a partner and acknowledge that the Plan has been absolved and released of any further and continuing obligations in connection with the Partnership.

Summary of Facts and Representations

1. The Plan is a defined benefit plan with approximately five participants. As of May 31, 1985, the approximate fair market value of the assets of the Plan was $886,369.19. Dr. Chung is the principal shareholder of Charles R. Chung, M.D., P.A., the sponsor of the Plan (the Plan Sponsor).

2. In October 1984, the Plan contributed $100,000 in capital, entered into a general partnership agreement

(the Agreement), and acquired a one-eighth (⅛) general partnership interest in the Partnership. The Partnership was formed for the purpose of acquiring title to and managing an improved multi-family rental property (the Property) located at 94–10 69th Avenue, Rego Park, New York, New York 11374. Prior to the closing date of November 2, 1984 on the purchase of the Property, the Plan bought an additional one thirty-second (1/32) interest for $25,000 from a partner in the Partnership who was unrelated to the Plan or Plan Sponsor. Subsequently, the Plan paid $6,250 as its pro rata share of the Partnership's closing costs on the Property.

3. The Plan now proposes to sell its current interest in the Partnership to Dr. Chung in order to obtain cash which can by used to further diversify the holdings of the Plan. In addition, the cash proceeds from the sale could be utilized to meet benefit funding needs without the necessity of liquidating other Plan assets.

4. In accordance with the Agreement which provides the Partnership with a right of first refusal on certain transfers of a Partnership interest, the Plan offered to sell its interest in the Partnership to Sung Hwan Kim in his capacity as the managing partner of the Partnership, for a cash price of $141,132. As of August 27, 1985, the Partnership had not responded to the Plan's offer within the thirty day time limit specified under the terms of the Agreement. Inasmuch as the Partnership has not timely elected to purchase the Plan's interest in the Partnership, Dr. Chung represents that he is free to proceed with his proposal to buy the Plan's interest for the same price offered to the Partnership. It is represented that Dr. Chung has requested a written release from the Partnership of its option to purchase the Plan's interest.

5. Mr. Sanders A. Kahn, Ph.D, C.R.E., and S.R.E.A. (Mr. Kahn), president of Sanders A. Kahn Associates, Inc., located at 341 Madison Avenue, New York, New York, has valued the Property, as of June 25, 1985, at $2,400,000. Mr. Kahn represents that he is independent of the Plan and the partners in the Partnership and that he has no present or contemplated future interest in the Property. In addition, Mr. Kahn has experience since 1939 in appraising real estate, and is a member of and in some cases officer, director, and/or committee chairman of professional organizations such as the American Society of Real Estate Counselors, American Society of Planning Officials, the Society of Real Estate Appraisers, and the Columbia Society of Appraisers.

6. Mr. Gaylon Mayfield, IFA–CRA (Mr. Mayfield) of Mayfield Realtors-Appraisers, located at 2312 Municipal Parkway, Bedford, Texas, has reviewed the Agreement and Mr. Kahn's appraisal of the Property and has determined that as of July 1, 1985, the Plan's interest in the Partnership was worth approximately $141,132. In reaching this value Mr. Mayfield first determined the equity value (Equity Value) on the Property to be $903,244. This value was calculated by subtracting the outstanding balance of $1,496,756, as of July 1, 1985, on the mortgage on the Property from the value of the Property of $2,400,000, as of June 25, 1985, as determined by Mr. Kahn. Mr. Mayfield represents that the value of the Plan's fractional ownership in the Partnership is the product of the Equity Value of the Property multiplied by the Plan's percentage of interest in the Partnership. Mr. Mayfield represents that his experience appraising real property since 1970 qualifies him to appraise the Partnership whose sole asset consists of the Property. Mr. Mayfield is also a member of the Society of Real Estate Appraisers, the National Association of Review Appraisers, and is certified through December 31, 1989, under the mandatory program of continuing education for members of the National Association of Independent Fee Appraisers. Mr. Mayfield certifies his independence in that he has no present or contemplated future interest in the Partnership nor is his compensation contingent upon the estimated value of the Partnership.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) the sale of the Partnership interest will be a one time transaction for cash;

(b) the Plan will not incur expenses on the sale;

(c) the Plan will be able to invest the proceeds from the sale so as to improve the diversity and liquidity of the Plan's assets;

(d) the sales price is the fair market value of the Partnership interest as determined by a qualified independent appraiser; and

(e) the Plan will obtain a profit of $9,882 on the sale of its interest in the Partnership.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 14th day of November, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc. 85–27590 Filed 11–18–85; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Availability of Proposed Records Schedules

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least once monthly of all agency records schedules (requests for records disposition authority) which include records proposed for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before January 21, 1986.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency. Copies of the schedules are also available for public inspection during the comment period at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC 20408.

SUPPLEMENTARY INFORMATION: Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

The monthly public notice identifies the Federal agencies and their appropriate subdivisions requesting dispostion authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additonal information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval

1. Department of the Interior, Office of Geography (NC2-324-85-1). Copies of Antarctic aerial photographic prints, 1946-47.

2. Department of the Air Force, (NC1-AFU-85-18). Mail movement records.

3. Department of the Air Force, (NC1-AFU-85-19. Mail administration records.

4. Central Intelligence Agency (NC1-263-84-9). The CIA schedule is classified in the interest of national security pursuant to Executive Order 12356 and is further exempt from public disclosure pursuant to the National Security Act of 1974, 50 U.S.C. 403(d)(3), and the CIA Act of 1949, 40 U.S.C. 403g.

5. Defense Investigative Service (NC1-446-85-1). Administative records relating to routine legal matters, communications equipment accountability, training costs, information requests, mail receipts, strength reports, industry personnel, and investigation workload time reports.

6. Federal Judiciary. U.S. Circuit, District, Bankruptcy, and other Federal Courts, (N1-21-86-1). Case files of the U.S. Claims Courts, exclusive of case files relating to Indians.

7. General Services Administration, Information Security Oversight Office (NC1-269-84-3). Complaints and suggestions, reclassification actions, reports of security violations and infractions, training materials, and litigation files.

8. Department of the Treasury, U.S. Secret Service, (NC1-87-85-1). Time and attendance records including employee activity reports used in compilation of pension benefits.

Dated: November 13, 1985.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 85-27538 Filed 11-18-85; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Information Collection Requirements For OMB Review

AGENCY: Institute of Museum Services.

ACTION: Notice of Information Collection.

SUMMARY: The Institute of Museum Services (IMS) has submitted the following collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Copies of this submission are available at IMS from Theresa Michel, Public Affairs Officer, (202) 785-0536. Send comments to Joe Lackey, Office of Management and Budget, Room 3208, NEOB, Washington, DC 20503.

Title: 1986 Conservation Project Support Grant Application and Information
Form No.: IMS 104
Action: Revision
Respondents: Non-Profit Institutions
Estimated Annual Burden Hours: 600 Respondents, 9,000 Hours.

Monika Edwards Harrison,

Acting Director, Institute of Museum Services.

[FR Doc. 85-27533 Filed 11-18-85; 8:45 am]

BILLING CODE 7036-01-M

NATIONAL SCIENCE FOUNDATION

Revised Policy on Use of Animals in NSF-Sponsored Research

AGENCY: National Science Foundation (NSF).

ACTION: Notice of Revision of section 713, NSF *Grant Policy Manual.* (NSF 77-47, Revised 4-15-83), Regarding Use of Animals in NSF-sponsored Research.

SUMMARY: Section 713 of the NSF *Grant Policy Manual* is being revised to coordinate the NSF policy on the use of animals in NSF-sponsored research with the Public Health Service revised "Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions" and with the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training."

DATE: The revised policy becomes effective december 31, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Bruce L. Umminger, Division of cellular Biosciences, National Science Foundation, Washington, DC 20550, 202-357-7905 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The National Science Foundation intends to

implement a revised policy for the use of vertebrate animals in NSF-sponsored research. A revision is necessary at this time because the Public Health Service, with which the NSF has coordinated its animal welfare policy in the past, has recently issued a revised "Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions." The revised NSF policy will be coordinated with this. In addition, the Office of Science and Technology Policy has issued "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training." The NSF endorses these principles and will now require that its grantees comply with them.

The revised language for Section 713 of the NSF *Grant Policy Manual* is as follows:

713. *Use of Animals in Research*

a. The grantee is responsible for the humane care and treatment of vertebrate animals used in research, development, and related activities supported by NSF grants.

b. Any grantee performing research on vertebrate animals will comply with the Animal Welfare Act (Pub. L. 89–544, 1966, as amended (Pub. L. 91–579 and Pub. L. 94–279), 7 U.S.C. 2131 et seq.) and the regulations promulgated thereunder by the Secretary of Agriculture (CFR, Title 9, Subchapter A, Parts 1, 2, 3, and 4) pertaining to the care, handling, and treatment of vertebrate animals held or used for research, teaching, or other activities supported by Federal awards. The grantee is expected to ensure that the guidelines described in NIH Publication No. 85–23 (Revised 1985), *Guide for the Care and Use of Laboratory Animals*, are followed and to comply with the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training" (included as an appendix to the NIH *Guide*).

c. Before a grant involving the use of vertebrate animals can be made, NSF must receive a statement that the research has been reviewed and approved by the appropriate Institutional Animal Care and Use Committee at the grantee organization, and that the grantee by general assurance to HHS assures NSF that it will comply with the Public Health Service Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions. This statement needs to be received well before final processing of an award, and should be included in the research proposal submitted to the NSF. Applications from institutions not having a general assurance on file with HHS will first be reviewed for scientific merit. If a decision to support the proposal is reached, NSF will arrange for a special assurance to be negotiated.

d. For proposals submitted to NSF involving the use of vertebrate animals, sufficient information should be provided to allow for evaluation in respect to the choice of species, the number of animals to be used, and any necessary exposure of animals to discomfort, pain, or injury. All such proposals should have the "Animal Welfare" box checked on the cover page.

e. The grantee may request registration of its facility and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the region in which the research facility is located. The location of the appropriate APHIS Regional Office, as well as information concerning this program, may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, Maryland 20782. Single copies of the NIH *Guide* are available from the Division of Research Resources, Building 31, Room 4B59, NIH, Bethesda, Maryland 20892; single copies of the PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions are available from the Office for Protection from Research Risks, Building 31, Room 4B09, NIH, Bethesda, Maryland 20892.

Dated: November 12, 1985.

David T. Kingsbury,

Assistant Director, Biological, Behavioral, and Social Sciences.

[FR Doc. 85–27467 Filed 11–18–85; 8:45 am]

BILLING CODE 7555-21-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Issuance of Director's Decision Under 10 CFR 2.206

The Office of Nuclear Reactor Regulation has considered pursuant to 10 CFR 2.206 alleged equipment qualification deficiencies at the Maine Yankee Atomic Power Station identified in the "Comments on Rule Regarding Environmental Qualification of Electrical Equipment: Removal of June 30, 1982 Deadline" filed with the Commission by the State of Maine (Petitioner) on June 26, 1984. The Petitioner included as a concern that specific items of electrical equipment for certain facilities had not been found environmentally qualified in a Technical Evaluation Report prepared by the Franklin Research Center for the NRC in 1983.

Upon review of information pertaining to these items and the information provided by the Petitioner, the Director of the Office of Nuclear Reactor Regulation has determined that the concerns identified by the Petitioner have been adequately addressed. The reasons for the Director's conclusions are contained in the "Director's Decision Under 10 CFR 2.206" (DD–85–17) which is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Local Public Document Room for the Maine Yankee Atomic Power Station, located at the Wiscasset Public Library, High Street, Wiscasset, Maine 04578.

A copy of the Decision will be filed with the Office of the Secretary of the Commission for Commission review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the Decision within that time.

Dated at Bethesda, Maryland, this 12th day of November, 1985.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–27593 Filed 11–18–85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-3027]

Finding of No Significant Impact; Issuance of Special Nuclear Materials License No. SNM-1963; Public Service Company of New Hampshire et al., Rockingham County, NH

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Special Nuclear Materials License No. SNM-1963 to the Public Service Company of New Hampshire, The United Illuminating Company, Massachusetts Municipal Wholesale Electric Company, New England Power Company, Central Maine Power Company, The Connecticut Light and Power Company, Canal Electric Company, Montaup Electric Company, Bangor Hydro-Electric Company, New Hampshire Electric Cooperative, Inc., Central Vermont Public Service Corporation,

Maine Public Service Company, Fitchburg Gas and Electric Light Company, Vermont Electric Generation and Transmission Cooperative, Taunton Municipal Lighting Plant, and Hudson Light and Power Department (the applicants) for the Seabrook Station, Unit 1, located in Rockingham County, New Hampshire.

Environmental Assessment

Identification of Proposed Action

The proposed action would authorize the applicants to receive, possess, inspect, and store special nuclear materials in the form of unirradiated assemblies. In addition, the license would also authorize the applicants to receive, possess, inspect, and use other radioactive materials in the form of irradiation test capsules containing U–238 and Np–237, incore fission chambers and excore detectors containing uranium enriched in U–235, and sources containing Pu–238, U–235 and U–238. Because the neutron sources, detectors and fission are sealed and contain only small amounts (gram quantities) of nuclear material, storage and use of these materials will pose no threat to the environment. Therefore, the discussion below will be limited to assessing the potential for environmental impacts resulting from the handling and the storage of new fuel at Seabrook, Unit 1.

The Need for the Proposed Action

The proposed license will allow the applicants to receive and store fresh fuel prior to issuance of the Part 50 operating license in order to inspect the fuel and to finalize fuel preparation needed to load the fuel into the reactor vessel. Actual core loading, however, will not be authorized by the proposed license.

Environmental Impacts of the Proposed Action

A. *Nuclear Criticality and Radiation Safety.* Once at Seabrook, Unit 1, the new fuel may be temporarily stored in shipping containers in the rail bay and the new fuel shipping container area prior to the placement in their designated storage locations: new fuel storage area and the spent fuel pool. The shipping container array to be utilized at Seabrook, Unit 1, has been analyzed under all degrees of water moderation and/or reflection and found to be critically safe.

Upon removal of the fuel assemblies from the shipping containers, they are inspected and surveyed for any external contamination. Assuming no contamination is found, the assemblies are transferred to their designated storage location. Criticality safety of the storage locations (new fuel and spent fuel racks) is maintained by limiting the interaction between adjacent fuel assemblies. This is accomplished in the new fuel storage area such that a maximum of 12 fuel assemblies are stored in new fuel racks in a checkerboard pattern; the four storage locations adjacent to each new fuel assembly are vacant. Interaction between fuel assemblies stored in the spent fuel racks is limited by the presence of sheets of neutron poison securely fastened to all four sides of each storage location. Therefore, nuclear criticality safety of the storage racks is assured.

Since the fresh assemblies are sealed sources, the principal exposure pathway to an individual is via external radiation. For low-enriched uranium fuel (<4 percent U–235 enrichment), the exposure level to an individual standing 1 foot from the surface of the fuel would be less than 25 percent of the maximum permissible exposure specified in 10 CFR 20. In addition, the applicants are committed to establishing a program for maintaining general public exposure as low as reasonably achievable. Therefore, the staff has concluded that the applicants' requested operations can be carried out with adequate protection of the public and environment.

Only a small amount, if any, of radioactive waste (e.g., smear papers and/or contaminated packaged material) is expected to be generated as a result of fuel handling and storage operations. Any waste that is produced will be properly stored onsite until it can be shipped to a licensed facility.

B. *Transportation.* In the event the applicants must return the fuel to the fuel fabricator, all packaging and transport of fuel will be in accordance with 10 CFR Part 71. No significant external radiation hazards are associated with the unirradiated fuel because the radiation level from the clad fuel pellets is low and because the shipping packages must meet the external radiation standards in 10 CFR Part 71. Therefore, shipment of unirradiated fuel by the applicants is expected to have an insignificant impact upon the environment.

C. *Accident Analysis.* In the unlikely event that an assembly (either within or outside its shipping container) is dropped during transfer, fuel cladding is not expected to rupture. Even if the fuel rod cladding were breached and the pellets were released, an insignificant environmental impact would result. The fuel pellets are composed of a ceramic UO_2 that has been pelletized and sintered to a very high density. In this form, release of UO_2 aerosol is unlikely except under conditions of deliberate grinding. Additionally, UO_2 is soluble only in acid solution so dissolution and release to the environment are extremely unlikely.

D. *Conclusion.* The environmental impacts associated with the handling and storage of new fuel at Seabrook, Unit, 1, are expected to be insignificant. Essentially no effluents, liquid or airborne, will be released and acceptable controls will be implemented to prevent a radiological accident. Therefore, the staff concludes that there will be no significant impacts associated with the proposed action.

Alternative to the Proposed Action

The principal alternative would be to deny the requested license. Assuming the operating license will eventually be issued, denial of the storage only license would merely postpone new fuel receipt at Seabrook, Unit 1. Although denial of the Special Nuclear Materials License for Seabrook, Unit 1, is an alternative available to the Commission, it would be considered only if significant issues of public health and safety could not be resolved to the satisfaction of regulatory authorities involved.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Commission's Final Environmental Statement (NUREG–0895) dated December 1982 related to this facility.

Agencies and Persons Consulted

The Commisson's staff reviewed the applicants' request of August 1, 1985, and its supplement dated October 24, 1985, and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has prepared an Environmental Assessment related to the issuance of Special Nuclear Materials License No. SNM–1963. On the basis of this assessment, the Commission has concluded that environmental impacts created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Assessment. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

The Environmental Assessment and the above documents related to this proposed action are available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Copies of the Environmental

Assessment may be obtained by calling (301) 427–4510 or by writing to the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Silver Spring, Maryland, this 8th day of November 1985.

For the Nuclear Regulatory Commission.

W.T. Crow,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 85–27594 Filed 11–18–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal Systems; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on December 2 and 3, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

To the extent practical, the meeting will be open to public attendance, however, a portion of the meeting on December 3 will be closed to discuss material relating to plant safeguards and security.

The agenda for the subject meeting shall be as follows:

Monday, December 2, 1985—12:30 p.m. until the conclusion of business

Tuesday, December 3, 1985—8:30 a.m. until the conclusion of business

On December 2 the Subcommittee will discuss the issue of AFW reliability, and on December 3 the Subcommittee will continue the review of the NRR resolution position for USI A–45, "Shutdown Decay Heat Removal Requirements."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicale so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: November 14, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–27599 Filed 11–18–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published October 22, 1985 (50 FR 42808). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the December 1985 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Excutive Director of the Committee (telephone 202/634–3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee meetings

Emergency Core Cooling Systems, November 22, 1985, Washington, DC. The Subcommittee will review selected portions of the NRC Research Program on reactor thermal hydraulics for the ACRS Report to the Congress on the FY 1987 budget.

Human Factors, November 25 and 26, 1985, Washington, DC. The Subcommittee will complete its review of current reactor operator requalification procedures and initiate review of proposed final rulemaking on 10 CFR 55 and three related Regulatory Guides.

Decay Heat Removal Systems, December 2 (P.M. only) and 3, 1985, Washington, DC. On December 2 the Subcommittee will discuss the issue of AFW reliability, and on December 3 the Subcommittee will continue the review of the NRR resolution position for USI A–45, "Shutdown Decay Heat Removal Requirements."

Qualification Program for Safety-Related Equipment, December 4, 1985, Washington, DC.—Postponed.

Joint Safety Philosophy, Technology, and Criteria and Reliability and Probabilistic Assessment, December 4, 1985 Washington, DC. The Subcommittees will meet with the EDO and discuss outstanding issues relating to the NRC position on a revised Safety Goal Policy, the status of the NRC Staff ongoing work on plant specific PRAs, and the Millstone 1 PRA.

Emergency Core Cooling Systems, December 10 and 11, 1985, Palo Alto, CA. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W joint IST Program. A visit is planned to the EPRI-sponsored facilities supporting this program at the Stanford Research Institute and Science Applications, Inc.

Quality and Quality Assurance In Design and Construction, December 13, 1985, Washington, DC. The Subcommittee will discuss with the NRC Staff such programs as CAT, IDVP, IDI, and readiness review to ensure quality in nuclear plant design and construction. Further, a discussion with the Staff of their program to deal with allegations at the OL stage (i.e., Comanche Peak). Emphasis should be on comparing the resources required by the various programs and the effectiveness of the programs in assuring quality of plant design, construction and readiness for operation.

Davis Besse, December 27, 1985 Washington, DC. The Subcommittee will

review start-up activities for Davis Besse.

Qualification Program for Safety-Related Equipment, January 6, 1986, Washington, DC. The Subcommittee will discuss resolution and implementation of USI A–46.

Reactor Operations, January 7, 1986, Washington, DC. The Subcommittee will hear an update on the New LER system and will review recent operating experience.

Joint Waste Management and Reactor Radiological Effects, January 15, 16 and 17, 1986, Washington, DC. The Subcommittee will review: (1) EPA's Low-Level Waste Standards (currently being developed), (2) Regulatory Exempt Radiation Levels (*de minimis* levels), and (3) other topics yet to be identified in support of NMSS/WM High-Level Waste Management Program.

Safety Research Program, February 12, 1986 (tentative), Washington, DC. The Subcommittee will continue its discussion on the NRC Safety Research Program and Budget for FY 1987. Also, it will discuss a final draft of the ACRS report to the Congress.

Reliability and Probabilistic Assessment, Date and location to be determined (late December/January, tentative). The Subcommittee will review the probabilistic risk assessment for Millstone 3.

Metal Components, Date to be determined (December/January), Washington, DC. The Subcommittee will review: (1) The proposed scope rule change to GDC–4 concerning the leak-before-break criteria applied to high-energy lines in light-water reactors; (2) NUREG–0313, Revision 2, and (3) other related matters.

South Texas Units 1 and 2, Date to be determined (January), Washington, DC. The Subcommittee will review Houston Lighting and Power Company's application for an operating license.

Human Factors, Date to be determined (January), Washington, DC. The Subcommittee will explore methods for deciding what actions should be automated in nuclear power plant operation.

Fort St. Vrain, Date to be determined (January/February), near Longmont, CO. The subcommittee will tour the facility, explore technical problems addressed during the recent extended outage, and discuss management changes made as a result of the licensee's independent assessment of management controls.

Scram System Reliability, Date to be determined, Washington, DC. The Subcommittee will discuss scram breaker reliability for B&W and CE plants and continue its review of the ATWS Rule implementation effort.

CE Nuclear Plants, Date to be determined, Washington, DC. The Subcommittee will discuss the issue of rapid depressurization for CE plants without PORVs

ACRS Full Committee Meeting

December 5–7, 1985: Items are *tentatively* scheduled.

*A. *Davis Besse Nuclear Power Station Units 2 and 3*—Briefing and discussion regarding proposed restart of the Davis Besse nuclear units following an incident which involved loss of main and auxiliary feedwater to the steam generators.

*B. *Radwaste Management and Disposal*—Briefing and discussion of ACRS Subcommittee activities related to the handling and disposal of radioactive waste including the definition of high level wastes, and the High Level Radwaste Programmatic Overview and Approach.

*C. *Emergency Planning*—Discuss proposed ACRS clarification regarding consideration of extreme environmental events in emergency planning.

*D. *Requalification of Reactor Operators*—Discuss proposed ACRS comments regarding procedures and requirements for requalification of nuclear power plant reactor operators.

*E. *Generic Safety Related Items*—Briefing and discussion of proposed prioritization of several items recently identified as safety related generic issues.

*F. *Palo Verde Nuclear Power Station Units 1 and 2*—Consider startup experience of Unit 1 with respect to fuel loading and proposed operation of Unit 2.

*G. *State of Nuclear Power Safety*—Discuss proposed ACRS comments regarding the state of nuclear power safety.

H. *Long Range Planning*—Hear and discuss the report of the ACRS subcommittee regarding long range planning for research and regulatory activities.

*I. *Seismic Design of Nuclear Power Stations*—Discuss proposed comments by the ACRS regarding consideration of seismic design margins in nuclear power plants.

*J. *Activities of the Office of Nuclear Reactor Regulation*—Briefing by a representative of NRR regarding activities of the NRC Office of Nuclear Reactor Regulation.

*K. *Millstone Nuclear Power Station Unit 1*—Review proposed request for a full term operating license for this nuclear power station and discuss the probabilistic risk assessment for this unit.

*L. *Licensing of Nuclear Power Plant Operators*—Review proposed review of 10 CFR 55, Operator Licensing and related NRC regulatory guides.

*M. *NRC Outage Inspection Program*—Briefing by a representative of the NRC Office of I&E regarding provisions of the NRC outage inspection program.

*N. *Selection of Nuclear Power Plant Operators*—Discuss proposed ACRS comments regarding use of natural ability selection of nuclear power plant operators.

*O. *Future Agenda Items*—Discuss proposed items for consideration by the ACRS including specific issues to be evaluated during review of the South Texas project.

*P. *Reactor Pressure Vessel Pressurized Thermal Shock*—Discuss reports of ACRS consultant and ACRS Fellow regarding specific issues related to the integrity of nuclear reactor pressure vessels which may be subjected to pressurized thermal shock.

*Q. *Annual ACRS Report to the U.S. Congress regarding the Proposed NRC Safety Research Program*—Discuss the scope and format for the report on the proposed report for FY 1987.

*R. *Activities of ACRS Subcommittees*—Hear and discuss the reports of designated ACRS subcommittees regarding current activities related to nuclear reactor safety including decay heat removal, use of hydrogen for primary system water chemistry control in boiling water reactors, and the adequacy of B&W pressurized water reactors.

*S. *Reactor Operations*—Discuss proposed ACRS comments regarding recent nuclear power plant operating incidents including a rapid blowdown and overcooling of a pressurized water reactor, environmental qualification of safety related equipment and requirements for equipment necessary to provide shutdown capability in the event of fires and other damaging events in the main control room.

*T. *ACRS Activities*—Discuss proposed reorganization of ACRS subcommittee assignments.

*U. *Completion of ACRS Reports*—The members will continue discussion of proposed letters to the NRC regarding items considered during the 307th ACRS meeting including the General Electric Standard Safety Analysis Report (GESSAR–II), Palo Verde Nuclear Generating Station—start up experience of Unit 1, comments regarding recent operating experience of nuclear power stations, clarification of ACRS report on the Impacts of Natural Phenomena on Off-site Emergency Response, definition

of high level waste, use of natural aptitude testing in selection of nuclear power plant operators, and NUREG–0956, Reassessment of the Technical Bases for Estimating Source Terms.

January 9–11, 1986—Agenda to be announced.

February 13–15, 1986—Agenda to be announced.

Dated: November 14, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–27600 Filed 11–18–85; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.152, "Criteria for Programmable Digital Computer System Software in Safety-Related Systems of Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations for promoting high functional reliability for safety-related systems using programmable digital computer systems in the operation of nuclear plants.

Comments and suggestions in connection with (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current GPO prices may be obtained by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37802, Washington, DC 20013–7082.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 12th day of November 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Research.

[FR Doc. 85–27592 Filed 11–18–85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 158; Airborne Loran-C Receiving Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 158 on Airborne Loran-C Receiving Equipment to be held on December 10–11, 1985, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks: (2) Review and Approval of Committee Terms of Reference; (3) Status Report on Special Committee 137 Development of Loran-C Area Navigation Standards; (4) Discussion on the FAA Loran-C Nonprecision Approach Program; (5) Develop Committee Work Program and Schedule for Accomplishment; (6) Assignment of Tasks; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 9, 1985.

Karl F. Bierach,

Designated Officer.

[FR Doc. 85–27453 Filed 11–18–85; 8:45 am]

BILLING CODE 4912-13-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 159; Minimum Aviation System Performance Standards for GPS; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 159 on Minimum Aviation System Performance Standards for GPS to be held on December 12–13, 1985, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review and Approval of Committee Terms of Reference; (3) Briefing on the GPS Ad Hoc Committee Report; (4) Briefing on Minimum Aviation System Performance Standard Format; (5) Open Discussion on GPS; (6) Develop Committee Work Program and Schedule for Accomplishment; (7) Assignment of Tasks; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 9, 1985.

Karl F. Bierach,

Designated Officer.

[FR Doc. 85–27452 Filed 11–18–85; 8:45 am]

BILLING CODE 4912-13-M

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee; Meeting

AGENCY: Urban Mass Transportation, DOT.

ACTION: Notice of section 15 Reporting System Advisory Committee Meeting.

SUMMARY: In this Notice, the Urban Mass Transportation Administration (UMTA) announces a meeting of the section 15 Reporting System Advisory Committee. The Committee provides advice concerning the quality and

usefulness of the Section 15 Reporting System.

DATE: December 5–6, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald J. Fisher, Office of Information Services, Room 6419, 400 Seventh Street, SW., Washington, DC 20590, (202) 426–9157.

SUPPLEMENTARY INFORMATION:

Background

Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), requires the development of a national reporting system for public mass transportation financial and operating data. On August 27, 1981, UMTA issued a Notice in the **Federal Register** (46 FR 43352) announcing the establishment of the Section 15 Reporting System Advisory Committee. The Committee reviews the quality and usefulness of the Section 15 Reporting System to assure that it provides meaningful information for the analysis of the transit industry.

All Committee meetings are open to the public. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Commmittee. A written statement may be filed with the Committee at any time.

Meeting Information

Dates: Thursday, December 5, 1985; Friday, December 6, 1985.
Time: 8:30 a.m.–5:00 p.m.
Place: Department of Transportation, 400 Seventh Street, SW., Room 2230, Washington, DC 20590.

Issued on: November 14, 1985.

Ralph L. Stanley,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 85–27532 Filed 11–18–85; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Dated: November 8, 1985.

The Department of the Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco, and Firearms

OMB Number: 1512–0390
Form Number: ATF F 5020.29
Type of Review: Extension
Title: Request for Disposition of Offense
Clearance Officer: Howard Hood, (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Irving W. Wilson, Jr.,

Departmental Reports Management Office.

[FR Doc. 85–27506 Filed 11–18–85; 8:45 am]

BILLING CODE 4810–25–M

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 39f]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; AIU Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to AIU Insurance Company, of New York, New York, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1984.

The Company was last listed as an acceptable surety on Federal bonds at 49 FR 27248, July 2, 1985.

With respect to any bonds currently in force with AIU Insurance Co., Inc., bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226, telephone (202) 634–2319.

Dated: November 8, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85–27484 Filed 11–18–85; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1984 Rev., Supp. No. 38]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Classified Insurance Corp.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Classified Insurance Corporation of Waukesha, Wisconsin, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1985.

The Company was last listed as an acceptable surety on Federal bonds at 49 FR 27251, July 2, 1984.

With respect to any bonds currently in force with Classified Insurance Corporation, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226, telephone (202) 634–2319.

Dated: November 8, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85–27485 Filed 11–18–85; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 223
Tuesday, November 19, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Home Loan Bank Board	1
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1

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:30 a.m., Friday, November 22, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

MATTERS TO BE CONSIDERED:

Corporate Governance II
Finance Subsidiaries
Insurance Appeals Procedures
Policy Statement on Reverse Repurchase Agreements

Jeff Sconyers,
Secretary.
No. 31, November 15, 1985.

[FR Doc. 85-27700 Filed 11-15-85; 3:45 pm]
BILLING CODE 6720-01-M

2

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9 a.m., Tuesday, November 26, 1985.

PLACE: Conference Rooms, 8A, B, C, Eighth Floor, 800 Independence Avenue, SW., Washington, D.C.20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Galaxy Airlines, Inc., Lockheed L-188C, N5532, Reno Cannon International Airport, Reno, Nevada, January 1, 1985.
2. *Petition for Reconsideration of Probable Cause:* Aircraft Accident Air Canada Flight 767, McDonnell Douglas DC-9, C-FTLU, Greater Cincinnati International Airport, Covington, Kentucky, June 2, 1983.
3. *Marine Accident Report*—Sinking of the U.S. Tug M/V CELTIC and Barge CAPE RACE, Long Island Sound, Connecticut, November 17, 1984.

CONTACT PERSON FOR MORE INFORMATION: H. Ray Smith (202) 382-6525.

Catherine T. Kaputa,
Federal Register Liaison Officer.
November 15, 1985.

[FR Doc. 85-27702 Filed 11-15-85; 3:59 pm]
BILLING CODE 7533-01-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of November 18, 25, and December 2, and 9, 1985.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of November 18

Monday, November 18

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Tuesday, November 19

11:00 a.m.
Periodic Meeting with Advisory Panel on Decontamination of TMI-2 (Public Meeting)
2:00 p.m.
Briefing on Policy Statement on Nuclear Power Plant Standardization (Public Meeting) (postponed from November 15)
3:30 p.m.
Discussion of Environmental Qualification Exemption Request—Fort St. Vrain (Public Meeting)
4:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of November 25—Tentative

Monday, November 25

2:00 p.m.
Briefing by Executive Branch (Closed—Ex. 1)

Tuesday, November 26

2:00 p.m.
Discusson of 1986 Policy and Planning Guidance (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of December 2—Tentative

Wednesday, December 4

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of December 9—Tentative

Monday, December 9

10:00 a.m.
Discussion of Threat Level and Physical Security (Closed—Ex. 1)
2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Tuesday, December 10

9:30 a.m.
Periodic Briefing on NTOLs (Public Meeting)
2:30 p.m.
Review of Enforcement Policy (Public Meeting)

Thursday, December 12

10:00 a.m.
EEO Program Plan—Progress Report (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Order Regarding Environmental Qualification Extension of the November 30, 1985 Deadline for Nine Mile Point Nuclear Station, Unit 1" and "Order Regarding Environmental Qualification Extension of the November 30, 1985 Deadline for Brunswick Steam Electric, Unit 2" (Public Meeting) was held on November 14.

Affirmation of "Review of ALAB-817 (Braidwood Nuclear Power Station, Units 1 and 2)" scheduled for November 14, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Julia Corrado,
Office of the Secretary.
November 14, 1985.

[FR Doc. 85-27699 Filed 11-15-85; 3:45 pm]
BILLING CODE 7590-01-M

4

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ACTION: Amendment of Notice of Meeting.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:30 a.m., November 19, 1985.

SUMMARY: Interested members of the public are advised that the agenda of

the meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held on Tuesday, November 19, 1985, published in the November 14, 1985 issue of the **Federal Register**, has been amended as follows:

The open session of the Board meeting will include consideration of a resolution to close the meeting in accordance with section 116(f)(1) of the Energy Security Act.

The closed portion of the meeting will include ranking of Projects under the Tar Sands Solicitation.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Ms. Karen Hutchison, Director-Media Relations, at (202) 822-6455.

United States Synthetic Fuels Corporation.

March Coleman,

Assistant General Counsel-Corporate and Litigation.

November 14, 1985.

[FR Doc. 85-27547 Filed 11-15-85; 9:20 am]

BILLING CODE 0000-00-M

federal register

Tuesday
November 19, 1985

Part II

Environmental Protection Agency

Data Call-In Notice for Chronic Data, MGK-264 (N-Octyl Bicycloheptene Dicarboximide); and Pyrethrins, Pyrethrin Coils, and Pyreturum Powder Other Than Pyrethrins; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPP-36106; FRL-2924-8]

Data Call-In Notice for Chronic Data for MGK-264 (N-Octyl Bicycloheptene Dicarboximide)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), the Agency has determined that additional chronic toxicological data are needed to maintain in effect continued registration of products containing the active ingredient N-(2-ethylhexyl)-5-norbonene-2,3-dicarboximide or N-octyl bicycloheptene dicarboxamide, hereafter referred to by its trade name, MGK-264. This notice informs end-use registrants of affected products of the issuance of a Data Call-In Notice on products containing the active ingredient MGK-264. This notice further informs them that they will be treated as if they had requested and been granted a generic data exemption from the data requirements. However, any such end-use registrant may inform the Agency within 90 days of publication of this Notice that the registrant does not wish such treatment or does not qualify for such treatment.

DATE: Any responses to this notice requesting other than a generic data exemption must be received on or before February 18, 1986.

ADDRESS: Submit three copies of written comments, identified with the document control number "OPP-36106," by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this Notice/proposed rule/rule may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments to:

Barbara Briscoe, or Geraldine Werdig, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Office location and telephone numbers: Rm. 728, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, Barbara Briscoe (703-557-0458), Geraldine Werdig (703-557-7436).

SUPPLEMENTARY INFORMATION:

I. Background

Under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA), the Agency has determined that additional chronic toxicological data are needed to maintain in effect the continued registration of products containing the active ingredient MGK-264. The Agency has issued a Data Call-In Notice requesting these data. The Data Call-In Notice for MGK-264 is printed in full in Unit II of this notice. Normally, each registrant of a product containing an active ingredient which is the subject of a Data Call-In Notice would be sent a copy of the notice and would have to respond to the Agency within 90 days of receipt of the Notice with certain information, including informing the Agency what steps are being taken to comply with the requirements, or face the possibility of suspension of product registrations. In this case, the Data Call-in Notice has been mailed only to the McLaughlin Gormley King Company (MGK), the technical product registrant. The 474 registrants of end-use products which, according to EPA records, contain MGK-264 are being notified by this publication in the **Federal Register**. This is an appropriate manner of notification, in light of the circumstances described below.

McLaughlin Gormley King Company has informed the Agency that it will fulfill the MGK-264 chronic data requirements. Further, McLaughlin Gormley King Company has indicated that all other companies with registered products containing MGK-264 purchase the chemical in the form of a registered product from MGK. Generally a company which purchases an active ingredient as a registered product, and incorporates it into its own end-use product may qualify for a generic data exemption.

This notice informs affected end-use registrants about the data requirements, applicable deadlines for data production, and options available for complying with the requirements. This notice also informs the end-use product registrants (listed in Attachment B of the Data Call-in Notice, which is reprinted in Unit III of this **Federal Register** Notice) that the Agency will treat each end-use registrant as if the registrant had requested and been granted a generic data exemption from the data requirements included in the Data Call-In Notice, unless the registrant informs the Agency within 90 days of publication of this Notice in the **Federal Register** that is does not wish a generic exemption or is not qualified for one, thus requiring such registrant to be treated in a different manner.

The Agency believes that each end-use registrant included in Attachment B obtains the MGK-264 contained in its product solely by purchase of other registered products containing MGK-264. Any registrant who incorporates into its end-use product any MGK-264 from any source other than a registered product which either is MGK-264 or contains MGK-264 must, within 90 days of publication of this Notice, submit to the Agency an up-to-date Confidential Statement of Formula. The Agency may require further information or data as it may determine necessary.

As noted herein, circumstances may arise in the future which may change a registrant's status for continuation of the generic data exemption.

A registrant listed in Unit III of this **Federal Register** notice should not respond to the Agency within 90 days of publication of this notice unless any of the following statements are applicable:

1. The registrant does not wish to receive a generic data exemption and wishes to be responsible either individually or jointly for satisfying the data requirements through election of some other option.

2. The registrant obtains the MGK-264 contained in its product other than by purchasing a registered product which is MGK-264 or contains MGK-264.

Any registrant responding to the Agency should use the Data Call-In Summary Sheet, selecting any appropriate options and providing appropriate supporting information. Because of the volume of this active ingredient which is produced and used, the Agency will not consider a request for a low-volume minor-use exemption.

A registrant who is treated as having been granted a generic data exemption must notify the Agency if it is no longer eligible for the exemption. In that event,

the notice to the Agency must include a revised Confidential Statement of Formula.

If, in the future, the McLaughlin Gormley King Company fails to take appropriate steps to supply the required data or fails to provide the required data on time, all other registrants will be notified and must inform the Agency within 30 days of notification how they will comply with the data requirements by the dates specified in the Data Call-In Notice. In that event, a registrant who does not respond within 30 days of such notification, or fails to take appropriate steps to submit the required data by the date specified in the Data Call-In Notice will be issued a Notice of Intent to Suspend each affected registration.

II. Data Call in Notice

September 27, 1985.

Data Call in Notice for Chronic Toxicological Data for MGK-264™

Dear Sir or Madam:

This Notice requires you and other registrants of pesticide products containing N-Octyl bicycloheptene dicarboxamide hereafter referred to as MGK-264™ to submit certain data to the U.S. Environmental Protection Agency (EPA). Within 90 days after you receive this Notice you must inform EPA:

1. How you will comply with the data requirements set forth in this Notice; or

2. Why you believe you are exempt from the requirements of this Notice; or

3. Why you believe EPA should not require your submission of data in the manner specified by this Notice.

If you do not respond to this Notice, or if you do not satisfy EPA that you will comply with its requirements or should be exempt or excused from doing so, then the registration(s) of your product(s) subject to this Notice will be suspended. We have provided a list of all of your products subject to this Notice (Attachment A), as well as a list of all registrants subject to this Notice (Attachment B) which is also being published in the **Federal Register** as the means of notifying those registrants.

The authority for this Notice is Sec. 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(2)(B).

Section I. Why You Are Receiving This Notice

The Agency is including in this Notice the chronic data needs usually requested as a part of the ongoing regular Data Call In Program. Since this chemical is included in products used on food, it would be subject normally to chronic testing requirements. These tests are also required for certain non-food uses. We have not examined in detail the use patterns for your product(s). If your product(s) is not used for food or other uses subject to the chronic testing requirements of the Pesticide Registration Guidelines, see section III-C for instructions on submitting a request that the guidelines do not apply to your product(s). A copy of the "When Required" portion of the chronic testing requirements of those Guidelines is attached for use in your evaluations. (Attachment C). The existing chronic data in the areas of chronic feeding, oncogenicity, reproduction and teratology (the traditional areas included in Data Call In) are cited in a list included as Attachment B-1. Therefore, the Agency imposes the requirement to supply the chronic data needed. If there are any additional existing chronic studies in this area which meet current requirements, please let us know within 90 days of your receipt of this Notice. All the data we are requiring are called "generic" data. They pertain to the safety of that active ingredient in all products having the use patterns for which the data are required. The Agency has determined that the data listed in Section II of this Notice are necessary to maintain in effect your registration of products containing MGK-264.

Section II. Data Required

II-A, *Toxicological Data Needed.* These data are specified in the Data Requirements for Pesticide Registration; Final Rule, § 158.135, toxicology data requirements, chronic testing.

1. *Chronic Feeding Study(s).*

Data needed: A chronic feeding study in a nonrodent species.

2. *Oncogenicity Study(s).*

Data needed: An oncogenicity study in a species other than the rat.

3. *Reproduction Study(s).*

Data needed: No additional data needed at this time.

4. *Teratogenicity Study(s).*

Data needed: A teratogenicity study in a species other than the rat.

II-B. *Schedules for Submission of Data.* The chronic studies must be submitted according to the following schedule:

1. Chronic Feeding Study(s) in two species.

—A progress report is due 8 months after receipt of this Notice and semiannually thereafter.

—A final report is due 50 months after receipt of this Notice.

2. Oncogenicity Study(s) in two species.

—A progress report is due 8 months after receipt of this Notice and semiannually thereafter.

—A final report is due 50 months after receipt of this Notice.

3. Teratology Study(s) in two species.

—A progress report is due 8 months after receipt of this Notice and semiannually thereafter.

—A final report is due 15 months after receipt of this Notice.

II-C. *Testing Protocols.* Any studies submitted under Section II-A must be conducted in accordance with acceptable test standards such as those outlined in the Pesticide Assessment Guidelines. Protocols approved by the Organization for Economic Cooperation and Development (OECD) are also acceptable provided the OECD recommended test standards, such as test duration, selection of species, and degradate identification (environmental fate) requirements conform to that specified in the Pesticide Data Requirements regulation (§ 158.70).

When using the OECD protocols, care should be taken to observe the test standards in a manner such that the data generated by the study will satisfy the requirements of Part 158. The Pesticide Registration Guidelines were proposed by EPA in the **Federal Register** (FR) on August 22, 1978, 43 FR 37336. Subsequently, the registration data requirements were summarized as a final regulation on November 24, 1982, 47 FR 53192 (40 CFR Part 158) and the final data requirements regulation was published on October 24, 1984 (49 FR 42856). The final regulation is labeled "Data Requirements for Pesticide Registration; Final Rule." The Pesticide Assessment Guidelines contain acceptable tests and other guidance. Residue Studies appear in Subdivision O, Residue Chemistry Guidelines; chemistry studies in Product Chemistry, Subdivision D; Environmental Fate in Subdivision N; and the chronic toxicology data requirements are in Subdivision F—Hazard Evaluation; Humans and Domestic Animals. These EPA Guidelines are available as: NTIS Order No. PB83-153916 for Subdiv. F (hard copy $16.00/microfiche $4.50); PB83-153890 for Subdiv. D ($11.50); PB83-153973 for Subdiv. N ($13.00); and PB83-153981 for Subdiv. O ($10.00); from the National Technical Information Service (NTIS), Attn: Order Desk, 5285 Port Royal Rd., Springfield, VA 22161 (703-487-4650). The OECD protocols are available from OECD, 1750

Pennsylvania Ave., N.W., Washington, D.C. 20006.

Section III. Compliance With Requirements of This Notice

Within 90 days of receiving this Notice, you must submit for each of your products subject to this Notice a completed copy of the "Data Call In Summary Sheet" (Attachment C). On that sheet you must state which option(s) you have selected to comply with this Notice. At the same time, you must also submit any additional documents required to support the option(s) chosen. The Summary Sheet and other attachments are provided to assist you in responding to this Notice. Do not alter the printed material. If you believe you qualify for more than one of the available options provided by this Notice, you should choose every option for which you believe you may qualify when you respond to this Notice. In processing responses which specify more than one option for complying with this Notice, EPA will attempt to adopt the option which will impose the least burden on the registrant.

Section III-A. Exemption From the Requirements of this Notice

Generic Data Exemption—Under section 3(c)(2)(D) Of FIFRA, an applicant for registration of a product is exempt from the requirement to submit or cite data concerning an active ingredient if the active ingredient in his product is derived exclusively from purchased registered pesticide products containing the active ingredient. EPA has concluded that such a registrant also should normally be exempt from a section 3(c)(2)(B) notice requiring data on the active ingredient which they purchase. To qualify for this exemption all of the following requirements must be met:

1. The MGK-264™ in your registered product must be present solely because of incorporation of another registered product which contains MGK-264™;

2. Every registrant who is the ultimate source of the MGK-264™ in your product must be in compliance with the requirements of this Notice and must remain in compliance; and

3. You must have provided to EPA an accurate and current "Confidential Statement of Formula" for each of your products to which this Notice applies.

Generally, to apply for the generic data exemption you must submit a completed Generic Data Exemption Statement (Attachment D) and all supporting documentation for each of your products for which you claim the exemption. However, in this case, a mechanism for obtaining a generic data exemption is being included in a **Federal Register** Notice. The **Federal Register** document notifies end-use registrants of this Data Call-In Notice. It identified steps to be taken, depending upon the course of action chosen by the individual end-use registrant as an appropriate response to the Notice.

Exemption for low volume minor use—pesticides—Section 3(c)(2)(A) of FIFRA requires EPA to consider the appropriateness of requiring data for low volume minor use pesticides. In implementing this provision EPA considers as a low volume chemical only active ingredients whose total production volume for all manufacturers is small. If the active ingredient is used for both high volume and low volume uses, a low volume exemption will not be approved. If all uses of an active ingredient are low volume and the combined volumes for all uses are also low, then an exemption may be granted. An exemption will not be granted if nay registrant of the active ingredient elects to conduct the testing.

To apply for a low volume minor use exemption, you must submit the following information:

1. Your total production in pounds per year of MGK-264™ for all uses (including non-pesticide uses) of the chemical for each of the last five calendar years.

2. A listing of all uses of the MGK-264™ you produce and the amount used in pesticide products.

3. A financial impact analysis which treats the costs of the proposed testing and addresses the ability to pass those costs on to the users of the product.

4. Statement of how important MGK-264™ is to users.

5. A list of data requirements for which you request an exemption and a detailed explanation of why an exemption is requested.

The Agency will not consider any requests for low/volume minor use exemption because of the volume of this active ingredient which is produced and used.

Section III-B. Production of Data Required by This Notice

There are three methods by which you may meet the requirements of this Notice to produce data. First, you may commit to the Agency that you will develop the data. Second, you may share in the cost of developing the data. Third, you may submit existing data which satisfies the requirements of this Notice.

If you choose to develop the required data yourself or to submit existing data, within 90 days of receipt of this Notice you must submit a completed Data Coversheet for each study to be provided.

Submitting Existing Data—If you submit existing data, you must include two copies of the study. You must also determine that the data satisfy one or more of the requirements imposed by this Notice. If the data do not, you still will be required to comply with this Notice, normally without any extension of the required date of submission.

Developing Data—If you choose to develop the required data, your submission should also indicate the protocols to be followed in conducting the study. If you wish to use a protocol which differs from the options provided by section II of this Notice, you must submit a detailed description of the proposed protocol and your reason for wishing to use it. The Agency may choose not to accept a protocol not specified in Section II; rejection of the proposed protocol will not be a basis for any extension of time for submission of data.

Sharing Cost to Develop Data—If you choose to enter into an agreement to share in the cost of producing the required data but will not be submitting the data yourself, provide the name of the registrant who will be submitting the data. You must also provide EPA with documentary evidence that an agreement has been formed. Such evidence may be your letter offering to join in an agreement and the other registrant's acceptance of your offer, or a written statement by the parties that an agreement exists. The agreement to produce the data need not specify all of the terms of the final arrangement between the parties or the mechanism to resolve the terms. Section 3(c)(2)(B) provides that if the parties cannot resolve the terms of the agreement they may resolve their differences through binding arbitration.

Section III-C. Other Courses of Action Under This Notice

There are additional options available in responding to this Notice. First, you may claim that one or more data requirements should not apply to your product. Second, you may amend your registration to delete the uses to which one or more data requirements apply. Third, you may ask for the voluntary cancellation of your registration. Fourth, you may request that EPA use its discretion and not suspend your registration because of your good faith yet unsuccessful efforts to enter into an agreement for a joint data development/cost sharing program.

Applicable Data Requirements—If the data requirements of this Notice do not apply to your product(s), you will not be required to supply the data pursuant to section 3(c)(2)(B). If you claim that the data requirements are not applicable to your product(s), you must submit an explanation of why you believe they do not apply. You should also submit the current label(s) of your product(s) and a copy of the Confidential Statement of Formula of the product(s). If EPA determines that the data are required for your product(s), you must choose another method of meeting the requirements of this Notice in a timely manner.

Voluntary Cancellation or Amendment—You may avoid the requirements of this Notice by eliminating the uses of your product to which the requirement applies. To do so, you may choose either to request voluntary cancellation of your registration or to seek amendment of the registration to delete the appropriate uses. If you wish to amend your registration, you must submit a completed application for amendment, a copy of your proposed amended labeling, and all other information required for processing the application.

Discretionary Non-Suspension of Your Registration(s)—You may also request EPA to exercise its discretion not to suspend your registration(s) although you do not comply with the data submission requirements of this Notice. EPA has determined that as a general policy, absent other relevant considerations, it will not suspend the registration of a product of a registrant who has in good faith sought and continues to seek to enter into a data development/cost sharing program but the other registrant(s) developing the data have refused to accept his offer. To qualify for this option, you must prove to EPA that you have made an offer to another registrant (who has an obligation to submit data) to share in the burden of developing that data. You must also provide us with a copy of that offer and proof of the other registrant's receipt of that offer (such as a certified mail receipt). Your offer must, in addition to anything else, offer to share in the burden of producing the data upon terms to be agreed or failing agreement to be bound by binding arbitration as provided by FIFRA section 3(c)(2)(B)(iii). In addition, you must demonstrate that the other registrant to whom the offer was made has not accepted your offer to enter into a cost-sharing agreement. The other registrant must also inform us on a Summary Sheet that he will develop and submit the data required by this Notice.

In order for you to avoid suspension under this option, you may not withdraw your offer to share in the burdens of developing the data. In addition, the other registrant must fulfill its commitment to develop and submit the data as required by this Notice.

Section III–D. Existing Stocks of Suspended or Cancelled Products

EPA has statutory authority to permit continued sale and distribution of existing stocks of a pesticide product which has been suspended or cancelled if doing so would be consistent with the purposes of the Act. The Agency has now determined that such disposition of existing stocks for a suspended registration when a section 3(c)(2)(B) data request is outstanding would generally not be consistent with the Act's purposes. Accordingly, the Agency anticipates granting permission to sell or distribute existing stocks of suspended products only in exceptional circumstances. If you believe such disposition of existing stocks of your product(s) which may be cancelled or suspended because of this Notice should be permitted, you have the burden of clearly demonstrating to EPA that granting such permission would be consistent with the Act. Unless you meet this burden, the Agency will not consider any request pertaining to your continued sale and distribution of your existing stocks after cancellation or suspension.

If you expect to have your product suspended or intend to request a voluntary cancellation of your product(s) and wish to request an existing stocks provision, the following information must be included in your request:

1. Demonstration that such a provision would be consistent with the purposes of FIFRA, and

2. Explanation of why an "existing stocks" provision is necessary, including a statement of the quantity of existing stocks and your estimate of the time required for their sale and/or distribution.

Section IV Inquiries and Responses to This Notice

If you have any questions regarding the requirements and procedures established by this Notice, please contact: Barbara Briscoe (703) 557–0458 or Geraldine Werdig (703) 557–7436.

All responses to this Notice must include a completed Data Call In Summary Sheet and the other documents required by section III of this Notice, and should be submitted to: Geraldine W. Werdig, Chief, Data Call In Program, Registration Division (TS–767), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; RE: MGK–264™.

The Office of Compliance Monitoring (OCM) of the Office of Pesticides and Toxic Substances (OPTS), EPA, will be monitoring the data being generated in response to this Notice. Therefore, if you respond to this Notice by:

—Committing to develop and/or submitting data,

—Stating that data requirements are not applicable,

—Submitting protocols or modifications to them, and/or

—Requesting extensions in due date for submitting final reports,

send a duplicate copy to the DCI Summary Sheets and coversheets with supporting information to: Laboratory Data Integrity Program, Office of Compliance Monitoring (EN–342), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

A duplicate copy of the actual studies need not be sent to OCM.

Sincerely yours,

James W. Akerman for Douglas D. Campt,

Director, Registration Division.

Attachments

A=List of Registrant's Products Containing MGK–264 ™ [1]
B=List of Registrants With Products Containing MGK–264 ™ [2]
B–1=List of Existing Chronic Data
C=Data Call In Summary Sheet for Chronic Data
C–1=Chronic Testing Requirements of Pesticide Registration Guidelines[3]
D=Generic Data Exemption Statement and Confidential Statement of Formula
E=Coversheet for Submitting Data
F=**Federal Register** Notice[4]

Attachment B–1 Existing Chronic Toxicological Data in EPA Files for N–Octyl Bicycloheptene Dicarboxamide

(Referred to as MGK–264™)

1. Chronic Feeding Study(s) (Two Species) Data located in EPA files are: MGK–264 Feeding Study (Rats), Final Report; by D.M. Angevine, et al.; report date 1964; performed by Wisconsin Alumni Research Foundation; submitted to McLaughlin Gormley, King Co.; MRID #63559; EPA Acces. #221985–H.

2. Oncogenicity Study(s) (Two Species) Data located in EPA files are: MGK–264 Feeding Study (Rats), Final Report; by D.M. Angevine, et al.; report date 1964; performed

[1] Not being reprinted here because this is the list of the MGK–264 ™—containing products of the MGK Company to whom the Data Call In Notice is being mailed.

[2] Not being reprinted here. See Unit III of document.

[3] Not being reprinted here. See the first four data requirements for chronic testing under 40 CFR 158.135.

[4] This Notice in its entirety.

by Wisconsin Alumni Research Foundation; submitted to McLaughlin Gormley, King Co.; MRID #63559; EPA Acces. #221985–H.

3. Reproduction Study(s) (One Species) Data located in EPA files are: Three Generation Teratogenic Study (Rats); by M. V. Shelanski, et al.; report #I.B.L. 1964; report date 1965; performed by Industrial Biological Laboratories, Inc.; submitted to McLaughlin, Gormley, King Co.; MRID #81028; EPA Acces. #221620–Y.

4. Teratogenicity Study(s) (Two Species) Data located in EPA files are: None. Three Generation Teratogenic Study (Rats); by M. V. Shelanski, et al.; report #I.B.L. 1964; report date 1965; performed by Industrial Biological Laboratories, Inc.; submitted to McLaughlin, Gormley, King Co.; MRID #81028; EPA Acces. #221620–Y.

BILLING CODE 6560–50–M

OMB Approval No. 2000-0468

ATTACHMENT C DATA CALL-IN SUMMARY SHEET

EPA Registration No.: _____
Product Name: _____
Registrant's Name: _____
Date of Data Call-In Notice: _____ for products containing _____ as an active ingredient.

Note: For each registered product, a "Data Call-In Summary Sheet" must be filled in and sent to the Agency. If you qualify for a "generic" data exemption or have decided to voluntarily cancel your registration, check the appropriate box for Nos. 1 or 2.

1. |_| I request a generic data exemption. Attached is a current, accurate Confidential Statement of my product's composition indicating my source of active ingredient or a certification on the "Generic Data Exemption Statement."

2. |_| I request a voluntary cancellation of this product's registration.

If you select only Option 1 or 2 above, sign here, and return this page to EPA.

Dated _____ _____
Signature of Authorized Representative

_____ _____ _____
Telephone No. + area code | Name Typed or Printed | Address if different from mailing address

If you choose one or more of the following options (Nos. 3-9), you may choose different options for different data requirements, but for each data requirement, at least one box must be checked.

Option Nos. 3-5 for satisfying Notice's data requirements	Chronic Feeding		Oncogenicity		Teratogenicity		Reproduction
	Species #1	Species #2	Species #1	Species #2	Species #1	Species #2	
3. I am submitting existing data for each data requirement box which I have checked. A Coversheet for submitting data is attached which summarizes each study submitted.							
4. I will generate and submit data for each data requirement box which has been checked and will submit progress reports according to the schedule in Section II. of this Notice. These data will be generated according to Data Requirements for Pesticide Registration Final Rule |_|, the OECD protocols |_|, or different protocol |_|. A completed Coversheet for Submitting Data is attached.							
5. I have entered into an agreement under FIFRA 3(c)(2)(B) (ii) with one or more other Registrants to share the burdens of generating and submitting data and progress reports for each data requirement box which I have checked according to the schedule in Schedule II. of this Notice. A copy of the agreement is attached and the name and address of the registrant to submit each test is specified.							

ATTACHMENT C-2 (cont'd.)

Other options 6 through 9	Chronic Feeding		Oncogenicity		Teratogenicity		Reproduction
	Species #1	Species #2	Species #1	Species #2	Species #1	Species #2	
6. I claim that I am not obliged to arrange to submit the data required by this Notice for the following checked data requirement box(es) because the use(s) of my registered pesticide product are such that, under the Data Requirements for Pesticide Registration Final Rule, these data requirements do not apply to my product. Attached is an explanation of why my registered pesticide product is not subject to the Requirements together with a current and accurate Confidential Statement of my product's composition and current label for my registered pesticide product.							
7. I enclose a completed application to amend my registration by deleting one or more of its currently registered uses. Once this amendment is approved, I believe the data requirements in the checked box(es) will not apply to my product.							
8. I request an exemption from the obligation to arrange to submit data for the following checked data requirement box(es), because the active ingredient in my registered, pesticide product is a low volume/minor chemical. Attached are the documents necessary for a low volume/minor chemical request according to Section III.							
9. I have submitted an offer as specified in Section III of the Notice but have been unsuccessful in entering into any agreement to share the burdens of generating data with other registrant(s). Attached are copies of the offers I have made regarding the requirements indicated by the checked data box(es) and attached is proof of receipt of the offer(s).							

Dated

Signature of Authorized Representative

Typed or Printed

Telephone No. + area code

Address (If different from address)

BILLING CODE 6560-50-C

OMB Approval No. 2000-0468; Expiration Date 5/31/86

Attachment D.—"Generic" Data Exemption Statement

EPA Product Registration Number ————

Registrant's Name and Address ————

As an authorized representative of the registrant of the product identified above, I hereby certify that:

(1) I have read and am familiar with the terms of the Notice from EPA dated ———— concerning a requirement for submission of "generic" data on the active ingredient ———— under FIFRA Section 3(c)(2)(B).

(2) My firm requests that EPA not suspend the registration of our product, despite our lack of intent to submit the data in question, on the grounds that the product is an end-use product, as opposed to a manufacturing-use product, and it contains the active ingredient solely as the result of the incorporation into the product (during formulation or packaging) of another product which contains that active ingredient, which is registered under FIFRA Section 3, and which is purchased by us from another producer.

(3) An accurate Confidental Statement of Formula for the above identified product is attached to this statement. That formula statement indicates, by company name, registration number, and product name, the source of the active ingredient in my firm's product. My firm will apply for an amendment to the registration prior to changing the source of the active ingredient in our product.

(4) I understand, and agree on behalf of my firm, that if at any time any portion of this Statement is no longer true, or if my firm fails to comply with the undertakings made in this Statement, my firm's product's registration may be suspended in accordance with FIFRA Section 3(c)(2)(B).

Dated:————

Registrant's authorized representative:

(Signature) ————

(Typed) ————

Attachment: Completed Confidential Statement of Formula unless the following certification is completed:

"The CSF dated ———— on file with the EPA is complete, current and accurate and contains the information requested on the current CSF form No. 8570-4. The registered source(s) of ———— in my product(s) is/are ———— and the registration number(s) is/are ————.

BILLING CODE 6560-50-M

BILLING CODE 6560-50-C

Confidential Business Information: Does Not Contain National Security Information (E.O. 12065)

Form Approved. OMB No. 2000-0483. Approval expires 9 30-87

EPA

United States Environmental Protection Agency
Office of Pesticide Programs (TS-767)
Washington, DC 20460

Confidential Statement of Formula

A. ☐ Basic Formulation ☐ Alternate Formulation

B. Page of

See Instructions on Back

1. Name and Address of Applicant/Registrant *(Include ZIP Code)*

2. Name and Address of Producer *(Include ZIP Code)*

3. Product Name

4. Registration No./File Symbol

5. EPA Product Mgr/Team No.

6. Country Where Formulated

7. Pounds/Gal or Bulk Density

8. pH

9. Flash Point/Flame Extension

EPA USE ONLY	10. Components in Formulation *(List as actually introduced into the formulation. Give commonly accepted chemical name, trade name, and CAS number.)*	11. Supplier Name & Address	12. EPA Reg. No.	13. Each Component in Formulation a. Amount	b. % by Weight	14. Certified Limits % by Weight a. Upper Limit	b. Lower Limit	15. Purpose in Formulation
16. Typed Name of Approving Official				17. Total Weight	100%			

18. Signature of Approving Official	19. Title	20. Phone No. *(Include Area Code)*	21. Date

EPA Form 8570-4 (Rev. 2-85) Previous editions are obsolete.

Original and second copy to EPA.
Third copy to Applicant

INSTRUCTIONS

Please Read Carefully Before Completing This Form

The complete chemical composition of each pesticide must be known so it can be evaluated for registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

This form is designed for reporting the ingredients used in the formulation of a pesticide product. It must be completed and submitted with each application for new registration of a pesticide and application for amended registration if the revision involves a formula change.

Block A—Check the appropriate action for which you are submitting the form.

Block B—Number all pages consecutively. Enter on each page the total number of pages submitted. If more than one page is required, number them "1 of 2," "2 of 3," "3 of 3,"etc.

1. Name and Address of Applicant/Registrant—Enter the name and address of your firm or authorized agent.

2. Name and Address of Producer—Specify the name of the producer and the address of the site where this product will be produced.

3. Product Name—Specify the complete name of this pesticide product as it will appear on the label. This name must be the same as that which appears on the application form.

4. Registration Number/File Symbol—Enter the EPA registration number or file symbol, if known, for this product.

5. EPA Product Manager/Team Number—Enter the name and team number of the EPA Product Manager assigned to this product, if known.

6. County Where Formulated—Specifiy the country where this product is formulated.

7. Weight per Gallon/Bulk Density—For a liquid product specify pounds per gallon of formulated product. For a powder or granular product, enter the bulk density of formulated product (as used). Enter weight per unit if the product is produced as a tablet, briquette, or other uniformly shaped product.

8. pH—Enter the pH of aqueous formulations and products which are either dispersible or soluble in water. If not applicable enter "N/A."

9. Flash Point/Flame Extension—Specify the flash point as determined by the regulations for pressurized products and/or products known or suspected to burn. State the results of the flame extension test for pressurized products including positive flashbacks.

10. Components in Formulation—List as actually introduced into the formulation. For each component in your formulation, provide the product name, commonly accepted chemical, the trade name, and the Chemical Abstract (CAS) number for each identifiable ingredient present in that product. CAS numbers may be obtained from the Chemical Abstract Service of the American Chemical Society, Columbus, OH. For each original and alternate source of each active ingredient in the product, indicate the percent purity of the manufacturing use product, technical product, or other source of active ingredient. If one or more components will be obtained from more than one source, enter all alternate sources and all alternate EPA Reg. Nos. in blocks 10, 11, and 12 or on a separate attachment.

ATTENTION: *(Special Instructions for Columns 10, 13, and 14)* Any impurities greater than or equal to 0.1% (or less than 0.1% if the impurity is toxicologically significant) which are associated with the active ingredient(s) of a technical grade (manufacturing or reformulating use) product or an end-use product produced by an integrated formulations system should also be listed in column 10, and the corresponding amount, percent by weight, and upper certified limits in columns 13 and 14.

11. Supplier Name and Address—Provide the name and address of the supplier of each component in the formulation. If one or more components will be obtained from more than one source, specify the names and addresses of the alternate sources also.

12. EPA Reg. No.—Specify the EPA registration number, if any, for each active ingredient in the formulation. If an unregistered active ingredient is used, have the suppliers submit the chemical specifications, as well as any data required under 40 CFR Part 158.

13. Each Component in Formulation—

a. Amount—Specify the quantity of each component as actually introduced into the formulation. Units (e.g., pounds, grams, gallons, liters) should be expressed as used in the formulation. If the quantity is a liquid measure, enter the volume and the specific gravity or the pounds per gallon of the component.

b. Percent by Weight—Specify the weight percentage of each component in your formulated product. CHECK YOUR CALCULATIONS. Note that the weight percentage in many cases will not agree with that shown on the label ingredient statement where the weight percentage of the pure active ingredient(s) must be declared.

ATTENTION: PRODUCERS OF MICROBIAL PRODUCTS.—*(Special Instructions for Column 13.b.)* Please state the percent of active ingredient in British International Units (BIUs), International Toxic Units (ITUs), Polyhedral Inclusion Bodies (PIBs) (viruses), or Colony Forming Units (CFUs) (fungi), as appropriate, and include an equivalent statement of active ingredient per milligram, ounce, pound, etc., of product (e.g., a 50% active Bacillus thuringiensis product may have an equivalency value of 1.59 million Aedis aegypti ITU per pound of product).

14. Certified Limits—These limits are to be set based on representative sampling and chemical analysis (i.e., quality control) of the product.

a. Upper Limit—Specify the maximum percentage of each active ingredient, intentionally added inert ingredient, and any impurities greater than 0.1%, to be permitted in the product.

b. Lower Limit—Specify the minimum percentage of each active ingredient and intentionally added inert ingredient to be permitted in the product.

15. Purpose of Formulation—Specify the purpose of each ingredient both active and inert. (For example, disinfectant, herbicide, synergist, surfactant, defoamer, sequestrant, etc.) If space is insufficient, abbreviate.

16. Typed Name of Approving Official—Complete this item for identification of individual to be contacted if necessary.

17. Total Weight—Specify the total weight of the batch (column 13. a.).

18.—21.—Complete these items for identification of individual to be contacted if necessary.

Attachment E.—Coversheet for Data Submitted in Response to Data Call in Notice

EPA Registration No. ———
Product name: ———
Registrant's name: ———
Name of active ingredient: ———

Type of submission:
☐ Intent to submit data in the future
☐ Original submission of data
☐ Duplicate submission of data

Type of study (if available):

Title of study:

Name and address of laboratory(s) or individual(s) who performed ☐, are performing ☐, or will perform ☐ the study.

Numbers used by registrant or laboratory to identify the study.

Date that study was completed (if applicable) ——— or date by which the study will be submitted to EPA (if it is not enclosed): ———

Date when you expect study (in life portion) to be initiated by laboratory ———, and date when you expect in life portion to be completed ———. In future progress reports, indicate when the study (in life portion) was actually initiated and completed.

Note: You may also receive requests from other EPA offices for additional information on these studies. Should you receive such requests, you do not need to provide a copy of your response to the Data Call In Office.

Date

Signature of Registrant's Representative

BILLING CODE 6560-50-M

III LIST OF END-USE REGISTRANTS

000004	BONIDE CHEMICAL CO. INC.	2 WURZ AVE.	YORKVILLE NY	13495
000005	EMPIRE INTERNATIONAL	P.O. BOX 29805	ATLANTA, GA	30359
000016	DRAGON CHEMICAL CORP	PO BOX 7311	ROANOKE VA	24019
000052	WEST CHEMICAL PROD INC	24-16 BRIDGE PLAZA SOUTH RM 500	LONG ISLAND CITY, NY	11101
000070	RIGO COMPANY, INC.	P.O. BOX 98	BUCKNER, KENTUCKY	40010
000099	WATKINS INCORPORATED	150 LIBERTY ST	WINONA MN	55987
000115	CONTINENTAL CHEMICAL COMPANY	2750 GRAND AVE	CLEVELAND OH	44104
000121	MILES LABORATORIES, INC.	P.O. BOX 1986	BERKELEY, CA	94701
000134	HESS & CLARK, INC.	7TH AND ORANGE	ASHLAND, OH	44805
000150	ANDERSON CHEMICAL CO.	BOX 1041	LITCHFIELD MN	55355
000192	DEXOL INDUSTRIES	1450 W 228TH ST	TORRANCE CA	90501
000201	SHELL CHEMICAL COMPANY	1025 CONNECTICUT AVE N.W. SUITE 200	WASHINGTON, D.C.	20036
000239	CHEVRON CHEMICAL COMPANY	940 HENSLEY STREET	RICHMOND CA	94804
000257	CELLO CORPORATION	1354 OLD POST ROAD	HAVRE DE GRACE MD	21078
000259	MISSOURI KANSAS CHEMICAL COMPANY	1708-16 CAMPBELL	KANSAS CITY MO	64108
000270	FARNAM COMPANIES INC	301 W. OSBORN ROAD	PHOENIX, AZ	85013
000274	TRAGER MFG COMPANY INC	1200 WHEELER AVENUE	SCRANTON PA	18510
000299	MARTIN C J COMPANY	606 W MAIN ST P.O. BOX 1089	NACOGDOCHES TX	75961
000303	HUNTINGTON LABORATORIES,INC.	968-970 EAST TIPTON ST.	HUNTINGTON IN	46750
000305	WISCONSIN PHARMACAL INC.	6769 N. INDUSTRIAL RD.	MILWAUKEE, WI	53223
000323	HOLCOMB J I RSEARCH LABORATORIES	4500 EUCLID AVE.	CLEVELAND, OHIO	44103
000334	HYSAN CORPORATION	919 W 38TH ST	CHICAGO IL	60609
000373	RESIDEX CORP	225 TERMINAL AVENUE	CLARK NJ	07066
000385	MCKESSON LABORATORIES	P.O. BOX 2277	DUBLIN, CA	94566
000395	LETHELIN PRODS COMPANY INC	15 SOUTH MACQUESTEN PARKWAY	MOUNT VERNON NY	10550
000400	UNIROYAL CHEMICAL	74 AMITY ROAD	BETHANY CT	06525
000402	HILL MANUFACTURING, INC	1500 JONESBORO RD SE	ATLANTA GA	30315
000404	MCCONNON & COMPANY	25 MCCONNON DR	WINONA, MN	55987
000410	FRANKLIN LABORATORIES INC.	P.O. BOX 669	AMARILLO, TX	79105
000419	CENOL COMPANY	21N 988 PEPPER ROAD	BARRINGTON, IL	60010
000432	PENICK CORPORATION	1050 WALL STREET WEST	LYNDHURST, NEW JERSEY	07071
000438	STATE CHEMICAL COMPANY	BOX 310	AMARILLO TX	79105
000442	STANDARD OIL COMPANY OF OHIO	101 PROSPECT AVENUE	CLEVELAND OH	44115
000464	DOW CHEMICAL U S A	PO BOX 1706	MIDLAND MI	48640
000475	BOYLE-MIDWAY INC	S AVE & HALE ST	CRANFORD NJ	07016
000478	REALEX CORP.	BOX 78 2500 SUMMIT ST.	KANSAS CITY MO	64141
000485	INDUSTRIAL FUMIGANT COMPANY	601 EAST 159TH ST.	OLATHE, KS	66061
000491	SELIG CHEMICAL INDUSTRIES THE	840 SELIG DR P.O. BOX 43106	ATLANTA GA	30378
000498	CHASE PRODUCTS COMPANY	19TH ST AND GARDNER ROAD	BROADVIEW IL	60153
000499	WHITMIRE RESEARCH LABS INC	3568 TREE CT INDUSTRIAL BLVD	ST LOUIS MO	63122
000506	WALCO-LINK CO.	P.O. BOX 769	CLIFTON, NJ	07015
000527	ROCHESTER MIDLAND	333 HOLLENBECK ST.	ROCHESTER, NY	14621
000537	BIOCERTA CORP	303 5TH AVE	NEW YORK NY	10016
000538	SCOTT O M & SONS COMPANY	SCOTTLAWN RD.	MARYSVILLE OH	43040
000539	SEARS ROEBUCK & COMPANY	SEARS TOWER DEPT. 671/15TH FLOOR	CHICAGO IL	60684
000541	PURITAN/CHURCHILL CHEMICAL CO.	PO BOX 93247 MARTECH STATION	ATLANTA GA	30318
000551	BAIRD & MCGUIRE INC	775 SOUTH STREET	HOLBROOK,MA	02343
000557	ESTECH, INC.	30 NORTH LASALLE ST.	CHICAGO, IL	60604
000561	KLEIN KLEEN-ALL CORPORATION OF MILWAUKEE	1137 NORTH THIRD STREET	MILWAUKEE WI	52303
000572	ROCKLAND CHEMICAL CO. INC.	P.O. BOX 809	WEST CALDWELL, NJ	07006
000602	PURINA MILLS, INC.	800 CHOUTEAU AVE.	ST. LOUIS, MO	63164
000618	MERCK & CO INC		RAHWAY NJ	07065
000622	NORDEN LABS INC	601 W CORNHUSKER	LINCOLN NE	68521
000632	MUTUAL DEALERS WHOLESALE INC	2361 HAMPDEN AVE	ST PAUL MN	55114
000639	ACME SANITARY SUPPLY COMPANY	2819 LARIMER STREET	DENVER CO	80205
000655	PRENTISS DRUG & CHEMICAL COMPANY INC	C. B. 2000 21 VERNON ST.	FLORAL PARK, NY	11001
000675	NATIONAL LABS LENN & FINK INDUSTRIAL PRO	225 SUMMIT AVE	MONTVALE, N. J.	07645
000706	CLAIRE MANUFACTURING COMPANY	500 VISTA AVE.	ADDISON, IL	60101
000713	ATLAS MANUFACTURING COMPANY	BOX 224968-2321 BEATRICE ST.	DALLAS TX	75264
000722	CARPENTER W D COMPANY INC	PO BOX 205 6179 E MOLLOY RD	EAST SYRACUSE NY	13057
000769	SECURITY CHEMICAL COMPANY	P.O. BOX 938	FORT VALLEY, GA	31030
000773	PITMAN-MOORE INC	PO BOX 344	WASHINGTON CROSSING NJ	08560
000778	CONSUMER PRODUCTS DIV. A.H. ROBINS CO. I	3800 CUTSHAW AVE.-P.O. BOX 6235	RICHMOND, VA	23230
000830	CRAIN CHEMICAL COMPANY	P.O. DRAWER 20973	DALLAS TX	75220
000839	BELL CHEMICAL COMPANY	BOX 10007	DALLAS TX	75207
000861	UNCLE SAM CHEMICAL COMPANY INC	575 W 131ST ST	NEW YORK NY	10027
000869	GREEN LIGHT COMPANY	P.O. BOX 17985	SAN ANTONIO, TX	78217
000892	PIONEER MANUFACTURING COMPANY	5273 BROADVIEW RD.	CLEVELAND, OH	44134
000900	CHEMICAL SERVICE	11250 W ADDISON ST	FRANKLIN PARK IL	60131
000901	AIROSOL CO INC	525 NORTH ELEVENTH ST.	NEODESHA KS	66757
000904	MILLER CHEMICAL & FERTILIZER CORP.	BOX 333	HANOVER, PENNSYLVANIA	17331
000912	FARMERS UNION CENTRAL EXCHANGE INC	PO BOX 43089	ST PAUL MINNESOTA	55164
000939	LEITTE E H COMPANY	2200 ORWELL AVE	STILLWATER, MN	55082
000984	WHITMOYER LAB INC	19 NORTH RAILROAD ST.	MYERSTOWN, PA.	17067
000991	CAMLE COMPANY INC	9225 WATSON INDUSTRIAL PARK	ST LOUIS, MO	63126
000995	MACKWIN COMPANY	25 MCCONNON DR.	WINONA, MN	55987
001007	PFIPHARMECS DIVISION, PFIZER INC.	235 EAST 42ND ST	NEW YORK NY	10017
001057	C B DOLGE COMPANY	P.O. BOX 1515	ROCHESTER, NEW YORK	14603
001117	FORT DODGE LABORATORIES	DIV AMER HOME PRODS CORP BOX 518	FORT DODGE IA	50501
001145	THE CROPMATE CO.	320 EMBASSY PLAZA	OMAHA, NE.	68114
001169	CLASSIC CHEMICAL	16TH & MICKLE STREET	CAMDEN, NEW JERSEY	08105
001187	VIRGINIA CHEM INC	3340 W NOFFOLK RD	PORTSMOUTH VA	23703
001193	707 COMPANY	1530 STILLWELL AVE	BRONX NY	10461
001203	DELTA FOREMOST CHEMICAL CORP.	3915 AIR PARK ST.	MEMPHIS, TENNESSEE	38130
001214	GUARDIAN CHEMICAL COMPANY	P.O. BOX 93667	ATLANTA GA	30318
001221	BARTLETT CHEMICALS INC	4955 RIVER ROAD, P.O. BOX 10710	JEFFERSON, LA	70181
001266	MALTER INTERNATIONAL CORPORATION	PO BOX 6099	NEW ORLEANS LA	70174
001269	DEWITT CHEMICAL COMPANY	P.O. BOX 2015	ATLANTA GA	30301
001270	ZEP MANUFACTURING COMPANY	1310 SEABOARD INDUSTRIAL BLVD. NW	ATLANTA,GEORGIA	30318
001304	FURST MCNESS COMPANY	120 E CLARK ST	FREEPORT IL	61032
001307	MAGNOLIA CHEMICAL CO INC	2646 RODNEY LANE	DALLAS TX	75220
001317	AN-FO MANUFACTURING COMPANY	PO BOX 7311 3129 ELMWOOD AVE	OAKLAND CA	94601
001325	WEIL CHEMICAL COMPANY	219 SCOTT STREET	MEMPHIS, TN	38112
001326	WALTHAM CHEM COMPANY	817 MOODY ST	WALTHAM MA	02154
001368	THE MELCOCRAFT COMPANY	P.O. BOX 567	TOLEDO, OH	43693
001381	LAND O'LAKES	P.O. BOX 423	SHENANDOAH, IOWA	51601
001421	THE OETTELBACK CHEMICAL CORP.	2676 APPLE VALLEY RD. NE	ATLANTA, GA	30319
001439	BLUE SPRUCE COMPANY	50 DIVISION AVENUE	MILLINGTON NJ	07946
001455	PRO TEX ALL COMPANY INC	223 NW 2ND ST	EVANSVILLE IN	47708
001459	BULLEN CHEMICAL COMPANY	HOOK ROAD	FOLCROFT PA	19032
001477	MOORE L A & COMPANY INC	PO BOX 441	UTICA NY	13501
001498	MARKS SUPPLY COMPANY	P.O. BOX 15938	NEW ORLEANS, LA	70175
001537	CENTER CHEMICAL COMPANY	BOX 80202	ATLANTA GA	30341
001553	MOMAR INC	PO BOX 19567 STATION N	ATLANTA GA	30325
001562	THE GREAT ATLANTIC & PACIFIC TEA CO. INC	P.O. BOX 418	MONTVALE, NJ.	07645
001603	REEFER-GALLER WUBS	4044 PARK AVENUE	ST. LOUIS, MO.	63110

001604	GALREE PROD CO SUBSID	300 PK AVE	NEW YORK NY	10022
001645	KNOX CHEMICAL CO.	7625 PAGE BLVD.	ST. LOUIS, MO.	63133
001660	CHEMICAL SPECIALTIES COMPANY INC	51-55 NASSAU AVE	BROOKLYN NY	11222
001663	GRANT LAB. DIV.	6020 ADELINE ST.	OAKLAND CA	94608
001677	ECONOMICS LABORATORY INC	370 WABASHA ST.	ST PAUL, MN	55102
001685	STATE CHEMICAL MFG CO THE	3100 HAMILTON AVE	CLEVELAND, OHIO	44114
001691	CHEMICAL COMPOUNDING CORP	680 ELTON AVENUE	RIVERHEAD, NY	11901
001748	YORK CHEMICAL CO., INC.	118 FULTON AVE.	GARDEN CITY PARK NY	11040
001766	ALLADDIN PRODUCTS	3001 INDUSTRIAL COURT	SMYRNA (ATLANTA), GA	30080
001769	NCH CORP	1590 EAST NORTHGATE	IRVING, TX	75062
001778	WESTERN CHEM COMPANY	615 ALBEMARLE STREET	ST JOSEPH MO	64502
001783	TRIO CHEMICAL WORKS INC	341-347 SCHOLES ST	BROOKLYN NY	11206
001811	GENA LABORATORIES INC	1341-3 PLOWMAN AVE.	DALLAS TX	75203
001814	FUMOL CORPORATION	49-65 VAN DAM STREET	LONG ISLAND CITY, NY	11101
001833	BRILCO LABORATORIES	1553 63RD ST	BROOKLYN NY	11200
001864	CENTRAL PETROLEUM COMPANY	548 STANDARD BLDG	CLEVELAND OH	44113
001903	8 IN 1 PET PRODUCTS INC	100 EMJAY BLVD	BRENTWOOD NY	11717
001926	NAVY BRAND MFG COMPANY	5111 SW AVE	ST LOUIS MO	63110
001927	TERMINIX DIV OF COOK IND INC	P O BOX 17167	MEMPHIS TN	38117
002006	GOOD-WAY INSECTICIDE INC	P.O. BOX 2768	WHEELING IL	60090
002019	GASTON JOHNSTON CORP.	1919 LONE STAR DRIVE	DALLAS, TX	75212
002059	VAUGHAN'S SEED COMPANY	CHIMNEY ROCK RD	BOUND BROOK NJ	08805
002095	VINSON CHEM PROD COMPANY	200 DURAD AVENUE-P.O. BOX 893	OPALOCKA, FL	33045
002097	BEECHAM LABORATORIES	513-529 5TH ST	BRISTOL TN	37620
002131	R.T. FRENCH HOUSEHOLD PRODUCTS	P.O. BOX 23450	ROCHESTER NY	14692
002155	I. SCHNEID, INC.	BOX 93188-MARTECH STATION	ATLANTA GA	30318
002217	PBI/GORDON CORPORATION	1217 WEST 12TH STREET, P.O. BOX 4090	KANSAS CITY, MO	64101
002270	HUGE COMPANY, INC., THE	7625 PAGE AVE	ST. LOUIS, MO	63133
002337	DEMERT & DOUGHERTY, INC.	814 COMMERCE DR. SUITE 310	OAK BROOK, IL	60521
002382	CARSON CHEMICALS INC	PO BOX 466	NEW CASTLE IN	47362
002491	KOOS INC	4500 13TH CT	KENOSHA WI	53140
002505	REMPEL CHEM PRODS INC	BOX 1185	FRESNO CA	93715
002517	CONAGRA PET PRODUCTS CO.	3902 LEAVENWORTH ST	OMAHA NE	68105
002548	RESEARCH PRODUCTS COMPANY	BOX 1057	SALINA KS	67401
002596	HARTZ MOUNTIAN CORP	700 SO 4TH ST	HARRISON NJ	07029
002630	OCEAN COFFEE CO.	7222 WEST PARK ROAD	SHREVEPORT LA	71129
002666	CORNELL CHEMICAL & EQUIPMENT CO.	712 EVELYN AVE.	LINTHICUM HEIGHTS, MD	21090
002724	ZOECON INDUSTRIES, INC.	12200 DENTON DRIVE	DALLAS, TX	75234
002777	INDIANHEAD MANUFACTURING COMPANY	BOX 638-318 S OLD SCOTTSDALE RD	SCOTTSDALE AZ	85251
002781	HAPPY JACK INC	BOX 475	SNOW HILL NC	28580
002860	WINDSOR AEROSOL DIVISION	APPROVED PRODUCTS IN. 8804 TYSON RD.	WYNDMOOR PA.	19118
002869	CRYSTAL CHEM CORP	101-02 37TH AVENUE	CORONA,NY.	11368
002881	LYSTAD INC.	BOX 1718	GRAND FORKS ND	58201
002907	HELLER, ARCH C. COMPANY	1546 B. DELMAR DR.	FOLCROFT, PA	19032
002915	FULLER BRUSH COMPANY THE	P.O. BOX 729 WESTPORT ADDITION	GREAT BEND, KS	67530
002993	BRAYTON CHEMICALS INC	P.O. BOX 437	WEST BURLINGTON, IA	52655
003040	EDCO CHEM COMPANY INC	1048 KEY ROAD	COLUMBIA, S.C.	29250
003090	SANITIZED INC	605 3RD AVE	NEW YORK NY	10016
003095	PIC CORPORATION	23 SOUTH ESSEX AVE.	ORANGE, N.J.	07050
003134	EVSCO PHARMACEUTICALS	2285 E. LANDIS AVENUE	VINELAND, NJ	08360
003181	AERO MASTER INC	325 W PACIFIC AVE	ST LOUIS MO	63119
003282	D-CON COMPANY INC	225 SUMMIT AVENUE	MONTVALE, N.J.	07645
003286	THE STAFFEL CO.	P.O. BOX 2380	SAN ANTONIO TX	78298
003298	MURO COMPANY	1824 N. HANCOCK ST.	PHILADELPHIA, PA	19122
003314	COLONIAL PRODUCTS INC	1830 TENTH AVENUE NORTH	LAKE WORTH FL	33461
003339	PARKE-HILL CHEMICAL CORP	29 BERTEL AVE	MT VERNON NY	10550
003417	MISSION CHEM CO	9290 ACTIVITY RD-P.O. BOX 80608-92138	SAN DIEGO CA	92126
003442	USS AGRI-CHEMICALS DIV US STEEL CORP	PO BOX 1685	ATLANTA GA	30301
003525	UTICO CORPORATION	SIXTH AVENUE & WAIT STREET	PATERSON NJ	07524
003624	NOVA PRODUCTS INC	800 HICKORY	KANSAS CITY, MISSOURI	64101
003635	OXFORD CHEMICALS	PO BOX 80202	ATLANTA GA	30366
003696	THE DOW CHEMICAL CO.	P.O. BOX 368	GREENVILLE, SC	29602
003850	BORDEN INC CHEMICAL DIV	P O BOX 390	NORRISTOWN, PA	19404
003865	CERTIFIED LABORATORIES	PO BOX 2493	FT WORTH TX	76101
004000	SOUTHERN CHEMICAL PRODUCTS COMPANY	PO BOX 205	MACON GA	31202
004077	GRB INDUSTRIES INC	#2 RACE ST (BOX 1067)	UPLAND PA	19015
004206	BARCOLENE COMPANY THE	620 SOUTH ST	HOLBROOK MA	02343
004297	BROOKS SCIENTIFIC O'BRIEN INDUSTRIES INC	2686 LISBON ROAD	CLEVELAND, OH	44104
004306	COMBE INCORPORATED	240 WESTERCHESTER AVE	WHITE PLAINS, NY	10604
004313	CARROLL COMPANY	2900 W. KINGSLEY RD.	GARLAND TX	75041
004328	ZENITH CHEMICAL CORP	ATTN ROSE 175 MT PLEASANT AVE	NEWARK NJ	07104
004450	CHEMEX CHEMICALS & COATINGS CO INC	P O BOX 5072 2822 N 35TH ST	TAMPA, FL	33605
004476	MORTON PHARMACEUTICALS INC	1625 N. HIGHLAND ST./P.O. BOX 8037	MEMPHIS TN	38108
004482	EPIC INDUSTRIES	710 MIDDLESEX AVE.	METUCHEN, NJ	08840
004582	COLGATE PALMOLIVE COMPANY	COLGATE PALMOLIVE BUILDING 300 PARK AVE	NEW YORK NY	10022
004584	GEM INC	#1 GEM BLVD	BYHALIA, MS	38611
004591	LYNDE CHEMICAL COMPANY	3040 EAST HENNEPIN AVE	MINNEAPOLIS MN	55413
004679	NATIONAL SPRAY CAN FILLING CORP	641 DOW'D AVE	ELIZABETH NJ	07201
004713	PYRETHRUM BOARD OF KENYA	2100 LINCOLN PARK WEST	CHICAGO, ILLINOIS	60614
004758	PET CHEMICALS INC	BOX 656	MIAMI SPRINGS FL	33166
004816	FAIRFIELD AMERICAN CORPORATION	87TH AND HARRISON STREETS	FRENCH TOWN, NJ	08825
004822	S.C. JOHNSON & SON INC.	1525 HOWE STREET	RACINE, WI	53403
004828	ABCO INC	P.O. BOX J	IRWIN, PA	15642
004866	TRI-MUTUAL, INC.	8500 PILLSBURY AVE. SOUTH	MINNEAPOLIS MN	55420
004887	STEPHENSON CHEM COMPANY INC	BOX 87188	COLLEGE PARK GA	30337
004972	PROTEXALL PRODUCTS INC.	1109-11 HWY 427 N.	LONGWOOD, FL.	32750
004990	JET-AER CORPORATION	100 SIXTH AVE	PATERSON NJ	07524
005011	CARMEL CHEMICAL CORPORATION	P.O. BOX 406-525 PARK ST.	WESTFIELD IN	46074
005073	TATGE CHEM COMPANY	BOX 190	HERINGTON KS	67449
005125	RENARD PET CORPORATION THE	782 MAIN ST	NEW ROCHELLE NY	10801
005130	JOHNSON CHEMICAL COMPANY	227 JOHNSON AVE	BROOKLYN NY	11206
005185	BIO-LABS INC	627 E COLLEGE AVE PO BOX 1489	DECATUR GA	30030
005197	KEM MFG CORP	2075 TUCKER INDUSTRIAL RD.	TUCKER,GA.	30084
005323	TRENELL SERVICES	21 HANNAH ROAD	OAKLAND, N.J.	07436
005332	PLANTABBS CORP	6 FOXTAIL ROAD	TIMONIUM, MD	21093
005343	ZIRIN LABORATORIES INTERNATIONAL INC	199 W 24TH ST	HIALEAH FL	33010
005440	CARDINAL CHEMICAL COMPANY	50 FRANCISCO ST.	SAN FRANCISCO CA	94133
005481	AMVAC CHEMICAL CORP	4100 EAST WASHINGTON BLVD	LOS ANGELES, CA	90023
005590	ATI RESEARCH CENTER	OLD GATE LANE	MILFORD CT	06460
005602	HUB STATES CORPORATION	419 E. WASHINGTON ST.	INDIANAPOLIS IN	46204
005605	FARMINGDALE GARDEN LABS	136 VERDI ST	FARMINGDALE NY	11735
005659	WONDER PRODUCTS COMPANY	1409 SOUTH FULTON	SALISBURY, NC	28144
005664	CANTOL INC	2211 N AMERICAN STREET	PHILADELPHIA, PA	19133
005667	BARRETT CHEMICAL COMPANY INC	H & LUZERNE ST	PHILADELPHIA PA	19124
005719	CHACON CHEMICAL CORP	2600 YATES AVENUE	CITY OF COMMERCE, CA	90040
005736	DUBOIS RESEARCH LABORATORIES	3630 E. KEMPER	SHARONVILLE OH	45241

005748	CONWOOD CORPORATION	P.O. BOX 217	MEMPHIS TN	38101
005802	DETTELBACH PESTICIDE CORPORATION	AEROSOL DIVISION 4103 PEACHTREE RD NE	ATLANTA GA	30319
005887	BLACK LEAF PRODUCTS COMPANY	667 N STATE ST	ELGIN IL	60120
005927	DACUS INC	HIGHWAY 6 WEST PO DRAWER 528	TUPELO MS	38801
005978	AIR. GUARD CONTROL, INC.	1209 WEST BAILEY	SIOUX FALLS, SD	57104
006165	TOPCO ASSOCIATES INC	7711 GROSS POINT RD	SKOKIE IL	60076
006175	HART-DELTA INC	5055 CHOCTAW DR	BATON ROUGE LA	70805
006218	SUMMIT CHEMICAL COMPANY	7657 CANTON CENTER DR.	BALTIMORE MD	21224
006296	NUTRILITE PRODUCT INC	5600 BEACH BLVD	BUENA PARK CA	90620
006369	EUDORA PRODUCTS COMPANY	46 E SWANN STREET	COLUMBUS OHIO	43215
006409	U S MARKETING DISTRIBUTORS	408 W ELSEGUNDO BLVD	LOS ANGELES, CA	90061
006607	BATESVILLE CHEMICAL COMPANY	205 PAMELA ST	BATESVILLE MS	38606
006614	CENTRAL EXTERMINATING & CHEM CO	365 CENTRAL PARK AVE	YONKERS NY	10704
006621	NATIONAL INTER CHEM CORP.	2819 W LAKE ST	CHICAGO IL	60612
006658	MIDCO PROD. COMPANY	11697 FAIRGROVE IND BLVD	MARYLAND HEIGHTS MO	63043
006662	DALCO CHEMICAL CO.	5379 BLUE BELL DR.	CLEVELAND, OHIO	44124
006720	SOUTHERN MILL CREEK PRODUCTS COMPANY INC	P.O. BOX 1096 - 5514 N 56TH	TAMPA FL	33601
006723	RED WING CHEMICAL COMPANY INC	920 MCCALLIE AVENUE	CHATTANOOGA TN	37403
006754	DETTEL BACH PESTICIDE CORP.	P.O. BOX9986	ATLANTA GA	30319
006762	STERN CHEMTECH CORP.	BOX 5070	MONROE LA	71201
006768	MICROBAN GERMICIDE CO.	227 THIRD AVE.	BRADDOCK, PA.	15104
006830	OCTAGON PROCESS INC	596 RIVER RD	EDGEWATER NJ	07020
006837	WILMAR CO., INC.	P.O. BOX 11407	CHARLOTTE, NC	28204
006959	CESSCO INC	BOX 12452 3534 CENTRAL AVE	CHARLOTTE NC	28205
006993	GERMAINS INC	4820 E 50TH ST	LOS ANGELES CA	90058
007001	J.R. SIMPLOT CO.	BOX 198	LATHROPE, CA	95330
007052	BIG D INDUSTRIES INC.	5620 SW 29TH ST.	OKLAHOMA CITY, OK	73148
007056	CSA, LIMITED, INC.	P.O. BOX 7056	HOUSTON, TX	77269
007173	CHEMPAR CHEMICAL COMPANY INC	60 EAST 42ND ST. - SUITE NO. 650	NEW YORK, N.Y.	10165
007234	FORSHAW CHEMICAL CO.	650 STATE STREET	CHARLOTTE, N.C.	28208
007246	KEMCO INDUSTRIES, INC.	313 LILAC STREET	HOUSTON TX	77009
007350	CHASKA CHEMICAL COMPANY	12502 XENWOOD AVE. SOUTH	SAVAGE MN	55378
007368	GEORGIA-PACIFIC CORPORATION	760 S. VAIL AVENUE	MONTEBELLO, CA	90640
007401	VOLUNTARY PURCHASING GROUP, INC.	P. O. BOX 460	BONHAM, TEXAS	75418
007405	CHEMICAL PACKAGING CORP	PO BOX 9947	FT LAUDERDALE FL	33310
007555	RODGERS JAY COMPANY	5780 FEDERAL STREET	DETROIT, MI	08057
007583	ECONOMY EXTERMINATING COMPANY	1637 N. ASHLAND AVENUE	CHICAGO, IL	60622
007693	STONERS INK COMPANY		QUARRYVILLE PA	17566
007701	CHEMICAL SPECIALTIES INC	149 WEST TRIGG AVENUE	MEMPHIS TN	38106
007710	TIME-MIST	835 S. MAIN ST.	WATERBURY, CT.	06720
007715	NATIONAL SCENT COMPANY	10555 STANFORD AVE	GARDEN GROVE CA	92642
007726	CHEMMARK INTERNATIONAL	820 W. CHAPMAN	ORANGE CA	92666
007738	WINTHROP-VETERINARY STERLING ANIMAL HEAL	DIV STERLING DRUG INC 90 PARK AVE	NEW YORK NY	10016
007754	ANIMAL REPELLENTS INC.	P.O. BOX 999	GRIFFIN, GA	30224
007764	LIQUI LAWN CORPORATION	1790 STONEY HILL ROAD	HUDSON, OH	44236
007774	ERNY SUPPLY COMPANY	5406 N 59TH STREET	TAMPA FL	33610
007885	ZOE CHEMICAL COMPANY	1601 FALMOUTH AVE	NEW HYDE PARK NY	11040
007938	HERDEGEN & CO INC EARL	ROUTE 1	DARWIN MN	55407
007992	TNT CHEMICALS	257 CORNELISON AVE.	JERSEY CITY, NJ	07302
008044	DENNISTON CHEMICAL COMPANY	411 S MERCANTILE CT	WHEELING IL	60090
008111	AERO-DYNE MANUFACTURING CORPORATION	3505 N MAIN	EMMETSBURG IA	50536
008123	MILLER FRANK & SONS INC	13831 SO EMERALD AVE	CHICAGO IL	60627
008200	MOSAN COMPANY	BOX 1799	SPARTANBURG SC	29302
008220	CARTER-WALLACE INC.	P.O. BOX 418 HALF ACRE ROAD	CRANBURY, NJ	08512
008238	BARRIER INDUSTRIES, INC.	200 EAST MAIN ST.	PORT JERVIS N.Y.	12771
008247	A-ACTION CHEMICAL SALES CO.	11910 S. MICHIGAN AVE.	CHICAGO, IL	60628
008284	PENN CHAMP	RAILROAD STREET-P.O. BOX 55	EAST BUTLER, PA	16029
008329	CLARKE OUTDOOR SPRAYING COMPANY INC	7N570 GARDEN AVE BOX 288	ROSELLE IL	60172
008334	CALIFORNIA VET RESEARCH LAB	1836 W. WALNUT STREET	PASADENA, CA	91107
008462	CHEM-MARK CHEMICAL CORP	BOX 8471	BALTIMORE MD	21234
008550	PRO - SPECIALTIES, INC.	7754 W. HARWOOD AVENUE	WAUWATOSA,WI	53213
008590	AGWAY, INC.-CROP SERVICES	BOX 4741	SYRACUSE NY	13221
008612	B & G COMPANY	10539 MAYBANK DR P.O. BOX 20372	DALLAS TX	75220
008698	ST AUBREY ASSOCIATES DIV EIGHT IN ONE PR	100 EMJAY BLVD	BRENTWOOD NY	11717
008703	WALLACE CHEM COMPANY	24600 S MAIN ST	CARSON, CA	90749
008713	UNI CHEMICAL CORPORATION	6333 SIDNEY ST.	HOUSTON, TX	77021
008714	PHARMACAL RESEARCH LABORATORIES	290 RAILROAD AVE	GREENWICH CT	06830
008799	C H PRODUCTS CORP	7515 JURUPA AVE.	RIVERSIDE, CA	92504
008819	J M LABS	645 N MICHIGAN AVE	CHICAGO IL	60611
008845	KENCO CHEMICAL & MFG COMPANY INC	PO BOX 6246	JACKSONVILLE FL	32205
008848	SAFEGUARD CHEMICAL CORP	806 E. 144 ST.	BRONX NY	10454
008850	ZOECON IND INC.	12200 DENTON DRIVE	DALLAS, TX	75234
008923	MARDEL LABORATORIES, INC.	714 NORTH YALE AVENUE	VILLA PARK, IL.	60181
009093	BROWN INCORPORATED E L	267 E VALLEY BLVD	RIALTO, CA	92376
009134	AERO SEAL CORP	BOX 308	YORK HAVEN PA	17370
009143	CHEMSCOPE CORP	3200 E. RANDOL MILL RD.	ARLINGTON, TX.	76011
009195	ROYAL BOND INC	1919 N BROADWAY	ST LOUIS MO	63102
009244	SUMMERS LABS INC	BOX 162	FT WASHINGTON PA	19034
009313	ROSE CHEMICAL PRODUCTS, INC.	P.O. BOX 23247 545 STIMMEL RD.	COLUMBUS OH	43223
009339	FLEXBAR CORPORATION	140 WALNUT STREET	NORTHVALE, NJ	07647
009349	PRECISION LABORATORIES INC	PO BOX 127	NORTHBROOK IL	60062
009422	A&H ENTERPRISES, INC.	12917 BITNEY SPRINGS RD.	NEVADA CITY, CA	95959
009444	CLINE-BUCKNER INC.	16317 PIUMA AVE	CERRITOS CA	90701
009468	RITTER CHEMICAL COMPANY	503 SUL ROSS	HOUSTON TX	77006
009475	WHITE SWAN INC.	P.O. BOX 1350	FORT WORTH, TX	76101
009480	PROFESSIONAL DISPOSABLES INC	150 N. MAC QUESTEN PKY	MOUNT VERNON, N.Y.	10550
009681	RAMROD CHEMICALS	PO BOX 2640	DALLAS TX	75221
009688	CHEMSICO INCORPORATED	8494 CHAPIN INDUSTRIAL DRIVE	ST LOUIS, MO	63114
009697	FROST JACK LABORATORIES, INC	3414 INDUSTRIAL 33RD STREET	FORT PIERCE, FL	33450
009761	SANITATION SERVICES	194 STERLING AVE	YONKERS NY	10704
009765	BRONCO CHEMICAL INC	BOX 26396	MEMPHIS TN	38126
009766	KEYSTONE VETERINARY SUPPLY COMPANY	8508 WIDENER ROAD	PHILADELPHIA PA	19118
009782	WOODBURY CHEMICAL COMPANY OF HOMESTEAD	P.O. BOX 4319/13610 SW 248TH	PRINCETON FL	33032
009887	CUSTOM BLEND OF CALIFORNIA	P O BOX 758	SAN GABRIEL CA	91776
009897	STAR CHEMICAL COMPANY	2501 N.W. 75TH ST.	MIAMI FL	33147
009931	HANCO MFG. CO., INC.	P.O. BOX 40476	MEMPHIS TN	38104
009953	IMPAC CHEMICAL PRODUCTS INC	1030 A EAST 87TH ST.	CHICAGO IL	60619
010016	MIRACLE PET PRODUCTS INC	245 CORNELISON AVE	JERSEY CITY NJ	07302
010075	DERMAVET LABORATORIES	150 EILEEN WAY	SYOSSET, NY	11791
010088	ATHEA LABORATORIES INC	P.O. BOX 23962	MILWAUKEE, WI	53223
010104	WILKINS & JAMES INC	3345 ROYAL AVE	OCEANSIDE NY	11572
010118	MUELLER SPORTS MEDICINE INC.	PO BOX 99	PRAIRIE DU SAC WI	53578
010120	CERFACT LAB.	P.O. BOX 988	TUCKER, GEORGIA	30084
010126	HYGEIA CHEMICAL COMPANY INC	2124 WINNIE	GALVESTON TX	77550
010173	DOCKTOR'S LABORATORIES, INC.	DANDEE PARK	ANDOVER, MA	01810
010194	EMPIRE PEST CONTROL	428 COURT ST	BROOKLYN NY	11231

010204	MARKO CHEM INC	HWY 295 BY-PASS-RT. 5-BOX 154	SPARTANBURG SC	29301
010233	AKIN LABORATORIES	413 OGDEN AVE	DOWNERS GROVE, IL	60515
010240	EVEREADY PRODUCTS CORP	1101 BELT LINE ST	CLEVELAND OH	44109
010272	MANTEK	P.O. BOX 222263	DALLAS, TEXAS	75222
010292	VENUS LABORATORIES, INC.	855 LIVELY BLVD	WOOD DALE, IL	60191
010328	JOVALCO	8928 W 24TH STREET	LOS ANGELES CA	90034
010350	SUPERVISOR PRODUCT TOXICOLOGY - 3M COMPA.	BLDG. 220-2E	ST. PAUL, MN	55101
010359	BERNZ-O-MATIC	740 DRIVING PARK AVE	ROCHESTER, NY.	14613
010366	FRM CHEM. INC.	P.O. BOX 207	WASHINGTON, MO	63090
010376	JONES EXTERMINATING COMPANY	326 HUGUENT ST	NEW ROCHELLE NY	10801
010395	BARCO CHEMICAL DIVISION INC	14800 N W 24TH COURT	OPA LOCHA, FL	33054
010398	CAPITOL CHEMICAL INDUSTRIES INC.	336 RANDOLPH PL. N.E.	WASHINGTON, DC	20002
010404	LESCO INC.	20005 LAKE ROAD	ROCKY RIVER, OH	44116
010423	ESSEX CHEMICAL CORPORATION	CONNAIR ROAD	ORANGE, CT	06477
010433	VARI-CHEM INDUSTRIES LTD	6901 N CRESCENT BLVD	PENNSAUKEEN NJ	08109
010448	KERR CHEMICALS INCORPORATION	4647 HUGH HOWELL ROAD	TUCKER GA	30084
010453	UNITED LABORATORIES INC	HWY 54 W	DUMAS AR	71639
010455	PUPPY PALACE ENTERPRISES INC	927 EAST TERRA LANE	OFALLON, MISSOURI	63366
010519	MARS CHEMICAL CORPORATION	762 MARIETTA BLVD NW	ATLANTA GA	30318
010558	SHELABAR A INC	430 W PUTNAM AVENUE	GREENWICH, CT	06830
010583	GENERAL CONTROL COMPANY INC	3334 E. PENNSYLVANIA ST.	TUCSON, AZ.	85714
010608	KATHON INC	112 NO 4TH STREET	ST LOUIS MO	63102
010637	BALL INDUSTRIES	140 N. AVIATION	EL SEGUNDO CA	90245
010660	DELCO CHEMICAL PRODUCTS	1673 ROGERS AVE	SAN JOSE CA	95112
010663	SENTRY CHEMICAL COMPANY	1481 ROCK MOUNTAIN BLVD	STONE MOUNTAIN GA	30086
010667	CHEMICAL SYSTEMS CORP	P.O. BOX 9146	LEVONIA, MI	48151
010674	WYE INDUSTRIES INC	P.O.BOX 21 28 WILTON ST	BOSTON MA	02136
010693	FLO-KEM INC	19402 SUSANA ROAD	COMPTON CA	90221
010728	COLEMAN COMPANY INC THE	250 NO. ST. FRANCIS STREET	WICHITA KS	67201
010782	BIG STATE CHEMICAL SERVICE INC	1200 SHOTWELL - BOX 15099	HOUSTON, TX	77020
010806	CONTACT INDUSTRIES INC	641 DOKD AVENUE	ELIZABETH, NJ	07201
010807	AMREP, INC.	990 INDUSTRIAL PARK DRIVE	MARIETTA, GA	30062
010811	SENTER MANUFACTURING CO.	P.O. BOX 609	BELMONT, MS	38827
010816	MISTER GROOM PRODUCTS	223/225 E. MAIN STREET	FREEPORT, IL	61032
010827	CHEMICAL SPECIALTIES INC.	P. O. BOX 312	SAN MARCOS, TEXAS	78666
010970	SPRAYON PRODUCTS INC.	26300 FARGO AVE.	BEDFORD HEIGHTS, OHIO	44146
011068	KEY II CHEMICAL COMPANY	2682 VENTURA BLVD	CAMARILLO CA	93010
011093	MASTER NURSERYMEN'S ASSN.	1935 BEACH STREET	CONCORD, CA.	94519
011200	NATIONAL SANITARY SUPPLY COMPANY	BOX 61126 - 13217 S. FIGUERO	LOS ANGELES, CA	90061
011357	SENTINEL INSECT CONTROL LABORATORY	1001 S. 9TH ST.	SPRINGFIELD IL	62703
011371	GAC JANITORIAL SUPPLIES INC DBA BLUE LIN	2501 COMMERCIAL ST	SAN DIEGO CA	92113
011426	POLYTECH CHEMICAL COMPANY	2520 SAN FERNANDO RD.	LOS ANGELES, CA	90065
011474	SUNGRO CHEMICALS, INC.	P. O. BOX 24632	LOS ANGELES, CA.	90024
011511	SHALCO CHEMICAL CORPORATION	1125 BROWN AVE.-P.O. BOX 3443	TOLEDO OH	43607
011515	ABC CHEMICAL CORPORATION	14288 MEYERS RD	DETROIT,MICHIGAN	48227
011525	PETERSON PURITAN INC	HEGELER LANE	DANVILLE IL	61832
011540	MICRO-GEN EQUIPMENT CORPORATION	10700 SENTINEL DR.	SAN ANTONIO, TX	78217
011561	WARNER ENTERPRISES	P.O. BOX 621	RANSON, WV	25438
011564	LAVAR LABORATORIES	PO BOX 1955	EL PASO TX	79950
011572	CHEMSCOPE	1909 MI LINE DRIVE	DALLAS, TX	76011
011583	DOUGLAS PHARMACAL INDUSTRY INC	3600 TROOST AVE	KANSAS CITY.MO	64901
011592	CHEMURGY MANUF CORP.	BOX 34223	DALLAS TX	75234
011598	CONNECTICUT AEROSOL INC	85 FURNITURE ROW	MILFORD, CO	06460
011623	APOLLO INDUSTRIES INC.	1850 SOUTH COBB INDUSTRIAL BLVD.	SMYRNA, GA	30080
011694	DYMON, INC.	3401 KANSAS AVENUE	KANSAS CITY, KS	66106
011695	DERMOCARE CORPORATION	537-541 E 3RD ST	MOUNT VERNON NY	10553
011715	SPEER PRODUCTS INC	PO BOX 18993-4242 B F GOODRICH BLVD	MEMPHIS TN	38118
011725	BIO-TEK INDUSTRIES INC	1212 MENLO DR NW	ATLANTA GA	30318
011853	BISCAYNE CHEMICAL LABORATORIES	P.O. BOX 14341	MIAMI FL	33101
011857	CENTRAL PRODUCTS INC	P.O. BOX 119	MONTGOMERY AL	36101
012050	CHEMCO CHEMICAL COMPANY	P.O. BOX 801850	DALLAS, TX	75380
012226	SUN SANITARY SUPPLIES INC	3301 TYRONE BLVD.	ST PETERSBURG FL	33710
012310	MISCO INTERNATIONAL CHEMICALS INC	1021 S. NOEL AVE./P.O. BOX 130	WHEELING IL	60090
012483	KOLMAR LABORATORIES INC	901 PRECISION DR.	DENTON, TX	76201
013330	TOMLYN PRODUCTS	1800 EAST NORTH PARK ST.	OKEECHOBEE, FL	33472
013437	DU COR CHEMICAL CORP.	P. O. BOX 13298	ORLANDO, FLORIDA	32809
013453	GAMECOCK CHEMICAL COMPANY	P O BOX 677	SUMTER SC	
013680	OZARK CHEMICAL COMPANY	1500 MURPHY DR	N.LITTLE ROCK,AR	72118
013799	FOUR PAWS PRODUCTS LTD	200 OVAL DRIVE	CENTRAL ISLIP, N.Y.	11722
013891	ACCRA PAC INC	P.O. BOX 878	ELKHART, IN	46515
013898	CONTRACT PACKAGING INC	1733 GRAND AVE.	DES MOINES, IOWA	50309
014246	INDUSTRIAL CHEMICAL CLEANERS	6333 SIDNEY	HOUSTON TX	
015142	WIDE HORIZONS COMPANY	RTE-1 MOCKING BIRD HILL RD	LANDRUM SC	29356
015297	BIO DERM LABORATORIES INC	717 EASTMAN ROAD-BOX 8070	LONGVIEW,TX	75601
015834	ADVANCE AEROSOL & CHEM SPEC	319 FREEMAN STREET	GENOA CITY WI	53128
015887	AGRICULTURAL CHEMICALS OF DALLAS	3707 EAST KIEST BLVD.	DALLAS, TEXAS	75203
016351	GARDEN OF EDEN	223 E. MADISON	PHOENIX AZ	85004
018034	SUNSHINE PACKAGING CO.	637 BROADWAY S.E.	ALBUQUERQUE, N.M.	87102
018146	EXCEL CHEMICAL COMPANY	2385 CORBETT STREET	JACKSONVILLE FL	32204
018433	LEE CHEMICAL CORP	2800 TAFT AVE.	ORLANDO FL	32804
019713	DREXEL CHEMICAL COMPANY	2487 PENNSYLVANIA STREET-P.O.BOX 9306	MEMPHIS, TN	38109
019760	CARDINAL CHEMICAL COMPANY	257 DUTCHESS TNPK	POUGHKEEPSIE NY	12603
021145	J W T INDS	P.O. BOX 232	WEST CHICAGO IL	60185
022950	COBRA INTERNATIONAL INC	PO BOX 985	BAYAMON PR	00619
024909	KNAPP CHEMICAL COMPANY	5227 EAST PINE AVENUE	FRESNO CA	93727
025022	SEFCO MFG. SOUTHEASTERN	4794 CLARK HOWELL HWY-1A	COLLEGE PARK, GA	30349
025025	AIRWICK INTERNATIONAL	380 NORTH ST	TETERBORO NJ	07608
028293	UNICORN LABS	P.O. BOX 90014	HOUSTON, TX	77090
030943	LEA CHEMICALS	PO BOX 868	MARIANNA FL	32446
031445	VO-TOYS INC		BRONX NY	10451
032694	HAMMOND LABORATORIES, INC.	P.O. BOX 68880	INDIANAPOLIS, IN	46220
033161	BIG F INSECTICIDES INC	P.O. BOX 22095	MEMPHIS, TN	38122
033176	MBL INDUSTRIES INC.	3600 WEST CARRIAGE DR	SANTA ANNA, CA.	92704
033543	EM-BEE CHEMICALS INC	250 AXMINISTER DR	FENTON MO	63026
033590	PHARMASOL CORPORATION	61 PLEASANT ST	RANDOLPH, MA	02368
033955	PBI GORDON CORP	1217 WEST 12TH STREET	KANSAS CITY, MO	64101
034151	UNITED AEROSOL CORP	1750 OAK STREET LAKEWOOD INDUSTRIAL PARK	LAKEWOOD, NJ	08701
034224	CHEMRITE CORP	12600 S DAPHNE	HAWTHORNE, CA	90250
034346	WESTERN LABORATORIES	P O BOX 594	OMAHA, NB	68112
034429	AGRO PHOSPHATE CO., INC.	P.O. BOX 5330	YUMA, AZ	85364
034797	QUALIS, INC.	4500 PARK AVE.	DES MOINES, IA	50321
034862	ESCO PRODUCTS INC	P.O. BOX 6467	CORPUS CHRISTI, TX	78411
035137	PRICE RESEARCH, LTD	BOX 7933 3511 STADIUM DR.	KANSAS CITY, MO	64129
035138	WINCO CHEMICAL COMPANY	P.O. BOX 10692	JACKSON, MS	39209
035576	ENTERPRISE SALES CO.	919 EAST THIRD ST.	LOS ANGELES, CA	90013
035629	SHOCKET CHEMICAL CORPORATION	118 FULTON AVE.	GARDEN CITY PARK NY	11040

036123	PHARMADYNE CHEMICAL CORP	15 SEWAREN AVE	SEWAREN, NJ	07077
036334	KONALRAD PRODUCTS, INC.	501 SOUTH BASINGER RD.	PANDORA, OH	35877
036645	ZODIAC, HEALOX, & LUSTRAY	711 EAST 134TH STREET	BRONX, NY	10454
036724	MACHEMCO	P.O. BOX 19791	ATLANTA, GA	30325
036866	A.V. LABORATORIES	2926 S.W. 1ST ST.	MIAMI, FLORIDA	33143
036994	HYDROSOL, INC.	3501 S. CICERO AVENUE	CICERO, IL	60650
037023	KENIC LABS, INC	2025 4TH AVE. SOUTH	ST. PETERSBURG, FL	33712
037346	EUREKA LABORATORIES, INC.	2033 W FULTON ST	CHICAGO IL	60612
037401	TRI TON MANUFACTURING CORP.	2648 FREEWOOD DRIVE	DALLAS, TX	75220
037425	ADAMS VETERINARY RESEARCH LABS, INC	P.O. BOX 971039	MIAMI, FL	33197
037594	TRIGON CORPORATION	1175 GLENDALE	SPARKS, NV	89431
037920	U.S. DEPT. OF AGRIC. COUNTY	418 TOMPKINS AVE.	BROOKLYN, NY	11216
038065	LIVELY PRODUCTS CO.	BOX 9222	EL PASO, TX	79983
038174	PACE LIMITED	P.O. BOX 48	TAYLOR, TEXAS	76574
038234	MOUNT HOREB HARDWARE CO.	100 MAIN STREET	MT HOREB, WI	53572
038664	ARCHEM, INCORPORATED	P.O. BOX 1122	CONWAY, AR	72032
038733	BILCO ASSOCIATES	1140 W. 50TH STREET	HIALEAH, FL	33012
039398	SUMITOMO CHEMICAL AMERICA, INC.	345 PARK AVENUE	NEW YORK, NY	10022
040018	BLANCO CHEMICAL	P.O. BOX 73308	HOUSTON, TX	77273
040391	ENTECH SYSTEMS CORPORATION	4141 VETERANS BLVD	METAIRIE LA	70002
040849	C & J CHEMICAL	P.O. BOX 1068	CARTERSVILLE, GA	30120
040871	CHEMLAND INC.	P.O. BOX 9	TURLOCK, CA	95380
040988	D.F. CUSTOM CHEMICALS,INC.	P.O. BOX 206	KENNEDALE, TX	76060
041451	CONTINENTAL LABS INC.	2617 N.W. 16TH ST. ROAD	MIAMI, FL	33125
042249	CHEMICAL SPECIALTIES MFG. CO.	829 WEST MAIN ST.	MESA, AZ	85201
042710	SOUTHEAST PACKAGING CORP	701 WHARTON CIRCLE SW	ATLANTA, GA	30336
042964	AIRWICK PROFESSIONAL PRODUCTS	40 SEAVIEW DR	SECAUCUS NJ	07094
043288	C.S.A. CHEMICAL CO.	P.O. BOX 73308	HOUSTON, TX	77090
043332	PETROFAX INTERNATIONAL	1545 MARIETTA BLVD. N.W.	ATLANTA, GA	30318
043591	VETERINARY PRODUCTS LABORATORIES	301 W. OSBORN ROAD P.O. BOX 34570	PHOENIX, AZ	85067
043686	P.E.L. ASSOCIATES, INC.	30-3 FARM RD.	SOMERVILLE, N.J.	08876
043735	LYDALL INC.	3401 NEVADA AVE. NORTH	MINNEAPOLIS, MN.	55427
043797	J COLBURN, INC.	427 EVERNIA ST.	WEST PALM BEACH, FL.	33401
044215	KAW VALLEY, INC	1801 SOUTH 2ND STREET	LEAVENWORTH, KS	66048
044274	LAN-O-TONE PRODUCTS, INC.	65 WOOSTER ST.	NEW YORK, N.Y.	10012
044446	HAWK SALES	P.O. BOX 90020	HOUSTON, TEXAS	77090
044564	TESTRON	1310 GRESHAM RD. N.E.	MARIETTA, GA	30062
044631	WENDT LABORATORIES INC	100 NANCY DR	BELLE PLAINE MN	56011
045087	ZEMA CORP.	6514 HIGHWAY 54 WEST	RALEIGH, NC	27607
045188	HARRISON SPECIALTY CO., INC.	15 UNIVERSITY-P.O. BOX H	CANTON, MA.	02021
045302	SUNRISE SOAP COMPANY, INC.	620 W. CENTER STREET, #6	N. SALT LAKE, UT	84054
045385	CHEM-TOX, INC	21 N. 988 PEPPER RD.	BARRINGTON, IL	60010
045639	BFC CHEMICALS	P.O. BOX 7495 3509 SILVERSIDE RD.	WILMINGTON, DE	19803
045746	NORTHEAST PACKAGING INC.	25 CONNAIR RD.	ORANGE, CT	06477
045991	AEROFILL, INC.	7 TURNER PLACE	PISCATAWAY, NJ	08854
046116	CINCHPAC INC.	R.D. #2	MIDDLEBURY, VT	05753
046259	STEVAN ELLIOT, INC.	P.O. BOX 5	N. MIAMI, FL	33161
046269	QUIP INC.	407 E. AYRE	NEWPORT, DE	19804
046473	ALLERDERM INC.	P.O. DRAWER 277	HURST, TX	76056
046579	DICKSON CHEMICAL CO., INC.	2110 S. PRAIRIE	STUTTGART, AR	72160
046813	CCL INDUSTRIES INC.	235 YORKLAND BLVD. STE. 500	WILLOWDALE, ONTARIO M2 J	00000
046826	PESTCO PEST CONTROL INC.	BOX 4232	MARGATE, FL	33068
046983	WINSOL LABS.	1417 NW 51ST ST.	SEATTLE, WA	98107
047000	CHEM-TECH, LTD	4515 FLEUR DR. #303	DES MOINES, IA	50321
047834	HEARTLAND INDUSTRIES INC.	BOX 687	WALNUT, CA	91789
047867	WOODY RIGGS CO.	5027 SE 107TH ST.	BELLVIEW, FL	32670
048110	V. P. L. LABORATORIES, INC.	P.O. BOX 5982	LIGHTHOUSE PT, FL	33064
048125	BERGEL OF HOLLYWOOD INC.	5453 SUNSET BLVD.	HOLLYWOOD CA	90027
048724	DAY OF ENTERPRISES	1825 W. CLIFF DR.-SUITE NO. 232	NEWPORT BEACH, CA	92660
049784	RESEARCH LABORATORIES, INC.	BOX 430140	HOUSTON, TX	77243
049933	NO BUSS PRODUCTS	BOX 153	ALAPAHA, GA	31622
050117	FLORA & FAUNA LABS, INC.	1200 2ND AVE. SOUTH	MINNEAPOLIS, MN.	55403
050414	TOMLYN PRODUCTS	2285 E. LANDIS AVENUE	VINELAND, NJ	08360
050415	CAMERON M. BAIRD	445 TILDEN RD.	SCITUATE, MA	02066
050450	ORION CHEMICAL INC.	919 WEST 38TH STREET	CHICAGO, ILLINOIS	60609
050534	SDS BIOTECH CORP.	7528 AUBURN RD-P.O. BOX 348	PAINESVILLE, OH.	44077
051033	OMNITECH INTERNATIONAL INC.	2516 CT. AVE.	KENNER, LA	70062
051793	ELITE CHEMICAL CORP.	P.O. BOX 1947	NORCROSS, GA	30091
053127	GARDEN CARE BY FARMINGDALE LTD	60 AUSTIN BLVD.	COMMACK, NY	11725
054282	TECHNICAL PRODUCTS CORP.	BOX 7607	PORTSMOUTH, VA	23707
054287	ASSOCIATED REGISTRATIONS	1272 ABBEY CRESCENT LANE, BOX 13208	CLEARWATER, FL	33519

AL77000500	AMCHEM PRODUCT INC	AMBLER PA	19002
AR77001612	PHILLIPS PETROLEUM COMPANY	BARTLESVILLE OK	74004
AR81003601	FBC CHEMICALS, INC.	WILMINGTON, DE	19805
AZ82000400			
AZ83000400	WILBUR-ELLIS COMPANY	FRESNO, CA	93704
AZ83000900	UNION OIL COMPANY OF CALIFORNIA	LOS ANGELES, CA	90017
CA76004803	YUBA COUNTY DEPT. OF AGRICULTURE	MARYSVILLE, CA.	95901
CA76005101	COUNTY OF SUTTER	YUBA CITY, CA.	95991
CA76013000	SANTA BARBARA COUNTY DEPT. OF AGRICULTURE	SANTA BARBARA, CA.	93101
CA76018020	BERRENDA MESA FARMING CO	BAKERSFIELD CA	93303
CA76019700	SHELL CHEMICAL COMPANY	SAN RAMON CA	94583
CA76020900	SAN DIEGO COUNTY DEPARTMENT OF AGRICULTURE	SAN DIEGO CA	92123
CA77006700	LOS ANGELES CHEMICAL COMPANY	SOUTH GATE CA	90280
CA77008502	SAN DIEGO COUNTY AGRI. COMM.	SAN DIEGO, CA	92123
CA77013301	TULARE COUNTY DEPT. OF AGRICULTURE	VISALIA, CA.	93277
CA77031200	YOLO COUNTY DEPT. OF AGRICULTURE	WOODLAND, CA.	95695
CA77044512	HUTSON H G AND SON	ATLANTA GA	30301
CA77515303	E.I. DUPONT DE NEMOURST COMPANY	WILMINGTON, DE	19898
CA78005000	SAN JOAQUIN COUNTY	STOCKTON, CA.	95201
CA78017900			
CA78018001	MERCED COUNTY DEPT OF AGRIC	MERCED CA	95340
CA78018700	BUTLER'S MILL INC	SAN DIEGO CA	92114
CA78085000	CRYSTAL MFG CORP	HOUSTON TX	77055
CA79001600	AGBIOCHEM INC	ORINDA CA	94563
CA79004100	ROHM & HAAS COMPANY	PHILADELPHIA PA	19105
CA79004346	DOW CHEMICAL CO	MIDLAND MI	48640
CA79004602	SAN JOAQUIN COUNTY DEPT. OF AGRIC.	STOCKTON, CA	95201
CA79006500	DEL MONTE CORPORATION	SAN LEANDRO, CA	94577
CA79009102	MONTEREY COUNTY DEPT OF AGRIC	SALINAS CA	93901
CA80011800	DEPARTMENT OF HEALTH SERVICES	SACRAMENTO, CA.	95814
CA81000100	MONTEREY COUNTY DEPT. OF AGRIC.	SALINAS, CA	93901
CA81004100	STANISLAUS COUNTY	MODESTO, CA	95355
CA83001203	CALIFORNIA DEPT. OF FOOD & AGRICULTURE	SACRAMENTO, CA	95814
CO78000900	UNIROYAL CHEMICAL	BETHANY CT	06525
CO78003400	UNION CARBIDE CORPORATION	ARLINGTON, VIRGINIA	22202
CT79000200	UNION CARBIDE CORP	JACKSONVILLE, FLORIDA	32216
DE82006000	E.I. DU PONT DE NEMOURS AND COMPANY	WILMINGTON, DE	19898
FL78003400	HERCULES INC AGRICULTURAL CHEMICALS	WILMINGTON DE	19899
FL78006300	UNION CARBIDE CORPORATION	JACKSONVILLE, FLORIDA	32216
FL82005000	THE LAND, EPCOT CENTER	LAKE VISTA, FL	32830
FL83002000	FMC CORPORATION	ATLANTA, GA	30328
FL83014000	PLATTE CHEMICAL CO.	GREELEY, CO.	80632
GA79001600	UNION CARBIDE CORPORATION	JACKSONVILLE, FL	32216
GA81002800	GEORGIA DEPT. OF AGRICULTURE	ATLANTA, GEORGIA	30334
HI77002900	COLLEGE OF TROPICAL AGRICULTURE, UNIV. OF HAWAII	HONOLULU, HAWAII	96813
HI77003005	MICHIGAN CHEM CORP	CHICAGO IL	60611
HI78000600	COLLEGE OF TROPICAL AGRIC. UNIV. OF HAWAII	HONOLULU, HAWAII	96822
HI79000700	TECHNE CORPORATION	KANSAS CITY, MO	64116
HI79000900	COOPERATIVE EXTENSION SERVICE	HONOLULU, HAWAII	96822
HI83000500	ENVIRONMENTAL SANITATION SERVICE.	CLINTON, INDIANA	47842
IA78000600	FMC CORP.	OMAHA, NEBRASKA	68137
IA79000100	SHELL CHEMICAL COMPANY	HOUSTON, TEXAS	77001
IA81000901	MOBAY CHEMICAL CORPORATION	KANSAS CITY, MISSOURI	64120
IA81001300	THE FREERS COMPANY	MUSCATINI, IOWA	52761
ID76000100			
ID76000400	STAUFFER CHEMICAL COMPANY	PORTLAND, OR	97232
ID77000500	UNIROYAL CHEMICAL	FRESNO, CALIFORNIA	93710
ID83002600	WILBUR-ELLIS COMPANY	FRESNO, CA	93704
IL79001000	UNION CARBIDE CORPORATION	PORTAGE, MI	49081
IN78000200	DOW CHEMICAL U S A	MIDLAND MI	48640
KS78002600	UNION CARBIDE CORPORATION	BURNSVILLE, MINNESOTA	55337
KS81001700	FMC CORPORATION	OMAHA, NB	68137
KY78015000	PENNWALT CORP AGCHEM DIV.	KING OF PRUSSIA, PA	19406
LA77120239	BROWN CO	KALAMAZOO, MICHIGAN	49007
LA81002400	MOBAY CHEMICAL CORPORATION	KANSAS CITY, MISSOURI	64120
MA77000002	SANDOZ,INC,-CROP PROTECTION	SAN DIEGO, CA.	92108
MD82003000	MOBAY CHEM. CORPORATION	KANSAS CITY, MISSOURI	64120
ME81000200	JMS FLOWER FARMS INC.	VERO BEACH, FLORIDA	32960
MI77002100	MONSANTO COMPANY	ST. LOUIS, MO	63166
MI78001100	UNION CARBIDE CORPORATION	PORTAGE MI	49002
MI79000700			
MN81015000	ICI AMERICAS INC.	GOLDSBORO, NC.	27530
MO81003200	MOBAY CHEMICAL CORP.	KANSAS CITY, MISSOURI	64120
MS77001312	MISSISSIPPI FORESTRY COMMISSION	JACKSON, MI	39201
MS78000300	UNION CARBIDE CORPORATION	JACKSONVILLE, FL.	32216
MS78002800	VELSICOL CHEMICAL CORP	CHICAGO IL	60611
MS79001900	RED PANTHER CHEMICAL COMPANY	CLARKSDALE MS	38614
MS81004600	FBC CHEMICALS INC.	WILMINGTON, DELAWARE	19805
MS84000501	CIBA-GEIGY CORPORATION	GREENSBORO, NC.	27419
NC77001200	UNION CARBIDE CORPORATION	COLUMBIA, SC.	29210
NC78001000	MONSANTO COMPANY	WASHINGTON, DC	20036
NC78001200	UNION CARBIDE CORPORATION	JACKSONVILLE, FL	32216
NC78001300	DOBERSTEIN GREENHOUSES	CAMERON, N.C.	28326
NC78003800	MOBAY CHEMICAL CORPORATION	KANSAS CITY, MISSOURI	64120
NC82001401	FBC CHEMICALS, INC.	WILMINGTON, DELAWARE	19805
NC83002203	ROHM AND HAAS COMPANY	PHILADELPHIA, PA	19105
ND82002000	FARMERS UNION CENTRAL EXCHANGE, INC.	ST. PAUL, MINNESOTA	55164
NE78002700	UNION CARBIDE CORPORATION	BURNSVILLE, MINNESOTA	55337
NE83000400	PLATTE CHEMICAL COMPANY	FREMONT, NE	68025
NH79000100	UNION CARBIDE	JACKSONVILLE, FL.	32216
NJ79001200	CHEVRON CHEMICAL COMPANY	RICHMOND CA	94804
NJ81001800	PENNWALT CORPORATION	MONROVIA, CALIFORNIA	91016
NM82006000	BELL LABORATORIES, INC.	MADISON, WI	53704
NV77000621	CEDERENCE PRODUCTS CO	HOUSTON TX	77008
NY76000300			
NY77000800	RESIDEX CORP	CLARK NJ	07066
NY79000200	UNION CARBIDE CORPORATION	JACKSONVILLE, FLA	32216
NY81001900	ICI AMERICAS INC.	GOLDSBORO, N.C.	27530
OK78000900		PLANO, TEXAS	75074
OK81006100	MOBAY CHEMICAL CORPORATION	KANSAS CITY, MO	64120
OK83000400	CIBA-GEIGY CORPORATION	GREENSBORO, NC	27419
OR76000600	UNIROYAL CHEMICAL	BETHANY CT	06525
OR77004700	FMC CORP.	FRESNO CALIFORNIA	93717
OR77004900	UNION CARBIDE CORPORATION	BOISE IDAHO	83705
OR78003500		MERIDIAN, IDAHO	83642
OR79003400	UNIROYAL CHEMICAL	FRESNO CA	93710

OR81005600	CHEVRON CHEMICAL COMPANY	RICHMOND, CA	94804
OR81006300	U.S.DA.	PORTLAND, OREGON	97208
OR81010400	WILBUR-ELLIS COMPANY	FRESNO, CA.	93704
OR82005300	V. R. E. INC.	WALLA WALLA, WASHINGTON	99362
OR83017046	DOW CHEMICAL USA	MIDLAND, MICHIGAN	48640
PR79000500	E.I. DUPONT DE NEMOURS & CO., INC.	WILMINGTON, DE	19898
PR81000300	UNITED STATES DEPT. OF AGR.	MISSION, TEXAS	78572
SC78001700	UNION CARBIDE CORPORATION	JACKSONVILLE, FL.	32216
SC82010000	DOW CHEMICAL U.S.A.	MIDLAND, MICHIGAN	48640
TN78000224	ONE SPOT COMPANY	JESSUP MD	20794
TN78000232	MOBIL CHEMICAL COMPANY INDUSTRIAL CHEMICALS DIV	RICHMOND, VA.	23261
TN83001600	DIAMOND SHAMROCK CORPORATION	CLEVELAND, OH	44114
TN83001900	BFC CHEMICALS, INC.	WILMINGTON, DE	19805
TX78004900	THOMPSON-HAYWARD CHEMICAL COMPANY	KANSAS CITY KS	66106
TX78005100	UNION CARBIDE CORPORATION	PLANO, TEXAS	75074
TX81003400	HOPKINS AGRICULTURAL CHEM. CO	MADISON, WI.	53707
VA77000300	UNION CARBIDE CORPORATION AGRICULTURAL PRODUCTS	COLUMBIA, S.C.	29210
VA77204000	UNIROYAL CHEMICAL	BETHANY CT	06525
VA78002000	UNION CARBIDE CORPORATION AGRICULTURAL PRODUCTS	WASHINGTON DC	20006
VA78002500	UNION CARBIDE CORPORATION	JACKSONVILLE, FL.	32216
VA82001201	AMERICAN CYANAMID COMPANY	PRINCETON, NJ	08540
VA82030000	BURROUGHS WELLCOME CO.	RESEARCH TRIANGLE PARK, NC	27709
WA76002100	UNION CARBIDE CORPORATION	BOISE, ID.	83705
WA78005600	VELSICOL CHEMICAL CORP	CHICAGO IL	60611
WA78006600	GUSTAFSON, INC.	DALLAS, TEXAS	75240
WA81000400	PENNWALT CORP.	PHILADELPHIA, PA	19102
WV80000700	MONSANTO COMPANY	ST. LOUIS, MO.	63166
WV82000100	O.M. SCOTT AND SONS	MARYSVILLE, OHIO	43040

BILLING CODE 6560-50-C

Any response to this Notice requesting other than a generic data exemption must be received within 90 days of the publication of this Notice in the **Federal Register.**

Dated: September 27, 1985.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 85-27361 Filed 11-18-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36104; FRL-2924-9]

Data Call-in Notice for Chronic Data for Pyrethrins, Pyrethrin Coils, and Pyrethrum Powder Other Than Pyrethrins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), the Agency has determined that additional chronic toxicological data are needed to maintain in effect continued registration of products containing the active ingredient pyrethrins, pyrethrin coils, and pyrethrum powder other than pyrethrins, hereafter referred to as pyrethrin. This notice informs end-use registrants of affected products, consisting of less than 20 percent of pyrethrin, of the issuance of a Data Call-In Notice on products containing the active ingredient pyrethrin. This notice further informs them that they will be treated as if they had requested and been granted a generic data exemption from the data requirements. However, any such end-use registrant may inform the Agency within 90 days of publication of this Notice that the registrant does not wish such treatment or does not qualify for such treatment.

DATE: Any responses to this notice requesting other than a generic data exemption must be received on or before February 18, 1986.

ADDRESS: Submit three copies of written comments, identified with the document control number "OPP-36104," by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway. Arlington, VA.

Information submitted in any comment concerning this Notice/proposed rule/rule may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

Donald Mackey or Geraldine Werdig, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Office location and telephone numbers: Rm. 728, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, Don Mackey (703-557-2708); Geraldine Werdig, (703-557-7436).

SUPPLEMENTARY INFORMATION:

I. Background

Under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA), the Agency has determined that additional chronic toxicological data are needed to maintain in effect the continued registration of products containing the active ingredient pyrethrin. The Agency has issued a Data Call-In Notice requesting these data. The Data Call-In Notice for pyrethrin is printed in full in Unit II of this notice. Normally, each registrant of a product containing an active ingredient which is the subject of a Data Call-In Notice would be sent a copy of the notice and would have to respond to the Agency within 90 days of receipt of the Notice with certain information, including informing the Agency what steps are being taken to comply with the requirements, or face the possibility of suspension of product registrations. In this case, the Data Call-In Notice has been mailed only to those registrants with products consisting of 20 percent or more of pyrethrin. Those registrants of end-use products which, according to EPA records, contain less than 20 percent of pyrethrin are being notified by this publication in the **Federal Register.** This is an appropriate manner of notification, in light of the circumstances described below.

Several of the major producers, including Pyrethrin Board of Kenya, Fairfield American Corp., S.B. Penick and Co., Prentiss Drug and Chemical Co., S.C. Johnson and Son, Inc., and McLaughlin Gormley King Company have examined the list of registrants with products having 20 percent or more of pyrethrin (called the "20% list"). (This "20% list" is included as Attachment B-1 of the Data Call-In Notice, which is reprinted in Unit III of this **Federal Register** notice). Those companies have stated that they believe the "20% list" includes all registrants who would normally be responsible for fulfilling the pyrethrin chronic data requirements as well as some registrants who may be eligible for a generic data exemption. The following companies, Pyrethrin Board of Kenya, Fairfield American Corp., S.B. Penick and Co., Prentiss Drug and Chemical Co., and McLaughlin Gormley King Company have informed the Agency that they will generate the required chronic toxicological data, either individually or jointly. The companies further state their belief that all other registrants of products containing pyrethrin, but not included on the "20% list", purchase the chemical in the form of a registered product from a company included on the "20% list". Generally, a company which purchases an active ingredient as a registered product, and incorporates it into its own end-use product, may qualify for a generic data exemption.

This notice informs the end-use product registrants (those end-use registrants with less than 20 percent pyrethrin in their products) about the data requirements, applicable deadlines for data production and options available for complying with the requirements. This notice also informs those same end-use product registrants (listed in Attachment B-2 of the Data Call-In Notice, which is reprinted in Unit IV of this **Federal Register** notice) that the Agency will treat each such end-use registrant as if the registrant had requested and been granted a generic data exemption from the data requirements included in the Data Call-In Notice, unless the registrant informs the Agency within 90 days of publication of this notice in the **Federal Register** that it does not wish a generic exemption or is not qualified for one, thus requiring such registrant to be treated in a different manner.

The Agency believes that each end-use registrant with products containing less than 20 percent pyrethrin (listed in Unit IV of this **Federal Register** notice) obtains the pyrethrin contained in its product solely by purchase of other registered products containing pyrethrin. Any registrant who incorporates into its end-use product any pyrethrin from any

source other than a registered product which either is pyrethrin or contains pyrethrin must, within 90 days of publication of this notice, submit to the Agency an up-to-data Confidential Statement of Formula. The Agency may require further information or data as it may determine necessary.

As noted herein, circumstances may arise in the future which may change a registrant's status for continuation of the generic data exemption.

A registrant included in the list in Unit IV of this **Federal Register** notice should not respond to the Agency within 90 days of publication of this notice unless any of the following statements are applicable:

1. The registrant does not wish to receive a generic data exemption and wishes to be responsible either individually or jointly for satisfying the data requirements through election of some other option.

2. The registrant obtains the pyrethrin contained in its product other than by purchasing a registered product which is pyrethrin or contains pyrethrin.

Any registrant responding to the Agency should use the Data Call-In Summary Sheet, selecting any appropriate option(s) and providing appropriate supporting information. Because of the volume of this active ingredient which is produced and used, the Agency will not consider a request for a low-volume minor-use exemption.

A registrant who is treated as having been granted a generic data exemption must notify the Agency if it is no longer eligible for the exemption. In that event, the notice to the Agency must include a revised Confidential Statement of Formula.

If, in the future, the registrant(s) of pyrethrin (identified in the "20% list" in Unit III of this Notice), who commit to generate either individually or jointly the required data, fail to take appropriate steps to supply the required data or fail to provide the required data on time, all end-use registrants (including those with registered products containing less than 20 percent pyrethrin, identified in Unit IV, as well as any registrants with 20 percent or greater pyrethrin end-use products who otherwise may qualify for a generic data exemption under the Data Call-In Notice) will be notified and must inform the Agency within 30 days of notification how they will comply with the data requirements by the dates specified in the Data Call-In Notice. In that event, a registrant who does not respond within 30 days of such notification, or fails to take appropriate steps to submit the required data by the date specified in the Data Call-In Notice will be issued a Notice of Intent to Suspend each affected registration.

II. Data Call-in Notice

September 27, 1985.

Data Call in Notice for Chronic Toxicological Data for Pyrethrin

Dear Sir or Madam:

This Notice requires you and other registrants of pesticide products containing pyrethrins, pyrethrin coils and pyrethrum powder, other than pyrethrum hereafter referred to as pyrethrin, to submit certain data to the U.S. Environmental Protection Agency (EPA). Within 90 days after you receive this Notice you must inform EPA:

1. How you will comply with the data requirements set forth in this Notice; or

2. Why you believe you are exempt from the requirements of this Notice; or

3. Why you believe EPA should not require your submission of data in the manner specified by this Notice.

If you do not respond to this Notice, or if you do not satisfy EPA that you will comply with its requirements or should be exempt or excused from doing so, then the registration(s) of your product(s) subject to this Notice will be suspended. We have provided a list of all of your products subject to this Notice (Attachment A), as well as a list of all registrants of pyrethrin products who are subject to this Notice (Attachments B–1 and B–2). Those registrants who must respond to this Data Call In Notice are identified in Attachment B–1, which is the list of registrants of products containing 20% or greater of pyrethrin (called the "20% list"). As explained herein, a **Federal Register** Notice is being published as a means of notifying those registrants with less than 20% pyrethrin in their products of these data requirements and options available for compliance. These registrants are identified in Attachment B–2.

The authority for this Notice is Sec. 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(2)(B).

Section I. Why You Are Receiving This Notice

The Agency is including in this Notice the chronic data needs usually requested as a part of the ongoing regular Data Call In Program. Since this chemical is included in products used on food, it would be subject normally to chronic testing requirements. These tests are also required for certain non-food uses. We have not examined in detail the use patterns for your product(s). If your product(s) is not used for food or other uses subject to the chronic testing requirements of the Pesticide Registration Guidelines, see Section III–C for instructions on submitting a request that the guidelines do not apply to your product(s). A copy of the "When Required" portion of the chronic testing requirements of those Guidelines is attached for use in your evaluations (Attachment C). The existing chronic data in the areas of chronic feeding, oncogenicity, reproduction and teratology (the traditional areas included in Data Call In) are cited in a list included as Attachment C–1. Therefore, the Agency imposes the requirement to supply the chronic data needed. If there are any additional existing chronic studies in this area which meet current requirements, please let us know within 90 days of your receipt of this Notice.

All the data we are requiring are called "generic" data. They pertain to the safety of that active ingredient in all products having the use patterns for which the data are required. The Agency has determined that the data listed in section II of this Notice are necessary to maintain in effect your registration of products containing pyrethrin.

Section II. Data Required

II–A *Toxicological Data Needed.* These data are specified in the Data Requirements for Pesticide Registration; Final Rule, § 158.135, toxicology data requirements, chronic testing.

1. *Chronic Feeding Study(s).* Data needed: A chronic feeding study in two species.

2. *Oncogenicity Study(s).* Data needed: An oncogenicity study in two species.

3. *Reproduction Study(s).* Data needed: No additional data needed at this time.

4. *Teratogenicity Study(s).* Data needed: A teratogenicity study in two species.

II.—B. *Schedules for Submission of Data.* The chronic studies must be submitted according to the following schedule:

1. Chronic Feeding Study(s) in two species.

—A progress report is due 8 months after receipt of this Notice and semiannually thereafter.

—A final report is due 50 months after receipt of this Notice.

2. Oncogenicity Study(s) in two species.

—A progress report is due 8 months after receipt of this Notice and semiannually thereafter.

—A final report is due 50 months after receipt of this Notice.

3. Teratology Study(s) in two species.

—A progress report is due 8 months after receipt of this Notice and semiannually thereafter.

—A final report is due 15 months after receipt of this Notice.

II–C. *Testing Protocols.* Any studies submitted under Section II–A must be conducted in accordance with acceptable test standards such as those outlined in the Pesticide Assessment Guidelines. Protocols approved by the Organization for Economic Cooperation and Development (OECD) are also acceptable provided the OECD recommended test standards, such as test duration, selection of species, and degradate identification (environmental fate) requirements conform to that specified in the Pesticide Data Requirements regulation (§ 158.70). When using the OECD protocols, care should be taken to observe the test standards in a manner such that the data generated by the study will satisfy the requirements of Part 158. The Pesticide Registration Guidelines were proposed by EPA in the **Federal Register** (FR) on August 22, 1978, 43 FR 37336. Subsequently, the registration data requirements were summarized as a final regulation on November 24, 1982, 47 FR 53192 (40 CFR Part 158) and the final data requirements regulation was published on October 24, 1984 (49 FR 42856). The final regulation is labeled "Data Requirements for Pesticide Registration; Final Rule." The pesticide Assessment Guidelines contain acceptable tests and other guidance. Residue Studies appear in Subdivision O, Residue Chemistry Guidelines; chemistry studies in Product Chemistry, Subdivision D; Environmental Fate in Subdivision N; and the chronic toxicology data requirements are in Subdivision F, Hazard Evaluation; Humans and Domestic Animals. These EPA Guidelines are available as: NTIS Order No. PB83–153916 for Subdiv. F (hard copy $16.00/microfiche $4.50); PB83–153890 for Subdiv. D ($11.50); PB83–153973 for Subdiv. N ($13.00); and PB83–153981 for Subdiv. O ($10.00); from the National Technical Information Service (NTIS), Attn: Order Desk, 5285 Port Royal Rd., Springfield, VA 22161 (703–487–4650). The OECD protocols are available from OECD, 1750 Pennsylvania Ave., NW., Washington, D.C. 20006.

Section III. Compliance with Requirements of This Notice

Within 90 days of receiving this Notice, you must submit for each of your products subject to this Notice a completed copy of the "Data Call In Summary Sheet" (Attachment C–2). On that sheet you must state which option(s) you have selected to comply with this Notice. At the same time, you must also submit any additional documents required to support the option(s) chosen. The Summary Sheet and other attachments are provided to assist you in responding to this Notice. Do not alter the printed material. If you believe you qualify for more than one of the available options provided by this Notice, you should choose every option for which you believe you may qualify when you respond to this Notice. In processing responses which specify more than one option for complying with this Notice, EPA will attempt to adopt the option which will impose the least burden on the registrant.

Section III–A. Exemption From the Requirements of This Notice

Generic Data Exemption. Under Sec. 3(c)(2)(D) of FIFRA, an applicant for registration of a product is exempt from the requirement to submit or cite data concerning an active ingredient if the active ingredient in his product is derived exclusively from purchased registered pesticide products containing the active ingredient. EPA has concluded that such a registrant also should normally be exempt from a § 3(c)(2)(B) notice requiring data on the active ingredient which they purchase. To qualify for this exemption all of the following requirements must be met:

1. The pyrethrin in your registered product must be present solely because of incorporation of another registered product which contains pyrethrin;

2. Every registrant who is the ultimate source of the pyrethrin in your product must be in compliance with the requirements of this Notice and must remain in compliance; and

3. You must have provided to EPA an accurate and current "Confidential Statement of Formula" for each of your products to which this Notice applies.

Generally, to apply for the generic data exemption you must submit a completed Generic Data Exemption Statement (Attachment D) and all supporting documentation for each of your products for which you claim the exemption. End-use registrants, identified in Attachment B–1 must comply with the requirements of this Data Call In Notice if seeking a generic data exemption. However, in this case an additional mechanism for obtaining a generic data exemption is being included in a **Federal Register** Notice, applicable to registrants listed in Attachment B–2. The **Federal Register** document notifies registrants of pyrethrin products of this Data Call-In Notice and identifies steps to be taken, depending upon the course of action chosen by the individual end-use registrant as an appropriate response to the Notice. Under this approach, subject to certain conditions, registrants with products having less than 20% pyrethrin will be treated as if they had requested and been granted a generic data exemption, unless they notify the Agency within 90 days that they do not qualify or do not wish to receive such treatment.

Exemption for low volume minor use pesticides. Section 3(c)(2)(A) of FIFRA requires EPA to consider the appropriateness of requiring data for low volume minor use pesticides. In implementing this provision, EPA considers as a low volume chemical only active ingredients whose total production volume for all manufacturers is small. If the active ingredient is used for both high volume and low volume uses, a low volume exception will not be approved. If all uses of an active ingredient are low volume and the combined volumes for all uses are also low, then an exemption may be granted. An exemption will not be granted if any registrant of the active ingredient elects to conduct the testing.

To apply for a low volume minor use exemption, you must submit the following information:

1. Your total production in pounds per year of pyrethrin for all uses (including non-pesticide uses) of the chemical for each of the last five calendar years.

2. A listing of all uses of the pyrethrin you produce and the amount used in pesticide products.

3. A financial impact analysis which treats the cost of the proposed testing and addresses the ability to pass those costs on to the users of the product.

4. Statement of how important pyrethrin is to users.

5. A list of data requirements for which you request an exemption and a detailed explanation of why an exemption is requested.

The Agency will not consider any requests for low-volume minor-use exemptions because of the volume of this active ingredient which is produced and used.

Section III–B Production of Data Required by This Notice

There are three methods by which you may meet the requirements of this Notice to produce data. First, you may commit to the Agency that you will develop the data. Second, you may share in the cost of developing the data.

Third, you may submit existing data which satisfies the requirements of this Notice.

If you choose to develop the required data yourself or to submit existing data, within 90 days of receipt of this Notice you must submit a completed Data Coversheet for each study to be provided.

Submitting Existing Data. If you submit existing data, you must include two copies of the study. You must also determine that the data satisfy one or more of the requirements imposed by this Notice. If the data do not, you still will be required to comply with this Notice, normally without any extension of the required date of submission.

Developing Data. If you choose to develop the required data, your submission should also indicate the protocols to be followed in conducting the study. If you wish to use a protocol which differs from the options provided by Section II of this Notice, you must submit a detailed description of the proposed protocol and your reason for wishing to use it. The Agency may choose not to accept a protocol not specified in Section II; rejection of the proposed protocol will not be a basis for any extension of time for submission of data.

Sharing Cost to Develop Data. If you choose to enter into an agreement to share in the cost of producing the required data but will not be submitting the data yourself, provide the name of the registrant who will be submitting the data. You must also provide EPA with documentary evidence that an agreement has been formed. Such evidence may be your letter offering to join in an agreement and the other registrant's acceptance of your offer, or a written statement by the parties that an agreement exists. The agreement to produce the data need not specify all of the terms of the final arrangement between the parties or the mechanism to resolve the terms. Section 3(c)(2)(B) provides that if the parties cannot resolve the terms of the agreement they may resolve their differences through binding arbitration.

Section III–C Other Courses of Action Under This Notice

There are additional options available in responding to this Notice. First, you may claim that one or more data requirements should not apply to your product. Second, you may amend your registration to delete the uses to which one or more data requirements apply. Third, you may ask for the voluntary cancellation of your registration. Fourth, you may request that EPA use its discretion and not suspend your registration because of your good faith yet unsuccessful efforts to enter into an agreement for a joint data development/cost sharing program.

Applicable Data Requirements. If the data requirements of this Notice do not apply to your product(s), you will not be required to supply the data pursuant to section 3(c)(2)(B). If you claim that the data requirements are not applicable to your product(s), you must submit an explanation of why you believe they do not apply. You should also submit the current label(s) of your product(s) and a copy of the Confidential Statement of Formula of the product(s). If EPA determines that the data are required for your product(s), you must choose another method of meeting the requirements of this Notice in a timely manner.

Voluntary Cancellation or Amendment. You may avoid the requirements of this Notice by eliminating the uses of your product to which the requirement applies. To do so, you may choose either to request voluntary cancellation of your registration or to seek amendment of the registration to delete the appropriate uses. If you wish to amend your registration, you must submit a completed application for amendment, a copy of your proposed amended labeling, and all other information required for processing the application.

Discretionary Non-Suspension of Your Registration(s). You may also request EPA to exercise its discretion not to suspend your registration(s) although you do not comply with the data submission requirements of this Notice. EPA has determined that as a general policy, absent other relevant considerations, it will not suspend the registration of a product of a registrant who has in good faith sought and continues to seek to enter into a data development/cost sharing program but the other registrant(s) developing the data have refused to accept his offer. To qualify for this option, you must prove to EPA that you have made an offer to another registrant (who has an obligation to submit data) to share in the burden of developing that data. You must also provide us with a copy of that offer and proof of the other registrant's receipt of that offer (such as a certified mail receipt). Your offer must, in addition to anything else, offer to share in the burden of producing the data upon terms to be agreed or failing agreement to be bound by binding arbitration as provided by FIFRA section 3(c)(2)(B)(iii). In addition, you must demonstrate that the other registrant to whom the offer was made has not accepted your offer to enter into a cost-sharing agreement. The other registrant must also inform us on a Summary Sheet that he will develop and submit the data required by this Notice.

In order for you to avoid suspension under this option, you may not withdraw your offer to share in the burdens of developing the data. In addition, the other registrant must fulfill its commitment to develop and submit the data as required by this Notice.

Section III–D. Existing Stocks of Suspended or Cancelled Products

EPA has statutory authority to permit continued sale and distribution of existing stocks of a pesticide product which has been suspended or cancelled if doing so would be consistent with the purposes of the Act. The Agency has not determined that such disposition of existing stocks for a suspended registration when a section 3(c)(2)(B) data request is outstanding would generally not be consistent with the Act's purposes. Accordingly, the Agency anticipates granting permission to sell or distribute existing stocks of suspended products only in exceptional circumstances. If you believe such disposition of existing stocks of your product(s) which may be cancelled or suspended because of this Notice should be permitted, you have the burden of clearly demonstrating to EPA that granting such permission would be consistent with the Act. Unless you meet this burden, the Agency will not consider any request pertaining to your continued sale and distribution of your existing stocks after cancellation or suspension.

If you expect to have your product suspended or intend to request a voluntary cancellation or your products(s) and wish to request an existing stocks provision, the following information must be included in your request:

1. Demonstration that such a provision would be consistent with the purposes of FIFRA, and

2. Explanation of why an "existing stocks" provision is necessary, including a statement of the quantity of existing stocks and your estimate of the time required for their sale and/or distribution.

Section IV. Inquiries and Responses to This Notice

If your have any questions regarding the requirements and procedures established by this Notice, please contact: Donald Mackey (703) 557–2708 or Geraldine Werdig (703) 557–7436.

All responses to this Notice must include a completed Data Call In Summary Sheet and the other

documents required by Section III of this Notice, and should be submitted to: Geraldine W. Werdig, Chief, Data Call In Program, Registration Division (TS-767), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, RE: Pyrethrin.

The Office of Compliance Monitoring (OCM) of the Office of Pesticides and Toxic Substances (OPTS), EPA, will be monitoring the data being generated in response to this Notice. Therefore, if you respond to this Notice by:

—committing to develop and/or submitting data,
—stating that data requirements are not applicable,
—submitting protocols or modifications to them, and/or
—requesting extensions in due date for submitting final reports.

Send a duplicate copy of the DCI Summary Sheets and coversheets with supporting information to: Laboratory Data Integrity Program, Office of Compliance Monitoring (EN-342), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

A duplicate copy of the actual studies need not be sent to OCM.

Sincerely yours,

James Akerman for

Douglas D. Campt,

Director, Registration Division.

Attachments

A=List of Registrant's Products Containing Pyrethrin[1]
B-1=List of Registrants With Products Containing 20% or Greater of Pyrethrin[2]
B-2=List of Registrants with Products Containing Less Than 20% of Pyrethrin[3]
C=Chronic Testing Requirements of Pesticide Registration Guidelines[4]
C-1=Existing Chronic Toxicological Data in EPA Files for Pyrethrin
C-2=Data Call In Summary Sheet for Chronic Data
D=Generic Data Exemption Statement and Confidential Statement of Formula
E=Coversheet for Submitting Data
F=Federal Register Notice[5]

[1] Not being reprinted here because this is the list of the pyrethrin-containing products of the particular registrant to whom the Data Call In Notice is being mailed.

[2] Not being reprinted here. See Unit III Of document.

[3] Not being reprinted here. See Unit IV of document.

[4] Not being reprinted here. See the first four data requirements for chronic testing under 40 CFR 158.135.

[5] This Notice in its entirety.

Attachment C-1.—Existing Chronic Toxicological Data in EPA Files for Pyrethrin

1. Chronic Feeding Study(s) (Two Species) Data located in EPA files are: None.

2. Oncogenicity Study(s) (Two Species) Data located in EPA files are: None.

3. Reproduction Study(s) (One Species) Data located in EPA files are: (1966) Final Report: Reproduction Study—Rats: Project No. 207-109, by R. J. Weir, et al., (Unpublished study received July 23, 1976 under 4822-154); performed by Hazleton Laboratories, Inc.; submitted to S. C. Johnson and Sons, Inc., Racine, Wisc.; MRID #65528; EPA Accession #224823.

4. Teratogenicity Study(s) (Two Species) Data located in EPA files are: None.

BILLING CODE 6560-50-M

OMB Approval No. 2000-0468
Page 1 of 2 pages

ATTACHMENT C-2 DATA CALL-IN SUMMARY SHEET

EPA Registration No.: _____
Product Name: _____
Registrant's Name: _____
Date of Data Call-In Notice: _____ for products containing _____ as an active ingredient.

Note: For each registered product, a separate "Data Call-In Summary Sheet" must be filled in and sent to the Agency. If you qualify for a "generic" data exemption or have decided to voluntarily cancel/suspend your registration, check the appropriate box for Nos. 1 or 2.

1. ☐ I request a voluntary cancellation of this product's registration.

2. ☐ I request an end-use exemption. Attached is a current, accurate Confidential Statement of my product's composition indicating my source of active ingredient or a certification on the "Generic Data Exemption Statement."

If you select only Option 1 or 2 above, sign here, and return this page to EPA.

Dated _____ _____
Signature of Authorized Representative

_____ _____ _____
Telephone No. + area code | Name Typed or Printed | Address if different from mailing address

If you choose one or more of the following options (Nos. 3-12), you may choose different options for different data requirements, but for each data requirement, at least one box must be checked.

Options Nos. 3-5 for satisfying Notice's data requirements	Chronic Feeding		Oncogenicity		Teratogenicity		Reproductive
	Species #1	Species #2	Species #1	Species #2	Species #1	Species #2	
3. I am submitting existing data for each data requirement box which has been checked. A cover sheet (Attachment F) is attached which summarizes each study submitted.							
4. I will generate and submit data for each data requirement box which has been checked and submit progress reports according to the schedule in Section II. B. of this Notice. These data will be generated according to the Pesticide Registration: Proposed Data Requirements regulation ☐, the OECD protocols ☐, or different protocol ☐. A completed coversheet (Attachment E) is attached.							
5. I have entered into an agreement under FIFRA 3(c)(2)(B)(ii) with one or more other Registrants to share the burdens of generating and submitting data and progress reports for each data requirement box which has been checked according to the schedule in Section II. of this Notice A copy of the agreement is attached and the name and address of registrant to submit each test is specified.							

ATTACHMENT C-2 (cont'd.)

Other options 6 through 9	Chronic Feeding		Oncogenicity		Teratogenicity		Reproduction
	Species #1	Species #2	Species #1	Species #2	Species #1	Species #2	
6. I claim that I am not obliged to arrange to submit the data required by this Notice for the following checked data requirement box(es) because the use(s) of my registered pesticide product are such that, under the Data Requirements for Pesticide Registration Final Rule, these data requirements do not apply to my product. Attached is an explanation of why my registered pesticide product is not subject to the Requirements together with a current and accurate Confidential Statement of my product's composition and current label for my registered pesticide product.							
7. I enclose a completed application to amend my registration by deleting one or more of its currently registered uses. Once this amendment is approved, I believe the data requirements in the checked box(es) will not apply to my product.							
8. I request an exemption from the obligation to arrange to submit data for the following checked data requirement box(es), because the active ingredient in my registered, pesticide product is a low volume/minor chemical. Attached are the documents necessary for a low volume/minor chemical request according to Section III.							
9. I have submitted an offer as specified in Section III of the Notice but have been unsuccessful in entering into any agreement to share the burdens of generating data with other registrant(s). Attached are copies of the offers I have made regarding the requirements indicated by the checked data box(es) and attached is proof of receipt of the offer(s).							

Dated

Signature of Authorized Representative

Typed or Printed

Telephone No. + area code

Address (If different from address)

BILLING CODE 6560-50-C

OMB Approval No. 2000-0468
Expiration Date 5/31/86

Attachment D.—"Generic" Data Exemption Statement

EPA Product Registration No. ——
Registrant's Name and Address:

As an authorized representative of the registrant of the product identified above, I certify that:

(1) I have read and am familiar with the terms of the Notice from EPA dated ——— concerning a requirement for submission of "generic" data on the active ingredient named ——— under FIFRA Section 3(c)(2)(B).

(2) My firm requests that EPA not suspend the registration of our product, despite our lack of intent to submit the generic data in question, on the grounds that the product contains the active ingredient solely as the result of the incorporation into the product of another product which contains that active ingredient, which is registered under FIFRA Section 3, and which is purchased by us from another producer.

(3) An accurate Confidental Statement of Formula (CSF) for the above identified product is attached to this statement. That formula statement indicates, by company name, registration number, and product name, the source of the subject active ingredient in my firm's product,

OR

The CSF dated ——— on file with EPA is complete, current and accurate and contains the information requested on the current CSF Form No. 8570-4. The registered source(s) of the above named active ingredient in my product(s) is/are ——— and the registration number(s) is/are ———.

My firm will apply for an amendment to the registration prior to changing the source of the active ingredient in our product.

(4) I understand, and agree on behalf of my firm, that if at any time any portion of this Statement is no longer true, or if my firm fails to comply with the undertakings made in this Statement, my firm's product's registration may be suspended with FIFRA Section 3(c)(2)(B).

Registrant's authorized representative:

(Signature)
Dated: ———

(Typed)

BILLING CODE 6560-50-M

Confidential Business Information: Does Not Contain National Security Information (E.O. 12065)

Form Approved. OMB No. 2000-0483. Approval expires 9-30-87

EPA

United States Environmental Protection Agency
Office of Pesticide Programs (TS-767)
Washington, DC 20460

Confidential Statement of Formula

A. ☐ Basic Formulation ☐ Alternate Formulation

B. Page of

See Instructions on Back

1. Name and Address of Applicant/Registrant *(Include ZIP Code)*

2. Name and Address of Producer *(Include ZIP Code)*

3. Product Name

4. Registration No./File Symbol

5. EPA Product Mgr/Team No.

6. Country Where Formulated

7. Pounds/Gal or Bulk Density

8. pH

9. Flash Point/Flame Extension

EPA USE ONLY	10. Components in Formulation *(List as actually introduced into the formulation. Give commonly accepted chemical name, trade name, and CAS number.)*	11. Supplier Name & Address	12. EPA Reg. No.	13. Each Component in Formulation a. Amount	b. % by Weight	14. Certified Limits % by Weight a. Upper Limit	b. Lower Limit	15. Purpose in Formulation
16. Typed Name of Approving Official				17. Total Weight	100%			

18. Signature of Approving Official	19. Title	20. Phone No. *(Include Area Code)*	21. Date

EPA Form 8570-4 (Rev. 2-85) Previous editions are obsolete.

Original and second copy to EPA. Third copy to Applicant

BILLING CODE 6560-50-C

INSTRUCTIONS

Please Read Carefully Before Completing This Form

The complete chemical composition of each pesticide must be known so it can be evaluated for registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

This form is designed for reporting the ingredients used in the formulation of a pesticide product. It must be completed and submitted with each application for new registration of a pesticide and application for amended registration if the revision involves a formula change.

Block A—Check the appropriate action for which you are submitting the form.

Block B—Number all pages consecutively. Enter on each page the total number of pages submitted. If more than one page is required, number them "1 of 2," "2 of 3," "3 of 3," etc.

1. Name and Address of Applicant/Registrant—Enter the name and address of your firm or authorized agent.

2. Name and Address of Producer—Specify the name of the producer and the address of the site where this product will be produced.

3. Product Name—Specify the complete name of this pesticide product as it will appear on the label. This name must be the same as that which appears on the application form.

4. Registration Number/File Symbol—Enter the EPA registration number or file symbol, if known, for this product.

5. EPA Product Manager/Team Number—Enter the name and team number of the EPA Product Manager assigned to this product, if known.

6. Country Where Formulated—Specify the country where this product is formulated.

7. Weight per Gallon/Bulk Density—For a liquid product specify pounds per gallon of formulated product. For a powder or granular product, enter the bulk density of formulated product (as used). Enter weight per unit if the product is produced as a tablet, briquette, or other uniformly shaped product.

8. pH—Enter the pH of aqueous formulations and products which are either dispersible or soluble in water. If not applicable enter "N/A."

9. Flash Point/Flame Extension—Specify the flash point as determined by the regulations for pressurized products and/or products known or suspected to burn. State the results of the flame extension test for pressurized products including positive flashbacks.

10. Components in Formulation—List as actually introduced into the formulation. For each component in your formulation, provide the product name, commonly accepted chemical, the trade name, and the Chemical Abstract (CAS) number for each identifiable ingredient present in that product. CAS numbers may be obtained from the Chemical Abstract Service of the American Chemical Society, Columbus, OH. For each original and alternate source of each active ingredient in the product, indicate the percent purity of the manufacturing use product, technical product, or other source of active ingredient. If one or more components will be obtained from more than one source, enter all alternate sources and all alternate EPA Reg. Nos. in blocks 10, 11, and 12 or on a separate attachment.

ATTENTION: *(Special Instructions for Columns 10, 13, and 14).* Any impurities greater than or equal to 0.1% (or less than 0.1% if the impurity if toxicologically significant) which are associated with the active ingredient(s) of a technical grade (manufacturing or reformulating use) product or an end-use product produced by an integrated formulations system should also be listed in column 10, and the corresponding amount, percent by weight, and upper certified limits in columns 13 and 14.

11. Supplier Name and Address—Provide the name and address of the supplier of each component in the formulation. If one or more components will be obtained from more than one source, specify the names and addresses of the alternate sources also.

12. EPA Reg. No.—Specify the EPA registration number, if any, for each active ingredient in the formulation. If an unregistered active ingredient is used, have the suppliers submit the chemical specification, as well as any data required under 40 CFR Part 158.

13. Each Component in Formulation—

a. Amount—Specify the quantity of each component as actually introduced into the formulation. Units (e.g., pounds, grams, gallons, liters) should be expressed as used in the formulation. If the quantity is a liquid measure, enter the volume and the specific gravity or the pounds per gallon of the component.

b. Percent by Weight—Specify the weight percentage of each component in your formulated product. **CHECK YOUR CALCULATIONS.** Note that the weight percentage in many cases will not agree with that shown on the label ingredient statement where the weight percentage of the pure active ingredient(s) must be declared.

ATTENTION: PRODUCERS OF MICROBIAL PRODUCTS—*(Special Instructions for Column 13.b.)* Please state the percent of active ingredient in British International Units (BIUs). Internatonal Toxic Units (ITUs), Polyhedral Inclusion Bodies (PIBs) (viruses), or Colony Forming Units (CFUs) (fungi), as appropriate, and include an equivalent statement of active ingredient per milligram, ounce, pound, etc., of product (e.g.,a 50% active Baciullus thuringiensis product may have an equivalency value of 1.59 million Aedis aegypti ITU per pound of product).

14. Certified Limits—These limits are to be set based on representative sampling and chemical analysis (i.e., quality control) of the product.

a. Upper Limit—Specify the maximum percentage of each active ingredient, intentionally added inert ingredient, and any impurities greater than 0.1%, to be permitted in the product.

b. Lower Limit—Specify the minimum percentage of each active ingredient and intentionally added inert ingredient to be permitted in the product.

15. Purpose in Formulation—Specify the purpose of each ingredient both active and inert. (For example, disinfectant, herbicide, synergist, surfactant, defoamer, sequestrant, etc.) If space is insufficient, abbreviate.

16. Typed Name of Approving Official—Complete this item for identification of individual to be contracted if necessary.

17. Total Weight—Specify the total weight of the batch (column 13. a.).

18.—21—Complete these items for identification of individual to be contacted if necessary.

Attachment E.—Coversheet for Data Submitted in Response to Data Call in Notice

EPA Registration No. ———————
Product name: ———————
Registrant's name: ———————
Name of active ingredient: ———————

Type of submission:
☐ Intent to submit data in the future
☐ Original submission of data
☐ Duplicate submission of data
Type of study (if available):
Title of study:
Name and address of laboratory(s) or individual(s) who performed ☐, are performing ☐, or will perform ☐ the study.
Numbers used by registrant or laboratory to identify the study.
Date that study was completed (if applicable) ——— or date by which the study will be submitted to EPA (if it is not enclosed): ———.
Date when you expect study (in life portion) to be initiated by laboratory ———, and date when you expect in life portion to be completed ———. In future progress reports, indicate when the study (in life portion) was actually initiated and completed.
Note: You may also receive requests from other EPA offices for additional information on these studies. Should you receive such requests, you do not need to provide a copy of your response to the Data Call In Office.

Date

Signature of Registrant's Representative

BILLING CODE 6560-50-M

III LIST OF REGISTRANTS OF PYRETHRIN PRODUCTS CONTAINING 20% OR GREATER OF PYRETHRINS

000148	THOMPSON-HAYWARD CHEMICAL COMPANY	5200 SPEAKER ROAD	KANSAS CITY KS	66106
000270	FARNAM COMPANIES INC	301 W. OSBORN ROAD	PHOENIX, AZ	85013
000432	PENICK CORPORATION	1050 WALL STREET WEST	LYNDHURST, NEW JERSEY	07071
000655	PRENTISS DRUG & CHEMICAL COMPANY INC	C. B. 2000 21 VERNON ST.	FLORAL PARK, NY	11001
000704	MILLER CHEMICAL & FERTILIZER CORP.	BOX 333	HANOVER, PENNSYLVANIA	17331
001021	MCLAUGHLIN GORMLEY KING CO	8810 TENTH AVE NORTH	MINNEAPOLIS,MINNESOTA	55427
001439	BLUE SPRUCE COMPANY	50 DIVISION AVENUE	MILLINGTON NJ	07946
002155	I. SCHNEID, INC.	BOX 93188-HARTECH STATION	ATLANTA GA	30318
003032	FUJII JUNICHI SHOTEN LTD	P O BOX 980	HONOLULU HI	96808
003060	KOTAKE SHOKAI LTD	P.O. BOX 4512	HONOLULU, HI	96813
003095	PIC CORPORATION	23 SOUTH ESSEX AVE.	ORANGE, N.J.	07050
003126	ROYAL TRADING COMPANY LTD	PO BOX 1551	HONOLULU HI	96806
003282	D-CON COMPANY INC	225 SUMMIT AVENUE	MONTVALE, N.J.	07645
004113	PBY WESTERN STATES	420 S.W. WASHINGTON ST.	PORTLAND, OR	97270
004713	PYRETHRUM BOARD OF KENYA	2100 LINCOLN PARK WEST	CHICAGO, ILLINOIS	60614
004316	FAIRFIELD AMERICAN CORPORATION	87TH AND HARRISON STREETS	FRENCH TOWN, NJ	08825
004822	S.C. JOHNSON & SON INC.	1525 HOWE STREET	RACINE, WI	53403
004925	KING CHEMICALS CO LTD	NO 1 MINAMI 3-CHROME OYODO-CHO	OSAKA JAPAN	
005178	BLOOD PROTECTION CO LTD THE	112 AUSTIN RD	KOWLOON HONG KONG	
005598	MAR TRADING CORP OF FLA INC	1980 NW 139TH	OPA LOCKA FL	33054
005769	UNION CARBIDE CORP	BLDG 1 OLD SAW MILL RIVER ROAD	TARRYTOWN, NY	10591
006170	LOBEL CHEMICAL CORP	100 CHURCH ST	NEW YORK NY	10007
006529	HATA & COMPANY LTD Y	BOX 1348	HONOLULU HI	96807
006755	FUJII SHOJI LTD	1180 KONA ST	HONOLULU HI	96814
007305	NISHIMOTO TRADING COMPANY LTD	C/O SUITE 1412 AMTAC BLDG-700 BISHOP STR	HONOLULU, HI	96813
007602	ROMANO, H. J.	BOX 1901	OLD SAN JUAN STATION P R	00803
007768	DE JESUS TRADING COMPANY	CARPENTER RD 745	SANTURCE PR	00907
008112	LION INSECTICIDE COMPANY LTD	8-10 FUKUSHIMA 6 CHOME FUKUSHIMA-KU	OSAKA 553 JAPAN	07627
008897	GENERAL TRADING, INC	CALLE MONSERRATE 608	SANTURCE, PR.	00907
009086	ROXO EXPORTS INC	10 COTTAGE PL	NEW ROCHELLE NY	10802
009199	RIGAMONTI OSVALDO S A C I	C/O MARTINEZ E G M CORP 1261 BROADWAY	NEW YORK NY	10001
009563	PURCELL P	P O BOX 352	MAYO, REY, PR	00919
010171	MAIUKAI HAWAII INCORPORATION	1311 KILANI ST	HONOLULU, HI	96817
010406	MITCHELL COTTS & COMPANY INC	230 PARK AVE	NEW YORK, NY	10071
010442	BIDDLE SAWYER CORPORATION	2 PENN PLAZA	NEW YORK NY	10001
017745	B AND E SALES COMPANY INC	200 EAST LONG LAKE ROAD	MILL, MI	48013
017864	KASSNAR IMPORTS INC	PO BOX 3895	HARRISBURGH PA	17105
022950	COBRA INTERNATIONAL INC	PO BOX 985	BAYAMON PR	00619
025242	CITY HEALTH PEST CONTROL	607 E. MCNICHOLS	DETROIT MI	48203
035193	NOXX CHEMICALS	1131 MAIN ST.	COLUMBUS, OH	43205
039714	GRECO-TOX CHEMICAL CORP.	163-36 91 ST	QUEENS,NY	11414
044342	TELA INTERNATIONAL, INC.	11217 GAINSBOROUGH ROAD	POTOMAC, MARYLAND	20854
047134	JOHN W. KENNEDY CONSULTANTS INC.	SUITE 406-AMERICAN BANK BLDG.-608 WASHIN	LAUREL, MD	20707

IV LIST OF REGISTRANTS OF PYRETHRIN PRODUCTS CONTAINING LESS THAN 20% OF PYRETHRINS

000004	BONIDE CHEMICAL CO. INC.	2 WURZ AVE.	YORKVILLE NY	13495
000005	EMPIRE INTERNATIONAL	P.O. BOX 29805	ATLANTA, GA	30359
000016	DRAGON CHEMICAL CORP	PO BOX 7311	ROANOKE VA	24019
000019	EMULSO CORP	301 ELLICOTT ST	BUFFALO NY	14203
000039	COSTELLO MFG. CO.	525 PAGE IND. BLVD.	ST. LOUIS, MO.	63110
000052	WEST CHEMICAL PROD INC	24-16 BRIDGE PLAZA SOUTH RM 500	LONG ISLAND CITY, NY	11101
000058	BRADFORD MFG COMPANY	149 ROSEDALE	JACKSON TN	38301
000059	COOPERS ANIMAL HEALTH INC.	200 SOUTH 11 ST.	KANSAS CITY, KS	66103
000070	RIGO COMPANY, INC.	P.O. BOX 98	BUCKNER, KENTUCKY	40010
000071	PERRIGO L COMPANY	100 BRADY ST	ALLEGAN MI	49010
000072	MILLER CHEMICAL AND FERTILIZER CORPORATI	P.O. BOX 333	HANOVER, PA.	17331
000087	PENNSYLVANIA ENGINEERING COMPANY	1119-21 N HOWARD ST	PHILADELPHIA PA	19123
000088	HYPONEX CORPORATION	3489 SAWMILL RD. - BOX 4300	FT WAYNE, INDIANA	46801
000099	WATKINS INCORPORATED	150 LIBERTY ST	WINONA MN	55987
000100	CIBA-GEIGY CORP.	P.O. BOX 18300	GREENSBORO, NC	27419
000106	BRULIN & COMPANY INC	PO BOX 270-B	INDIANAPOLIS IN	46206
000108	RAWLEIGH W T COMPANY	223 E MAIN ST	FREEPORT IL	61032
000110	MADISON CHEMICAL COMPANY	P.O. BOX 125	MADISON IN	47250
000115	CONTINENTAL CHEMICAL COMPANY	2750 GRAND AVE	CLEVELAND OH	44104
000134	HESS & CLARK, INC.	7TH AND ORANGE	ASHLAND, OH	44805
000142	MEYER H B & SON INC C/O HUNTINGTON LAB-P	PO BOX 710	HUNTINGTON IN	46750
000150	ANDERSON CHEMICAL CO.	BOX 1041	LITCHFIELD MN	55355
000151	PIONEER CHEMICAL COMPANY	1315 WEST FLORENCE AVE.	LOS ANGELES, CA	90044
000192	DEXOL INDUSTRIES	1450 W 228TH ST	TORRANCE CA	90501
000201	SHELL CHEMICAL COMPANY	1025 CONNECTICUT AVE N.W. SUITE 200	WASHINGTON, D.C.	20036
000211	CENTRAL CHEMICAL COMPANY INC	3130 BRINKERHOFF RD	KANSAS CITY KS	66115
000223	DEPREE, INC.	8333 BRYAN DAIRY ROAD-P.O. BOX 4689	CLEARWATER, FL	33518
000226	TOBACCO STATES CHEMICAL COMPANY	PO BOX 12046	LEXINGTON, KY	40580
000237	MUSHROOM SPLY COMPANY	NO STREET	TOUGHKENAMON PA	19374
000239	CHEVRON CHEMICAL COMPANY	940 HENSLEY STREET	RICHMOND CA	94804
000241	AMERICAN CYANAMID COMPANY	BOX 400	PRINCETON NJ	08540
000257	CELLO CORPORATION	1354 OLD POST ROAD	HAVRE DE GRACE MD	21078
000259	MISSOURI KANSAS CHEMICAL COMPANY	1708-16 CAMPBELL	KANSAS CITY MO	64108
000264	UNION CARBIDE AGRICULTURAL PRODUCTS CO.	P.O. BOX 12014-T.W. ALEXANDER DRIVE	RESEARCH TRIANGLE PARK, N	27709
000267	OLD 97 COMPANY	BOX 5207	TAMPA FL	33675
000269	XTERMINATOR PROD CORP	165 MONTICELLO AVE	JERSEY CITY NJ	07304
000274	TRAGER MFG COMPANY INC	1200 WHEELER AVENUE	SCRANTON PA	18510
000279	FMC CORP.	2000 MARKET STREET	PHILADELPHIA, PA.	19103
000299	MARTIN C J COMPANY	606 W MAIN ST P.O. BOX 1089	NACOGDOCHES TX	75961
000303	HUNTINGTON LABORATORIES,INC.	968-970 EAST TIPTON ST.	HUNTINGTON IN	46750
000305	WISCONSIN PHARMACAL INC.	6769 N. INDUSTRIAL RD.	MILWAUKEE, WI	53223
000323	HOLCOMB J I RSEARCH LABORATORIES	4500 EUCLID AVE.	CLEVELAND, OHIO	44103
000327	TEXAS PHENOTHIAZINE COMPANY	2021 N GROVE STREET	FT WORTH TX	76106
000328	GETEM MANUFACTURING CO., INC.	1261 W. 42ND STREET	NORFOLK, VA.	23508
000333	DIXIE CHEM PRODUCTS CO LTD	2211 5TH AVENUE SOUTH	BIRMINGHAM AL	35200
000334	HYSAN CORPORATION	919 W 38TH ST	CHICAGO IL	60609
000336	WALGREEN LABS INC	200 WILMOT RD	DEERFIELD, ILLINOIS	60015
000337	LESTER LABORATORIES	2370 LAWRENCE STREET	ATLANTA GA	30344
000356	DETROIT VETERINARY SUPPLY COMPANY	P.O. BOX 577-1798 WABASH AVE.	DETROIT, MICHIGAN	48232
000358	NOTT MANUFACTURING COMPANY INC	PLEASANT VIEW RD	PLEASANT VALLEY NY	12569
000370	GARDEN HOUSE SPRAY COMPANY	PO BOX 459 RT 107	LACONIA NH	03246
000373	RESIDEX CORP	225 TERMINAL AVENUE	CLARK NJ	07066
000385	MCKESSON LABORATORIES	P.O. BOX 2277	DUBLIN, CA	94566

000387	GLOVERS IMPERIAL PHARM	1140 FRANKLIN AVE.	GARDEN CITY NY	11530
000397	NOBLE PINE PRODS COMPANY	BOX 41 CENTUCK STATION	YONKERS NY	10710
000400	UNIROYAL CHEMICAL	74 AMITY ROAD	BETHANY CT	06525
000402	HILL MANUFACTURING, INC	1500 JONESBORO RD SE	ATLANTA GA	30315
000404	MCCONNON & COMPANY	25 MCCONNON DR	WINONA, MN	55987
000406	PEST CONTROL CHEMICAL COMPANY	324 BROADWAY	BUFFALO NY	14224
000407	IMPERIAL INC	BOX 423	SHENANDOAH IA	51601
000410	FRANKLIN LABORATORIES INC.	P.O. BOX 669	AMARILLO, TX	79105
000411	JENSEN-SALSBERY LAB DIV OF RICHARDSON-ME	520 W 21ST STREET	KANSAS CITY MO	64141
000413	BARTELS & SHORES CHEMICAL COMPANY	1400-02 ST LOUIS AVE	KANSAS CITY, MO	64101
000416	QUINN DRUG & CHEM COMPANY	BOX 847	GREENWOOD MS	38930
000419	CENOL COMPANY.	21N 988 PEPPER ROAD	BARRINGTON, IL	60010
000421	VARLEY JAMES & SONS INC	1200 SWITZER AVE	ST LOUIS MO	63147
000425	SCARRY R J & COMPANY	1620 MARKET ST	DENVER CO	80202
000427	NASH & KINSELLA LABORATORIES	9216 CLAYTON RD	ST LOUIS MO	63124
000437	ERADICO PROD COMPANY	1003 WOODWARD HEIGHTS	FERNDALE,MI	48220
000438	STATE CHEMICAL COMPANY	BOX 310	AMARILLO TX	79105
000442	STANDARD OIL COMPANY OF OHIO	101 PROSPECT AVENUE	CLEVELAND OH	44115
000446	GOOD JAMES COMPANY	2107-15 E SUSQUEHANNA AVE	PHILADELPHIA PA	19125
000451	HERSHEY COMPANY	48 CLINTON STREET	NEW YORK, NEW YORK	10002
000464	DOW CHEMICAL U S A	PO BOX 1706	MIDLAND MI	48640
000468	GURNEY SEED AND NURSERY COMPANY	2ND & CAPITOL STS	YANKTON, SD	57079
000475	BOYLE-MIDWAY INC	S AVE & HALE ST	CRANFORD NJ	07016
000477	CENTRAL CHEMICAL CORP.	P.O. BOX 918	HAGERSTOWN, MD	21740
000478	REALEX CORP.	BOX 78 2500 SUMMIT ST.	KANSAS CITY MO	64141
000485	INDUSTRIAL FUMIGANT COMPANY	601 EAST 159TH ST.	OLATHE, KS	66061
000491	SELIG CHEMICAL INDUSTRIES THE	840 SELIG DR P.O. BOX 43106	ATLANTA GA	30378
000498	CHASE PRODUCTS COMPANY	19TH ST AND GARDNER ROAD	BROADVIEW IL	60153
000499	WHITMIRE RESEARCH LABS INC	3568 TREE CT INDUSTRIAL BLVD	ST LOUIS MO	63122
000500	BOYER CORPORATION	9600 W OGDEN AVE. P.O. BOX 10A	LA GRANGE, IL	60525
000506	MALCO-LINK CO.	P.O. BOX 769	CLIFTON, NJ	07015
000509	OPITZ JOHN INC	5014 39TH ST	LONG ISLAND CITY NY	11104
000527	ROCHESTER MIDLAND	333 HOLLENBECK ST.	ROCHESTER, NY	14621
000537	BIOCERTA CORP	303 5TH AVE	NEW YORK NY	10016
000538	SCOTT O M & SONS COMPANY	SCOTTLAWN RD.	MARYSVILLE OH	43040
000539	SEARS ROEBUCK & COMPANY	SEARS TOWER DEPT. 671/15TH FLOOR	CHICAGO IL	60684
000541	PURITAN/CHURCHILL CHEMICAL CO.	PO BOX 93247 MARTECH STATION	ATLANTA GA	30318
000550	VAN WATERS & ROGERS	2256 JUNCTION AVENUE	SAN JOSE, CALIFORNIA	95131
000551	BAIRD & MCGUIRE INC	775 SOUTH STREET	HOLBROOK,MA	02343
000557	ESTECH, INC.	30 NORTH LASALLE ST.	CHICAGO, IL	60604
000561	KLEIN KLEEN-ALL CORPORATION OF MILWAUKEE	1137 NORTH THIRD STREET	MILWAUKEE WI	52303
000572	ROCKLAND CHEMICAL CO. INC.	P.O. BOX 809	WEST CALDWELL, NJ	07006
000600	COOK THOMAS E CHEMICAL COMPANY	305 N MAIN ST	SPRINGFIELD TN	37172
000602	PURINA MILLS, INC.	800 CHOUTEAU AVE.	ST. LOUIS, MO	63164
000606	PRINCE AGRI. PRODUCTS, INC.	BRYWOOD OFFICE TOWER-8800 63RD ST., SUIT	KANSAS CITY, MO	64133
000618	MERCK & CO INC		RAHWAY NJ	07065
000622	NORDEN LABS INC	601 W CORNHUSKER	LINCOLN NE	68521
000623	UNITED CHEMICAL COMPANY INC	800 HICKORY STREET	KANSAS CITY, MO.	64101
000632	MUTUAL DEALERS WHOLESALE INC	2361 HAMPDEN AVE	ST PAUL MN	55114
000635	GROWER SERVICE CORP	BOX 18037	LANSING MI	48901
000639	ACME SANITARY SUPPLY COMPANY	2819 LARIMER STREET	DENVER CO	80205
000642	THOMPSON CHEMICALS CORP	23529 S FIGUEROA ST	CARSON,CALIFORNIA	90744
000654	DIVISION/DEPARTMENT	5455 WEST 86TH, SUITE 109	INDIANAPOLIS, IN	46268
000675	NATIONAL LABS LEHN & FINK INDUSTRIAL PRO	225 SUMMIT AVE	MONTVALE, N. J.	07645
000703	INTERNATIONAL LAB	18 HARVARD ST	ROCHESTER NY	14607
000704	CHEMICAL SYSTEMS INC	1735 W FULLERTON AVE	CHICAGO IL	60614
000706	CLAIRE MANUFACTURING COMPANY	500 VISTA AVE.	ADDISON, IL	60101
000713	ATLAS MANUFACTURING COMPANY	BOX 224968-2321 BEATRICE ST.	DALLAS TX	75266
000722	CARPENTER W D COMPANY INC	PO BOX 205 6179 E MOLLOY RD	EAST SYRACUSE NY	13057
000728	SOUTHLAND PEARSON & CO	P.O. BOX 7344	MOBILE,AL	36607
000731	SUDBURY LABORATORY INC	6 OCTOBER HILL RD.	HOLLISTON, MA	01746
000746	MFA OIL CO.	BOX 423	SHENANDOAH, IOWA	51601
000769	SECURITY CHEMICAL COMPANY	P.O. BOX 938	FORT VALLEY, GA	31030
000773	PITMAN-MOORE INC	PO BOX 344	WASHINGTON CROSSING NJ	08560
000778	CONSUMER PRODUCTS DIV. A.H. ROBINS CO. I	3800 CUTSHAW AVE.-P.O. BOX 6235	RICHMOND, VA	23230
000787	ADCO INC	PO BOX 999	SEDALIA MO	65301
000788	VICTORY CHEM COMPANY	728-30 N 2ND ST	PHILADELPHIA PA	00078
000798	WILSON A	975 BALL AVE	UNION NJ	07083
000802	CHAS H. LILLY CO.	7737 N.E. KILLINGSWORTH	PORTLAND, OR	97218
000809	AMERICAN DISINFECTANT COMPANY	5201 FIRST PLACE NW	WASHINGTON DC	20001
000829	SOUTHERN AGRICULTURAL INSECTICIDES INC	BOX 218	PALMETTO FL	33561
000830	CRAIN CHEMICAL COMPANY	P.O. DRAWER 20975	DALLAS TX	75220
000839	BELL CHEMICAL COMPANY	BOX 10007	DALLAS TX	75207
000842	ROBINS G S COMPANY	126 CHOUTEAU AVE	ST LOUIS MO	63102
000850	BONDED CHEMS CORP	PO BOX 1870	LIMA OHIO	45802
000852	ABBOTT CHEMICAL CORPORATION	721 E SARATOGA	FERNDALE MI	48220
000854	MEYER INC THEODORE	922 CALLOWHILL ST	PHILADELPHIA PA	19123
000861	UNCLE SAM CHEMICAL COMPANY INC	575 W 1315T ST	NEW YORK NY	10027
000869	GREEN LIGHT COMPANY	P.O. BOX 17985	SAN ANTONIO, TX	78217
000875	DIVERSEY WYANDOTTE CORP.	1532 BIDDLE AVE.	WYANDOTTE, MI	48192
000892	PIONEER MANUFACTURING COMPANY	5273 BROADVIEW RD.	CLEVELAND, OH	44134
000900	CHEMICAL SERVICE	11250 W ADDISON ST	FRANKLIN PARK IL	60131
000901	AIROSOL CO INC	525 NORTH ELEVENTH ST.	NEODESHA KS	66757
000908	CAPITOL CHEMICAL COMPANY	5455 BUTLER RD	WASHINGTON DC	20016
000909	COOKE LABORATORY PRODUCTS	2515 SOUTH YATES AVE.	COMMERCE, CALIFORNIA	90040
000912	FARMERS UNION CENTRAL EXCHANGE INC	PO BOX 43089	ST PAUL MINNESOTA	55164
000922	SCRANTON CHEMICAL COMPANY	705-709 DAVIS STREET	SCRANTON PA	15801
000923	WORLD WIDE EXT CORP	561 4TH AVE	BROOKLYN NY	11215
000939	LEITTE E H COMPANY	2200 ORWELL AVE	STILLWATER, MN	55082
000962	LOS ANGELES CHEMICAL COMPANY	P.O. BOX 1987	SOUTH GATE CA	90280
000984	WHITMOYER LAB INC	19 NORTH RAILROAD ST.	MYERSTOWN, PA.	17067
000991	CAMLE COMPANY INC	9225 WATSON INDUSTRIAL PARK	ST LOUIS, MO	63126
000995	MACKWIN COMPANY	25 MCCONNON DR.	WINONA, MN	55987
001007	PFIPHARMECS DIVISION, PFIZER INC.	235 EAST 42ND ST	NEW YORK NY	10017
001015	DOUGLAS CHEMICAL COMPANY	BOX 297	LIBERTY MO	64068
001019	LEGEAR DIVISION	2150 METRO BLVD.	MARYLAND HEIGHTS, MO.	63043
001057	C B DOLGE COMPANY	P.O. BOX 1515	ROCHESTER, NEW YORK	14603
001066	CRE-O-TOX CHEMICAL PRODUCTS COMPANY	BOX 12598	MEMPHIS TN	38112
001071	SHELLGRAM CO THE	432 ORANGE ST	NEWARK NJ	07107
001075	ALEXANDER CHEMICAL COMPANY	36 WALWORTH ST	BROOKLYN NY	11205
001111	HOCKWALDCHEM DIV OXFORD CHEM	275 VALLEY DR	BRISBANE CA	94005
001117	FORT DODGE LABORATORIES	DIV AMER HOME PRODS CORP BOX 518	FORT DODGE IA	50501
001144	HINTON & COMPANY INC	PO BOX 26 81 SECATOGUE AVE	FARMINGDALE NY	11735
001145	THE CROPMATE CO.	320 EMBASSY PLAZA	OMAHA, NE.	68114
001159	SEACOAST LABORATORIES INC	257 HIGHWAY 18 P.O. BOX 157	E BRUNSWICK NJ	08816
001169	CLASSIC CHEMICAL	16TH & MICKLE STREET	CAMDEN, NEW JERSEY	08105

001183	CORVEL	A DIVISION OF ELI LILLY & COMPANY	INDIANAPOLIS IN	46206
001187	VIRGINIA CHEM INC	3340 W NOFFOLK RD	PORTSMOUTH VA	23703
001193	707 COMPANY	1530 STILLWELL AVE	BRONX NY	10461
001203	DELTA FOREMOST CHEMICAL CORP.	3915 AIR PARK ST.	MEMPHIS, TENNESSEE	38130
001214	GUARDIAN CHEMICAL COMPANY	P.O. BOX 93667	ATLANTA GA	30318
001234	VET PRODUCTS CO.	12340 SANTA FE DR.	SHAWNEE MISSION, KANSAS	66215
001239	INDUSTRIAL CHEMICAL LABORATORIES	1015 NO 14TH ST	OMAHA, NB	68102
001251	P L C CORPORATION	415 HARVESTER COURT	WHEELING, IL	60090
001253	BOYLES W T	246 GILMAN STREET	CINCINNATI OH	45219
001266	MALTER INTERNATIONAL CORPORATION	PO BOX 6099	NEW ORLEANS LA	70174
001267	SSM CORP	5050 POPLAR AVE.- SUITE 721	MEMPHIS, TENNESSEE	38157
001269	DEWITT CHEMICAL COMPANY	P.O. BOX 2015	ATLANTA GA	30301
001270	ZEP MANUFACTURING COMPANY	1310 SEABOARD INDUSTRIAL BLVD. NW	ATLANTA,GEORGIA	30318
001275	OLIVER CHEM COMPANY INC.	2908 SPRING GROVE AVE	CINCINNATI OH	45225
001289	CENTRAL O B PRODUCTS COMPANY INC	1230 GENESEE ST	BUFFALO NY	14200
001299	SCIENTIFIC SUPPLY COMPANY INC	11633 E. 51ST. AVE. P.O. BOX 39955	DENVER, CO	80239
001304	FURST MCNESS COMPANY	120 E CLARK ST	FREEPORT IL	61032
001307	MAGNOLIA CHEMICAL CO INC	2646 RODNEY LANE	DALLAS TX	75220
001317	AN-FO MANUFACTURING COMPANY	PO BOX 7311 3129 ELMWOOD AVE	OAKLAND CA	94601
001325	WEIL CHEMICAL COMPANY	219 SCOTT STREET	MEMPHIS, TN	38112
001326	WALTHAM CHEM COMPANY	817 MOODY ST	WALTHAM MA	02154
001348	SELCO SUPPLY COMPANY	650 O STREET	GREELEY, COLORADO	80631
001368	THE MELCOCRAFT COMPANY	P.O. BOX 567	TOLEDO, OH	43693
001381	LAND O'LAKES	P.O. BOX 423	SHENANDOAH, IOWA	51601
001386	UNIVERSAL COOPERATIVES INC	P.O. BOX 460 7801 METRO PARKWAY	MINNEAPOLIS, MN	55440
001394	MCCORMICK AND CO INC	11350 MCCORMICK RD.	HUNT VALLEY,MD.	21031
001421	THE DETTELBACK CHEMICAL CORP.	2676 APPLE VALLEY RD. NE	ATLANTA, GA	30319
001431	MILFRED COMPANY THE	1514 5TH AVE.	PITTSBURGH, PA	15219
001440	TOMIC INSECTICIDE COMPANY, INC.	241 SO MEDNIK AVENUE	LOS ANGELES, CA	90062
001450	ESTES CHEMICALS INCORPORATED	PO BOX 1390	WICHITA FALLS TX	76307
001452	HILO PRODUCTS, INC.	P O BOX 368	GLENFORD, NY	12433
001455	PRO TEX ALL COMPANY INC	223 NW 2ND ST	EVANSVILLE IN	47708
001459	BULLEN CHEMICAL COMPANY	HOOK ROAD	FOLCROFT PA	19032
001477	MOORE L A & COMPANY INC	PO BOX 441	UTICA NY	13501
001487	JANITORS SUPPLY HOUSE INC	617-619 W PRATT ST	BALTIMORE MD	21208
001489	NUTRO DOG FOOD COMPANY	1907 N CHICO AVE	EL MONTE CA	91733
001498	MARKS SUPPLY COMPANY	P.O. BOX 15938	NEW ORLEANS, LA	70175
001516	CURTS LABORATORIES INC	812 WOODSMETHER ROAD	KANSAS CITY MO	64105
001537	CENTER CHEMICAL COMPANY	BOX 80202	ATLANTA GA	30341
001543	YOUNG W F INC	111 LYMAN ST	SPRINGFIELD MA	01103
001553	MOMAR INC	PO BOX 19567 STATION N	ATLANTA GA	30325
001562	THE GREAT ATLANTIC & PACIFIC TEA CO. INC	P.O. BOX 418	MONTVALE, NJ.	07645
001574	STANHOME, INC.	116 PLEASANT ST.	EASTHAMPTON, MA	01027
001591	ROGERS INSECT POWDER COMPANY	P O BOX 6447	MOBILE, AL	33606
001598	FCX INC.	PO BOX 2419	RALEIGH, NC	27642
001603	REEFER-GALLER WUBS	4044 PARK AVENUE	ST. LOUIS, MO.	63110
001604	GALREE PROD CO SUBSID	300 PK AVE	NEW YORK NY	10022
001616	WARREN-DOUGLAS CHEMICAL COMPANY INC	3002 F ST	OMAHA NE	68107
001621	TANGLEFOOT COMPANY	314 STRAIGHT AVENUE S W	GRAND RAPIDS MI	49504
001622	KLIX CHEMICAL COMPANY	551 RAILROAD AVE	SOUTH SAN FRANCISCO, CA	94080
001629	WEEVIL-CIDE COMPANY	411 NORTH 7TH ST P O BOX 1057	SALINA KS	67401
001645	KNOX CHEMICAL CO.	7625 PAGE BLVD.	ST. LOUIS, MO.	63133
001660	CHEMICAL SPECIALTIES COMPANY INC	51-55 NASSAU AVE	BROOKLYN NY	11222
001663	GRANT LAB. DIV.	6020 ADELINE ST.	OAKLAND CA	94608
001677	ECONOMICS LABORATORY INC	370 WABASHA ST.	ST PAUL, MN	55102
001685	STATE CHEMICAL MFG CO THE	3100 HAMILTON AVE	CLEVELAND, OHIO	44114
001691	CHEMICAL COMPOUNDING CORP	680 ELTON AVENUE	RIVERHEAD, NY	11901
001696	METRO PRODS COMPANY	4720 FREDERICK DR SW	ATLANTA GA	30336
001748	YORK CHEMICAL CO., INC.	118 FULTON AVE.	GARDEN CITY PARK NY	11040
001753	FITCH DUSTDOWN COMPANY	2201 RUSSELL STREET	BALTIMORE MD	21230
001762	ASSOC CHEMISTS INC	4401 SE JOHNSON CK BLVD	PORTLAND OR	97206
001766	ALLADDIN PRODUCTS	3001 INDUSTRIAL COURT	SMYRNA (ATLANTA), GA	30080
001769	NCH CORP	1590 EAST NORTHGATE	IRVING, TX	75062
001771	HALABY SAMUEL INC	482 CLINTON AVE SOUTH	ROCHESTER NY	14620
001772	HOLDER CORP THE	1421 FIFTH AVE	HUNTINGTON WV	25701
001778	WESTERN CHEM COMPANY	615 ALBEMARLE STREET	ST JOSEPH MO	64502
001783	TRIO CHEMICAL WORKS INC	341-347 SCHOLES ST	BROOKLYN NY	11206
001795	SANITARY PRODUCTS COMPANY	5106 E. 27TH ST.	KANSAS CITY MO	64127
001803	CONTINENTAL CHEMICAL COMPANY INC	BOX 15316	SACRAMENTO CA	95813
001811	GENA LABORATORIES INC	1341-3 PLOWMAN AVE.	DALLAS TX	75203
001814	FUMOL CORPORATION	49-65 VAN DAM STREET	LONG ISLAND CITY, NY	11101
001833	BRILCO LABORATORIES	1553 63RD ST	BROOKLYN NY	11200
001842	TRIANGLE CHEMICAL COMPANY	BOX 4528	MACON GA	31208
001864	CENTRAL PETROLEUM COMPANY	548 STANDARD BLDG	CLEVELAND OH	44113
001867	LEONARD COMPANY THE	9437 WATSON IND PARK	ST LOUIS MO	63126
001883	TERMINIX INTERNATIONAL INC	1641 READING RD	CINCINNATI OH	45202
001903	8 IN 1 PET PRODUCTS INC	100 EMJAY BLVD	BRENTWOOD NY	11717
001926	NAVY BRAND MFG COMPANY	5111 SH AVE	ST LOUIS MO	63110
001927	TERMINIX DIV OF COOK IND INC	P O BOX 17167	MEMPHIS TN	38117
001941	ELCO MANUFACTURING COMPANY	111 3RD ST SHARPSBURG	PITTSBURGH PA	15215
001989	SANCO PROD. CO. ATT: AL WILLIAMS	1810 SEVENTH ST IND BLVD	MACON, GA	31206
001990	FARMLAND I'D., INC.	P. O. BOX 7305	KANSAS CITY, MO	64116
001999	ANDERSON, A. EXT. CO	1100 WEST JACKSON BLVD.	CHICAGO, IL	60607
002006	GOOD-WAY INSECTICIDE INC	P.O. BOX 2768	WHEELING IL	60090
002019	GASTON JOHNSTON CORP.	1919 LONE STAR DRIVE	DALLAS, TX	75212
002021	NATIONAL MILLING & CHEMICAL CO., INC.	4601 FLAT ROCK ROAD	PHIL PA	19127
002044	CHEMGO CORPORATION	10 PENNSYLVANIA AVE.	MALVERN, PA	19355
002059	VAUGHAN'S SEED COMPANY	CHIMNEY ROCK RD	BOUND BROOK NJ	08805
002078	CHEMICAL SPECIALTIES CORP	BOX 4086 1180 DIAMOND AVE	EVANSVILLE IN	47711
002095	VINSON CHEM PROD COMPANY	200 DURAD AVENUE-P.O. BOX 893	OPALOCKA, FL	33045
002097	BEECHAM LABORATORIES	513-529 5TH ST	BRISTOL TN	37620
002098	EMPIRE CHEMICAL COMPANY	715 LAMAR ST	LOS ANGELES CA	90031
002124	W R GRACE & COMPANY	PO BOX 277 100 N MAIN ST	MEMPHIS TN	38103
002125	SCIENCE PRODUCTS COMPANY INC.	5801 N TRIPP AVENUE	CHICAGO, ILLINOIS	60646
002131	R.T. FRENCH HOUSEHOLD PRODUCTS	P.O. BOX 23450	ROCHESTER NY	14692
002136	HOFFMAN, J.L. CO., INC.	1413-1415 COURT ST LAB	ALLENTOWN PA	18102
002144	KOR-X-ALL COMPANY	216 NORTHWEST TENTH STREET	EVANSVILLE IN	47708
002215	FELLER CHEMICAL CORP	105-28-160TH ST	JAMAICA NY	11433
002217	PBI/GORDON CORPORATION	1217 WEST 12TH STREET, P.O. BOX 4090	KANSAS CITY, MO	64101
002270	HUGE' COMPANY, INC., THE	7625 PAGE AVE	ST. LOUIS, MO	63133
002281	A 1 PEST CONTROL SERVICE	484 UNION AVE	BROOKLYN NY	11211
002285	INDUSTRIAL SOAP COMPANY	2930 MARKET ST	ST LOUIS MO	63103
002337	DEMERT & DOUGHERTY, INC.	814 COMMERCE DR. SUITE 310	OAK BROOK, IL	60521
002342	KERR-MCGEE CHEMICAL CORP	P.O. BOX 25861	OKLAHOMA CITY, OKLAHOMA	73125
002347	WOODLETS INC	90 CHENANGO ST	BUFFALO NY	14213
002349	MEHLES'S INSECTICIDES	3539 HARSAW AVE.	CINCINNATI, OH	45211

002382	CARSON CHEMICALS INC	PO BOX 466	NEW CASTLE IN	47362
002393	HOPKINS AGRICULTURAL CHEMICALS	537 ATLAS AVE. PO BOX 7532	MADISON, WI	53707
002398	COMMERCE DRUG COMPANY INC	DIV OF DEL LABS INC 565 BROAD HOLLOW RD	FARMINGDALE NY	11736
002439	APPERSON CHEMICAL	2903 STRICKLAND STREET	JACKSONVILLE, FLORIDA	32205
002459	STEVENS IND INC	N MAIN ST PO BOX 272	DAWSON GA	31742
002491	KOOS INC	4500 13TH CT	KENOSHA WI	53140
002496	GENERAL PEST CONTROL COMPANY	3561 W 105TH ST	CLEVELAND OH	44111
002505	REMPEL CHEM PRODS INC	BOX 1185	FRESNO CA	93715
002510	SPRAYALL PRODUCTS COMPANY	30 KIRKWOOD ROAD	PORT WASHINGTON NY	11050
002516	EXTERMITOL CHEMICALS INC	1026 WAYNE AVE	DAYTON OH	45410
002517	CONAGRA PET PRODUCTS CO.	3902 LEAVENWORTH ST	OMAHA NE	68105
002527	HIGLEY CHEMICAL COMPANY	BOX 358	DUBUQUE IA	52001
002548	RESEARCH PRODUCTS COMPANY	BOX 1057	SALINA KS	67401
002553	BUHL CHEMICAL COMPANY	601 A BROOKHAVEN DR	ORLANDO, FL	32803
002596	HARTZ MOUNTIAN CORP	700 SO 4TH ST	HARRISON NJ	07029
002617	MICHEL & PELTON CO.	111 BROADWAY, SUITE 206	NEW YORK, NY	10006
002620	C-Z CHEMICAL COMPANY	1447 ARGALL AVE.	BELOIT, WI	53511
002626	CHEMICAL RESEARCH PRODUCTS COMPANY INC	3600 KOPPENS WAY-CAVALIER INDUSTRIAL PAR	CHESAPEAKE, VA	23323
002630	OCEAN COFFEE CO.	7222 WEST PARK ROAD	SHREVEPORT LA	71129
002666	CORNELL CHEMICAL & EQUIPMENT CO.	712 EVELYN AVE.	LINTHISUM HEIGHTS, MD	21090
002724	ZOECON INDUSTRIES, INC.	12200 DENTON DRIVE	DALLAS, TX	75234
002741	MACO LABORATORIES	558 JAMES AVE SE	GRAND RAPIDS MI	49500
002753	PARAMOUNT CHEMICAL CORP	760 S VAIL AVE	MONTEBELLO CA	90640
002777	INDIANHEAD MANUFACTURING COMPANY	BOX 638-318 S OLD SCOTTSDALE RD	SCOTTSDALE AZ	85251
002781	HAPPY JACK INC	BOX 475	SNOW HILL NC	28580
002839	SANITEK PRODUCT INC	3959 GOODWIN AVE	LOS ANGELES CA	90039
002860	WINDSOR AEROSOL DIVISION	APPROVED PRODUCTS IN. 8804 TYSON RD.	WYNDMOOR PA.	19118
002869	CRYSTAL CHEM CORP	101-02 37TH AVENUE	CORONA,NY.	11368
002881	LYSTAD INC.	BOX 1718	GRAND FORKS ND	58201
002900	SHEPARDS CHEMICAL WORKS, INC.	12184 WOODLAND CT. (LOP)	AUBURN, CA	95603
002907	HELLER, ARCH C. COMPANY	1546 B. OELMAR DR.	FOLCROFT, PA	19032
002915	FULLER BRUSH COMPANY THE	P.O. BOX 729 WESTPORT ADDITION	GREAT BEND, KS	67530
002935	WILBUR ELLIS CO.	191 W SHAW AVENUE SUITE #107	FRESNO, CA	93704
002986	ATLANTIC CHEMICALS INC	P.O.BOX 13065A-8400 SOUTH ORANGE AVENUE	ORLANDO, FL	32859
002993	BRAYTON CHEMICALS INC	P.O. BOX 437	WEST BURLINGTON, IA	52655
003017	BICKMORE INC	BOX 279 34 TOWER ST	HUDSON, MA	01749
003040	EDCO CHEM COMPANY INC	1048 KEY ROAD	COLUMBIA, S.C.	29250
003050	COYNE CHEMICAL CO.	50 FRANCISCO ST.	SAN FRANCISCO, CALIFORNIA	94133
003090	SANITIZED INC	605 3RD AVE	NEW YORK NY	10016
003099	SANE SPRAY CORP	7574 EL CAMINO RD N	SALINAS CA	93901
003134	EVSCO PHARMACEUTICALS	2285 E. LANDIS AVENUE	VINELAND, NJ	08360
003160	DAVIS MANUFACTURING COMPANY, INC.	P.O. BOX 7269	SAN ANTONIO TX	78285
003181	AERO MASTER INC	325 W PACIFIC AVE	ST LOUIS MO	63119
003286	THE STAFFEL CO.	P.O. BOX 2380	SAN ANTONIO TX	78298
003298	MURO COMPANY	1824 N. HANCOCK ST.	PHILADELPHIA, PA	19122
003314	COLONIAL PRODUCTS INC	1830 TENTH AVENUE NORTH	LAKE WORTH FL	33461
003325	MST, INCORPORATED	1109 HIGHWAY 427 NORTH	LONGWOOD, FL	32750
003339	PARKE-HILL CHEMICAL CORP	29 BERTEL AVE	MT VERNON NY	10550
003396	GUARANTEE EXTERMINATING CO	4811 CARNEGIE AVE	CLEVELAND, OH	44103
003407	FULO-STALFORT, INC	1354 OLD POST ROAD	HARVE DE GRACE, MD	21078
003417	MISSION CHEM CO	9290 ACTIVITY RD-P.O. BOX 80608-92138	SAN DIEGO CA	92126
003442	USS AGRI-CHEMICALS DIV US STEEL CORP	PO BOX 1685	ATLANTA GA	30301
003487	BACON PRODUCTS COMPANY INC	BOX 8127	CHATTANOOGA TN	37411
003507	CHICAGO SANITARY PROD COMPANY	1280 W WASHINGTON BLVD	CHICAGO IL	60607
003509	SAFE WAY FARM PRODUCTS COMPANY	P.O. BOX 6309	AUSTIN TX	78762
003525	UTICO CORPORATION	SIXTH AVENUE & WAIT STREET	PATERSON NJ	07524
003546	LYNWOOD LABS INC	25 BUCKINGHAM RD	NORWOOD, MA	02062
003579	BREWER CHEMICAL CORPORATION	P O BOX 48	HONOLULU, HI	96810
003590	B & G EQUIPMENT COMPANY	APPLEBUTTER ROAD	PLUMSTEADVILLE, PA	18949
003618	INDUSTRIAL COLLOIDS & CHEMICALS INC	PO BOX 1946	KNOXVILLE, TN	37901
003624	NOVA PRODUCTS INC	800 HICKORY	KANSAS CITY, MISSOURI	64101
003635	OXFORD CHEMICALS	PO BOX 80202	ATLANTA GA	30366
003647	DUNCANS EXTERMINATING COMPANY	4228 N W 39TH EXPRESSWAY-P O BOX 12292	OKLAHOMA CITY OK	73112
003671	555 INSECTICIDE COMPANY	11 N E 3RD ST P O BOX 555	OKLAHOMA CITY OK	73104
003682	SMITH E W CHEM COMPANY	15020 E PROCTOR AVE	CITY OF INDUSTRY CA	91746
003696	THE DOW CHEMICAL CO.	P.O. BOX 368	GREENVILLE, SC	29602
003735	ARLENGE LABORITORIES	175 PEARL ST	BROOKLYN NY	11201
003837	LUBAR COMPANY	1700 CAMPBELL ST.	KANSAS CITY MO	64141
003850	BORDEN INC CHEMICAL DIV	P O BOX 390	NORRISTOWN, PA	19404
003862	ABC COMPOUNDING COMPANY, INC.	BOX 932	ATLANTA GA	30301
003885	CERTIFIED LABORATORIES	PO BOX 2493	FT WORTH TX	76101
003886	FERGUSON FUMIGANTS	93 FORD LANE	HAZELWOOD MO	63042
003887	INSECT CONTROL SALES & SERVICE	341 E FULTON ST	EPHRATA PA	17522
003890	RICHMOND VET SPLY COMPANY	ATTN-W BUDOWITZ BOX 8826	RICHMOND VA	23226
004000	SOUTHERN CHEMICAL PRODUCTS COMPANY	PO BOX 205	MACON GA	31202
004012	CHEMISTRY HALL LABORATORIES INC	P.O. BOX 255	BRADENTON FL	33506
004029	OIL SPECIALTIES & REFINING COMPANY	18 BRIDGE ST	BROOKLYN NY	11201
004077	ORB INDUSTRIES INC	#2 RACE ST (BOX 1067)	UPLAND PA	19015
004170	BETCO CORP	1001 BROWN AVE.	TOLEDO OH	43067
004185	SMITH-DOUGLASS, INC.	5100 VIRGINIA BEACH BLVD	NORFOLK,VIRGINIA	23501
004206	BARCOLENE COMPANY THE	620 SOUTH ST	HOLBROOK MA	02343
004273	ARAB-MCCONNELL PEST CONTROL INC.	1406 TOWSON AVENUE	FORT SMITH, ARKANSAS	72901
004297	BROOKS SCIENTIFIC O'BRIEN INDUSTRIES INC	2686 LISBON ROAD	CLEVELAND, OH	44104
004306	COMBE INCORPORATED	240 WESTERCHESTER AVE	WHITE PLAINS, NY	10604
004313	CARROLL COMPANY	2900 W. KINGSLEY RD.	GARLAND TX	75041
004328	ZENITH CHEMICAL CORP	ATTN ROSE 175 MT PLEASANT AVE	NEWARK NJ	07104
004449	KEESECKER HEALTH SERVICE	ATTN RF SARTOR 1656 CENTRAL AVENUE	DUBUQUE IA	52001
004450	CHEMEX CHEMICALS & COATINGS CO INC	P O BOX 5072 2822 N 35TH ST	TAMPA, FL	33605
004462	BEAVER CHEMICAL COMPANY INC	P.O. BOX 8599	STOCKTON CA	95208
004467	MILPRINT INC	4200 N HOLTON ST	MILWAUKEE WI	53201
004476	MORTON PHARMACEUTICALS INC	1625 N. HIGHLAND ST./P.O. BOX 8037	MEMPHIS TN	38108
004482	EPIC INDUSTRIES	710 MIDDLESEX AVE.	METUCHEN, NJ	08840
004591	LYNDE CHEMICAL COMPANY	3040 EAST HENNEPIN AVE	MINNEAPOLIS MN	55413
004652	CROWN CHEMICAL COMPANY INCORPORATED	1416 N DIXIE HWY	HOLLYWOOD FL	33020
004679	NATIONAL SPRAY CAN FILLING CORP	641 DOW'D AVE	ELIZABETH NJ	07201
004684	STIM-U-PLANT LABS INC	2077 PARKWOOD AVE	COLUMBUS OH	43219
004691	BOEHRINGER INGELHEIM ANIMAL HEALTH INC.	2621 NORTH BELT HIGHWAY	ST JOSEPH MO	64502
004704	EHRLICH J C CHEMICAL COMPANY INC	800 HIESTERS LANE	READING PA	19612
004736	WYCO INTERNATIONAL	4811 CARNEGIE AVENUE	CLEVELAND,OHIO	44103
004758	PET CHEMICALS INC	BOX 656	MIAMI SPRINGS FL	33166
004770	NEODANE COMPANY	BOX 538	TORRANCE CA	90508
004825	RINGER JUDD CORPORATION	6860 FLYING CLOUD DR	EDEN PRAIRIE MN	55343
004828	ABCO INC	P.O. BOX J	IRWIN, PA	15642
004829	COASTAL CHEMICAL COMPANY DIV OF COASTAL	190 JONY DR	CARLSTADT NJ	07072
004866	TRI-MUTUAL, INC.	8500 PILLSBURY AVE. SOUTH	MINNEAPOLIS MN	55420
004887	STEPHENSON CHEM COMPANY INC	BOX 67188	COLLEGE PARK GA	30337

004941	HILO PRODUCTS INC.	RT. #28-BOX 368	GLENFORD, N.Y.	12433
004972	PROTEXALL PRODUCTS INC.	1109-11 HWY 427 N.	LONGWOOD, FL.	32750
004974	MYLEN COMPANY	7 WEST 22ND STREET	NEW YORK, NEW YORK	10010
004981	REDWOOD CHEMICAL INC	1215 JACKSON ST	HOUSTON, TX	77003
004990	JET-AER CORPORATION	100 SIXTH AVE	PATERSON NJ	07524
005011	CARMEL CHEMICAL CORPORATION	P.O. BOX 406-525 PARK ST.	WESTFIELD IN	46074
005041	SUBURBAN PEST CONTROL CO	PO BOX 57	HYATTSVILLE MD	20781
005073	TATGE CHEM COMPANY	BOX 190	HERINGTON KS	67449
005075	JEWEL CO. INC.	5725 E RIVER RD	CHICAGO, IL	60631
005125	RENARD PET CORPORATION THE	782 MAIN ST	NEW ROCHELLE NY	10801
005130	JOHNSON CHEMICAL COMPANY	227 JOHNSON AVE	BROOKLYN NY	11206
005131	PARKHURST FARM & GARDEN SUPPLY	310 N WHITE HORSE PIKE	HAMMONTON NJ	08037
005174	DEVERE CHEMICAL COMPANY INC	P. O. BOX 604	JANESVILLE, WI	53545
005185	BIO-LABS INC	627 E COLLEGE AVE PO BOX 1489	DECATUR GA	30030
005197	KEM MFG CORP	2075 TUCKER INDUSTRIAL RD.	TUCKER,GA.	30084
005265	DIAMOND LABORATORIES INC	P O BOX 863 2550 SE 43RD ST	DES MOINES IA	50317
005302	LAWTON BROTHERS	P.O. BOX 7635	ORLANDO, FL.	32854
005323	TRENELL SERVICES	21 HANNAH ROAD	OAKLAND, N.J.	07436
005332	PLANTABBS CORP	6 FOXTAIL ROAD	TIMONIUM, MD	21093
005343	ZIRIN LABORATORIES INTERNATIONAL INC	199 W 24TH ST	HIALEAH FL	33010
005360	DIXI-CHEM OF GREENVILLE INC.	BOX 2819	GREENVILLE SC	29602
005401	JAMES CHEM COMPANY	1111 SELBY ST	SAN FRANCISCO CA	94124
005405	FISCHER LANG & COMPANY INC	42 FRANKLIN ST. P.O. BOX 249	FREDERICK MD	21701
005421	MY PETS WESTWOOD DIV OF LAMBERT KAY INC	3628 CRENSHAW BLVD PO BOX 78003	LOS ANGELES CA	90016
005440	CARDINAL CHEMICAL COMPANY	50 FRANCISCO ST.	SAN FRANCISCO CA	94133
005481	AMVAC CHEMICAL CORP	4100 EAST WASHINGTON BLVD	LOS ANGELES, CA	90023
005535	ADIKES INC J & L	182-12 93RD AVE	JAMAICA NY	11423
005576	REGAL SUPPLY & CHEMICAL	BOX 1955	EL PASO TX	79950
005590	ATI RESEARCH CENTER	OLD GATE LANE	MILFORD CT	06460
005602	HUB STATES CORPORATION.	419 E. WASHINGTON ST.	INDIANAPOLIS IN	46204
005605	FARMINGDALE GARDEN LABS	136 VERDI ST	FARMINGDALE NY	11735
005617	PLANT MARVEL LABS	624 W 119TH ST	CHICAGO IL	60628
005620	BOATMAN BILL & COMPANY	SOUTH MAPLE STREET	BAINBRIDGE, OH	45612
005645	VET LABS INC	12340 SANTA FE DR	LENEXA KS	66215
005659	WONDER PRODUCTS COMPANY	1409 SOUTH FULTON	SALISBURY, NC	28144
005664	CANTOL INC	2211 N AMERICAN STREET	PHILADELPHIA, PA	19133
005667	BARRETT CHEMICAL COMPANY INC	H & LUZERNE ST	PHILADELPHIA PA	19124
005680	SNEE W G COMPANY	1430 SO. PETERS ST.	NEW ORLEANS LA	70130
005693	SNIELD CHEMICAL CO INC	21 UNIVERSITY RD	CANTON, MA	02021
005719	CHACON CHEMICAL CORP	2600 YATES AVENUE	CITY OF COMMERCE, CA	90040
005736	DUBOIS RESEARCH LABORATORIES	3630 E. KEMPER	SHARONVILLE OH	45241
005741	SPARTAN CHEMICAL COMPANY	110 N WESTWOOD AVE	TOLEDO OH	43607
005747	ARROW CHEMICAL PRODUCTS INC	2067 ST ANNE ST	DETROIT MI	48216
005748	CONWOOD CORPORATION	P.O. BOX 217	MEMPHIS TN	38101
005778	GRO CHEMICAL COMPANY	3530 NW 31ST ST	MIAMI FL	33142
005799	UNIVERSAL MANUFACTURING & SPLY COMPANY	BOX 1763 4887 VICTOR ST.	JACKSONVILLE FL	32201
005802	DETTELBACH PESTICIDE CORPORATION	AEROSOL DIVISION 4103 PEACHTREE RD NE	ATLANTA GA	30319
005870	TEXO CORP	2801 HIGHLAND AVE	CINCINNATI OH	45212
005887	BLACK LEAF PRODUCTS COMPANY	667 N STATE ST	ELGIN IL	60120
005905	HELENA CHEMICAL CO	5100 POPLAR AVE	MEMPHIS TN	38137
005927	DACUS INC	HIGHWAY 6 WEST PO DRAWER 528	TUPELO MS	38801
005950	SEPTI-SAN INC	312 SO MAIN	FARMAR CITY IL	61842
005978	AIR. GUARD CONTROL, INC.	1209 WEST BAILEY	SIOUX FALLS, SD	57104
006015	WAKEFIELD KEMRREL SUPPLIES	251 WEST 27TH ST	HIALEAH FL	
006020	MOM CHEMICAL CO INC	7775 N.W. 66TH STREET	MIAMI, FL	33166
006121	STERLING CHEM PROD INC	PO BOX 2185	MEMPHIS TN	38101
006125	BIXON CHEMICAL CORP	50-19 97TH PLACE	CORONA NY	11368
006152	ATOMIC CHEMICAL CO	BOX 1111	SPOKANE WA	99210
006165	TOPCO ASSOCIATES INC	7711 GROSS POINT RD	SKOKIE IL	60076
006174	BUTLER COMPANY TERMINIX	301 VALLEY STREET	DAYTON,OHIO	45404
006175	HART-DELTA INC	5055 CHOCTAW DR	BATON ROUGE LA	70805
006186	OAMON CHEM COMPANY INC	BOX 480	ALLIANCE, OH	44601
006190	SANICO	13143 SATICOY ST	N HOLLYWOOD CA	91605
006218	SUMMIT CHEMICAL COMPANY	7657 CANTON CENTER DR.	BALTIMORE MD	21224
006222	LORA LABS INC	2542 NORTH ELSTON	CHICAGO IL	60647
006296	NUTRILITE PRODUCT INC	5600 BEACH BLVD	BUENA PARK CA	90620
006330	INTERNATIONAL DIATOMS INDUSTRIES, LTD	904 WEST 23RD	YANKTON, SD	57078
006339	RO DI CHEMICAL COMPANY INCORPORATION	1460 W. MONTROSE	CHICAGO, IL	60640
006360	NORTHEASTERN ASSOCIATES	555 SOUTH RIVERVIEW DRIVE	TOTOWA NJ	07512
006369	EUDORA PRODUCTS COMPANY	46 E SWANN STREET	COLUMBUS OHIO	43215
006392	BURNS-BIOTEC LABORATORIES	2000 GALLOPING HILL ROAD	KENILWORTH, NJ	07033
006409	U S MARKETING DISTRIBUTORS	408 W ELSEGUNDO BLVD	LOS ANGELES, CA	90061
006414	BAIN PEST CONTROL SERVICE	1320 MIDDLESEX ST.	LOWELL, MA	01852
006487	RELIANCE CHEMICAL CO.	15659 BROOK PARK RD.	BROOK PARK, OHIO	44142
006607	BATESVILLE CHEMICAL COMPANY	205 PAMELA ST	BATESVILLE MS	38606
006614	CENTRAL EXTERMINATING & CHEM CO	365 CENTRAL PARK AVE	YONKERS NY	10704
006621	NATIONAL INTER CHEM CORP.	2819 W LAKE ST	CHICAGO IL	60612
006626	ATLANTIC RES LABS CORP	2905 40TH RD	LONG ISLAND CITY NY	11101
006658	MIDCO PROD. COMPANY	11697 FAIRGROVE IND BLVD	MARYLAND HEIGHTS MO	63043
006662	DALCO CHEMICAL CO.	5379 BLUE BELL DR.	CLEVELAND, OHIO	44124
006720	SOUTHERN MILL CREEK PRODUCTS COMPANY INC	P.O. BOX 1096 - 5514 N 56TH	TAMPA FL	33601
006723	RED WING CHEMICAL COMPANY INC	920 MCCALLIE AVENUE	CHATTANOOGA TN	37403
006754	DETTEL BACH PESTICIDE CORP.	P.O. BOX9986	ATLANTA GA	30319
006762	STERN CHEMTECH CORP.	BOX 5070	MONROE LA	71201
006763	LUSTER LEAF PRODUCTS INC	PO BOX 13971 STATION K	ATLANTA GA	30324
006768	MICROBAN GERMICIDE CO.	227 THIRD AVE.	BRADDOCK, PA.	15104
006783	ARCAL CHEMICAL INC	7320 86TH AVE	SEAT PLEASANT., MD	20027
006796	BLUE RIDGE OIL CHEMICAL CORPORATION	163 BELMONT AVE	GARFIELD NJ	07026
006830	OCTAGON PROCESS INC	596 RIVER RD	EDGEWATER NJ	07020
006837	WILMAR CO., INC.	P.O. BOX 11407	CHARLOTTE, NC	28204
006853	BES TEX INSECTICIDES CO., INC.	4652 S. CHADBOURNE ST PO BOX 664	SAN ANGELO TX	76902
006869	HERTON, INC.	306 CLANTON RD.	CHARLOTTE NC	28203
006899	B & B CHEMICAL COMPANY INC	875 W 20TH ST	HIALEAH FL	33010
006900	DILL J J COMPANY	BOX 788	KALAMAZOO MI	49005
006911	NU METHOD PEST CONTROL SERV & CLINIC	8719 LINWOOD AVE	DETROIT MI	48206
006913	ABALENE PEST CONTROL SERVICES INC	257 DUCHESS TURNPIKE	POUGHKEEPSIE NY	12603
006926	POOL CARL LABORATORIES	15570 KILOWATT ROAD	ELMENDORF, TEXAS	78112
006940	STEINCO PRODUCTS INC	PO BOX 11402	MEMPHIS TN	38106
006957	INDUSTRIAS NACIONALES	704 JORDAN ST BO OBRERO BOX 7866	SANTURCE, PR	00916
006959	CESSCO INC	BOX 12452 3534 CENTRAL AVE	CHARLOTTE NC	28205
006993	GERMAINS INC	4820 E 50TH ST	LOS ANGELES CA	90058
007001	J.R. SIMPLOT CO.	BOX 198	LATHROPE, CA	95330
007052	BIG O INDUSTRIES INC.	5620 SW 29TH ST.	OKLAHOMA CITY, OK	73148
007056	CSA, LIMITED, INC.	P.O. BOX 7056	HOUSTON, TX	77269
007122	AR CHEMICAL CORP	1514 ELEVENTH ST	PORTSMOUTH OH	45662
007150	AMCO DRUG PRODUCT COMPANY INC	ATTN MATTSON D A BOX 207	NORTH OLMSTED OH	44070

007225	FLORIDA VET LAB COMPANY CO/O PET CHEMICA	BOX 656	MIAMI FL	33166
007234	FORSHAW CHEMICAL CO.	650 STATE STREET	CHARLOTTE, N.C.	28208
007246	KEMCO INDUSTRIES, INC.	313 LILAC STREET	HOUSTON TX	77009
007273	CROWN CHEMICAL INDUSTRIES	P.O. BOX 7532	MADISON, WISCONSIN	53703
007286	SIFERS CHEM INC	112-116 W JACKSON	IOLA KS	66749
007294	SHAKLEE CORP	SHAKLEE TERRACES, 444 MARKET STREET	SAN FRANCISCO, CA	94111
007315	ALBERS MILLING COMPANY DIV OF CARNATION	5045 WILSHIRE BLVD	LOS ANGELES CA	90036
007319	DENKA-N V CHEMICAL INDUSTRY & TRADING	TOLNEGENWEG 63	VOORTHUIZEN HOLLAND	
007350	CHASKA CHEMICAL COMPANY	12502 XENWOOD AVE. SOUTH	SAVAGE MN	55378
007368	GEORGIA-PACIFIC CORPORATION	760 S. VAIL AVENUE	MONTEBELLO, CA	90640
007401	VOLUNTARY PURCHASING GROUP, INC.	P. O. BOX 460	BONHAM, TEXAS	75418
007405	CHEMICAL PACKAGING CORP	PO BOX 9947	FT LAUDERDALE FL	33310
007455	AGRICULTURAL PROD DIV.	1200 MULTIFOODS BLDG.	MINNEAPOLIS MN	55402
007478	CHEM-PAK COMPANY	RT 1-BOX 114	MCRAE, GEORGIA	31055
007501	GUSTAFSON, INC.	P.O. BOX 220065	DALLAS, TX	75222
007555	RODGERS JAY COMPANY	5780 FEDERAL STREET	DETROIT, MI	08057
007558	LEON SPLY COMPANY	BOX 562	MONTGOMERY AL	36101
007583	ECONOMY EXTERMINATING COMPANY	1637 N. ASHLAND AVENUE	CHICAGO, IL	60622
007587	DRAKE CHEMICAL COMPANY	WEST RIVER ROAD	PERRYSBURG OH	43551
007612	NEW SYSTEM EXT INC	BOX 8422	SANTURCE PR	00910
007689	WARDLEY PRODUCTS CO. INC.	ONE AQARIUM DRIVE	SECAUCUS NJ	07094
007693	STONERS INK COMPANY		QUARRYVILLE PA	17566
007701	CHEMICAL SPECIALTIES INC	149 WEST TRIGG AVENUE	MEMPHIS TN	38106
007710	TIME-MIST	835 S. MAIN ST.	WATERBURY, CT.	06720
007715	NATIONAL SCENT COMPANY	10555 STANFORD AVE	GARDEN GROVE CA	92642
007718	BESCO CORPORATION	P.O. BOX 173	METAIRIE, LA	70004
007726	CHEMMARK INTERNATIONAL	820 W. CHAPMAN	ORANGE CA	92666
007738	WINTHROP-VETERINARY STERLING ANIMAL HEAL	DIV STERLING DRUG INC 90 PARK AVE	NEW YORK NY	10016
007754	ANIMAL REPELLENTS INC.	P.O. BOX 999	GRIFFIN, GA	30224
007764	LIQUI LAWN CORPORATION	1790 STONEY HILL ROAD	HUDSON, OH	44236
007774	ERNY SUPPLY COMPANY	5406 N 59TH STREET	TAMPA FL	33610
007841	X PEST CONTROL COMPANY	120 LIBERTY ST	NEW YORK NY	10006
007885	ZOE CHEMICAL COMPANY	1801 FALMOUTH AVE	NEW HYDE PARK NY	11040
007938	HERDEGEN & CO INC EARL	ROUTE 1	DARWIN MN	55407
007978	EAGLE EXTERM SERV	1007 N 46TH ST	PHILADELPHIA PA	19100
007992	TNT CHEMICALS	257 CORNELISON AVE.	JERSEY CITY, NJ	07302
008044	DENNISTON CHEMICAL COMPANY	411 S MERCANTILE CT	WHEELING IL	60090
008047	POLY CHEM INC	P.O. BOX 10026	NEW ORLEANS, LOUISIANNA	70181
008075	ALLEN INDUSTRIAL PRODUCTS	3235 37TH ST N W	MIAMI FL	33142
008109	LABORATORY ESSENTIALS INC	P O BOX 91	W ISLIP NY	11795
008111	AERO-DYNE MANUFACTURING CORPORATION	3505 W MAIN	EMMETSBURG IA	50536
008123	MILLER FRANK & SONS INC	13831 SO EMERALD AVE	CHICAGO IL	60627
008127	AGGIE CHEMICAL INDUSTRY	PO BOX 8335	SAN ANTONIO TX	78208
008200	MOSAN COMPANY	BOX 1799	SPARTANBURG SC	29302
008220	CARTER-WALLACE INC.	P.O. BOX 418 HALF ACRE ROAD	CRANBURY, NJ	08512
008238	BARRIER INDUSTRIES, INC.	200 EAST MAIN ST.	PORT JERVIS N.Y.	12771
008244	SILOX INSECTICIDE COMPANY	PO BOX 6349	PASADENA TX	77506
008245	RELIANCE CHEM CORP	120 11TH ST	CHARLOTTESVILLE VA	22903
008247	A-ACTION CHEMICAL SALES CO.	11910 S. MICHIGAN AVE.	CHICAGO, IL	60628
008278	METRO BIOLOGICAL LAB	8241 GAY ST	CYPRESS CA	90639
008284	PENN CHAMP	RAILROAD STREET-P.O. BOX 55	EAST BUTLER, PA	16029
008329	CLARKE OUTDOOR SPRAYING COMPANY INC	7N570 GARDEN AVE BOX 288	ROSELLE IL	60172
008334	CALIFORNIA VET RESEARCH LAB	1836 W. WALNUT STREET	PASADENA, CA	91107
008356	STUCKBERY HARD COMPANY	1320 SO WILLOW ST	CHATTANOGA TN	37411
008415	LENOX LABS INC	6388-92 FREEPORT BLVD	SACRAMENTO CA	95822
008428	SHRADER CHEMICAL COMPANY	1205 S SANTA FE	COMPTON, CA	90221
008449	PLANTATION GARDEN COMPANY	4858 WEST AVE	SAN ANTONIO TX	78213
008462	CHEM-MARK CHEMICAL CORP	BOX 8471	BALTIMORE MD	21234
008498	SOIL TECH CHEMICAL COMPANY	525 E ROSECRANS AVE	GARDENNA CA	90247
008550	PRO - SPECIALTIES, INC.	7754 W. HARWOOD AVENUE	WAUWATOSA,WI	53213
008590	AGWAY, INC.-CROP SERVICES	BOX 4741	SYRACUSE NY	13221
008612	B & G COMPANY	10539 MAYBANK DR P.O. BOX 20372	DALLAS TX	75220
008698	ST AUBREY ASSOCIATES DIV EIGHT IN ONE PR	100 EMJAY BLVD	BRENTWOOD NY	11717
008703	WALLACE CHEM COMPANY	24600 S MAIN ST	CARSON, CA	90749
008713	UNI CHEMICAL CORPORATION	6333 SIDNEY ST.	HOUSTON, TX	77021
008714	PHARMACAL RESEARCH LABORATORIES	290 RAILROAD AVE	GREENWICH CT	06830
008789	CHEMISURE PRODUCTS, INC.	7751 W. BEAVER ST.	JACKSONVILLE, FL	32205
008799	C H PRODUCTS CORP	7515 JURUPA AVE.	RIVERSIDE, CA	92504
008819	J M LABS	645 N MICHIGAN AVE	CHICAGO IL	60611
008845	KENCO CHEMICAL & MFG COMPANY INC	PO BOX 6246	JACKSONVILLE FL	32205
008848	SAFEGUARD CHEMICAL CORP	806 E. 144 ST.	BRONX NY	10454
008850	ZOECON IND INC.	12200 DENTON DRIVE	DALLAS, TX	75234
008876	ABC PEST SUPPLIES	466 CONEY ISLAND AVE	BROOKLYN N Y	11218
008908	CORAL CHEM COMPANY	135 LEBARON ST	WAUKEGAN IL	60085
008923	MARDEL LABORATORIES, INC.	714 NORTH YALE AVENUE	VILLA PARK, IL.	60181
008954	LASTING PRODUCTS COMPANY	200 S FRANKLINTOWN RD	BALTIMORE MD	21223
008977	CONTINENTAL COSMETICS CO., INC.	2655 WEST 19TH STREET	CHICAGO, IL	60608
009075	PENGUIN DOWN CO.	6520 BANA	MIRALOMA CA	91752
009093	BROWN INCORPORATED E L	267 E VALLEY BLVD	RIALTO, CA	92376
009115	SUN RAY CHEMICAL COMPANY	115 WEST JACKSON	PHOENIX, AZ	25003
009129	SOUTHLAND CORP THE	2841 PIERCE ST	DALLAS TX	75233
009134	AERO SEAL CORP	BOX 308	YORK HAVEN PA	17370
009143	CHEMSCOPE CORP	3200 E. RANDOL MILL RD.	ARLINGTON, TX.	76011
009170	ARAB TERMITE & PEST CONTROL INC.	801 LEO ST	DAYTON OH	45402
009195	ROYAL BOND INC	1919 N BROADWAY	ST LOUIS MO	63102
009250	UNITED LABORATORIES INC	155 S RT 53	ADDISON IL	60101
009273	BLOCK DRUG COMPANY INC	257 CORNELISON AVE	JERSEY CITY NJ	07302
009313	ROSE CHEMICAL PRODUCTS, INC.	P.O. BOX 23247 545 STIMMEL RD.	COLUMBUS OH	43223
009339	FLEXBAR CORPORATION	140 WALNUT STREET	NORTHVALE, NJ	07647
009341	NEW PLANT LIFE DIV CHAS FINLEY & COMPANY	PO BOX 45	LAPORTE IN	46350
009342	KERNS J.F. INDUSTRIES	2061 NO OURFEE AVE.	SO ELMONTE CA	91733
009349	PRECISION LABORATORIES INC	PO BOX 127	NORTHBROOK IL	60062
009367	SOUTHEAST CHEMICAL AND SUPPLY	P.O. BOX 15367 - 5131 W. IDLEWILD	TAMPA FL	33614
009372	WORLD WIDE LABS INC	PO BOX 22144	TAMPA FL	33622
009404	SUNNILAND CORPORATION	200 OAK AVENUE - P. O. BOX 1697	SANFORD, FLORIDA	32771
009422	A&H ENTERPRISES, INC.	12917 BITNEY SPRINGS RD.	NEVADA CITY, CA	95959
009435	ORI-CIDE INC	6608 SAN FERNANDO ROAD	GLENDALE CA	91201
009444	CLINE-BUCKNER INC.	16317 PIUMA AVE	CERRITOS CA	90701
009468	RITTER CHEMICAL COMPANY	503 SUL ROSS	HOUSTON TX	77006
009475	WHITE SWAN INC.	P.O. BOX 1350	FORT WORTH, TX	76101
009494	ELGENE CHEMICALS INC	327 NORTHRUP AVE	MAMARONECK NY	10543
009560	ALBEMARLE CHEM INC	BOX 1423	CHARLOTTEVILLE VA	22902
009591	NATIONWIDE CHEMICAL PRODUCTS INC	P. O. BOX 3027	HAMILTON OH	45013
009594	INTERCONTINENTAL CHEMICAL CORP	BOX 15318	SACRAMENTO CA	95813
009652	SPERRY J COMPANY	P. O. BOX 433	HOSPERS, IA	51238
009681	RAMCO CHEMICALS	PO BOX 2640	DALLAS TX	75221

009688	CHEMSICO INCORPORATED	8494 CHAPIN INDUSTRIAL DRIVE	ST LOUIS, MO	63114
009761	SANITATION SERVICES	194 STERLING AVE	YONKERS NY	10704
009763	BOND SALES COMPANY	70 FREIGHT ST	PAWTUCKET RI	02862
009765	BRONCO CHEMICAL INC	BOX 26396	MEMPHIS TN	38126
009766	KEYSTONE VETERINARY SUPPLY COMPANY	8508 WIDENER ROAD	PHILADELPHIA PA	19118
009782	WOODBURY CHEMICAL COMPANY OF HOMESTEAD	P.O. BOX 4319/13610 SW 248TH	PRINCETON FL	33032
009794	MAGIC EXTERMINATING COMPANY	91-01 CORONA AVE	ELMHURST NY	11373
009835	ANIMAL SPECIALTIES INC	PO BOX 531	CAMDEN NJ	08101
009852	RITE OFF, INC.	1545 5TH INDUSTRIAL COURT	BAYSHORE, NEW YORK	11706
009856	SMITH BRAD INDUSTRIES INC	PO BOX 1044	CORVALLIS, OR	97330
009859	LANDIA CHEMICAL COMPANY	P.O. DRAWER AO	LAKELAND FL	33802
009882	ST REGIS PAPER COMPANY	150 E 42ND ST	NEW YORK NY	10017
009886	UNION CAMP CORP	1600 VALLEY ROAD	WAYNE, NJ	07470
009887	CUSTOM BLEND OF CALIFORNIA	P O BOX 758	SAN GABRIEL CA	91776
009897	STAR CHEMICAL COMPANY	2501 N.W. 75TH ST.	MIAMI FL	33147
009904	GREAT PLAINS BAG COMPANY	2201 BELL AVENUE	DES MOINES, IA	50321
009923	RAYMOND BAG COMPANY	DIV ALBERMARLE PAPER CO PO BOX 70	MIDDLETOWN OH	45042
009931	HANCO MFG. CO., INC.	P.O. BOX 40476	MEMPHIS TN	38104
009938	CHASE BAG COMPANY	2 GREENWICH PLAZA	GREENWICH, CT	06830
009953	IMPAC CHEMICAL PRODUCTS INC	1030 A EAST 87TH ST.	CHICAGO IL	60619
009977	KENT PERCY BAG COMPANY INC	5910 WINNER RD	KANSAS CITY, MO	64125
009988	WEST VIRGINIA PULP & PAPER CO.	PO BOX 90267	EAST POINT, GA	30344
010016	MIRACLE PET PRODUCTS INC	245 CORNELISON AVE	JERSEY CITY NJ	07302
010051	VEATCH CHEMICAL COMPANY	4357 CALIFORNIA ST.	ST. LOUIS, MISSOURI	63111
010075	DERMAVET LABORATORIES	150 EILEEN WAY	SYOSSET, NY	11791
010088	ATHEA LABORATORIES INC	P.O. BOX 23962	MILWAUKEE, WI	53223
010089	BEMIS COMPANY INC	800 NORTHSTAR CTR	MINNEAPOLIS MN	35234
010091	JADE COMPANY INC THE	P.O. BOX 1830	INDIO CA	92201
010098	LERROS SOAP & CHEM INC	1727 CARPENTER ST	PHILA PA	19146
010104	WILKINS & JAMES INC	3345 ROYAL AVE	OCEANSIDE NY	11572
010120	CERFACT LAB.	P.O. BOX 988	TUCKER, GEORGIA	30084
010126	HYGEIA CHEMICAL COMPANY INC	2124 WINNIE	GALVESTON TX	77550
010130	ROSE EXT COMPANY	1130 LIVERNOIS RD	TROY MI	48084
010131	EAGLE LABORATORIES	PO BOX 10234	FORT WORKTH TX	76114
010148	NATIONWIDE CHEMICAL COMPANY INC	395 JOHNSON AVENUE	BROOKLYN NY	11206
010173	DOCKTOR'S LABORATORIES, INC.	DANDEE PARK	ANDOVER, MA	01810
010193	SHEFF CHEMICAL & SUPPLY COMPANY	2827 RIVERVIEW BLVD	BRADENTON FL	33505
010194	EMPIRE PEST CONTROL	428 COURT ST	BROOKLYN NY	11231
010199	BEST WAY EXTERMINATING COMPANY	2741 STILLWELL AVENUE	BROOKLYN NY	11224
010204	MARKO CHEM INC	HWY 295 BY-PASS-RT. 5-BOX 154	SPARTANBURG SC	29301
010233	AKIN LABORATORIES	413 OGDEN AVE	DOWNERS GROVE, IL	60515
010240	EVEREADY PRODUCTS CORP	1101 BELT LINE ST	CLEVELAND OH	44109
010258	SPRAY DISTRIBUTORS, INC.	11625 MC BEAN DR.	EL MONTE, CA	91732
010272	MANTEK	P.O. BOX 222263	DALLAS, TEXAS	75222
010281	COMMUNITY PEST CONTROL	3219 N 30TH ST	OMAHA, NB	68111
010290	PROFESSIONAL CHEMICAL COMPANY INC	P.O. BOX 94071 4517 YALE ST	HOUSTON TX	77018
010292	VENUS LABORATORIES, INC.	855 LIVELY BLVD	WOOD DALE, IL	60191
010328	JOVALCO	8928 W.24TH STREET	LOS ANGELES CA	90034
010350	SUPERVISOR PRODUCT TOXICOLOGY - 3M COMPA	BLDG. 220-2E	ST. PAUL, MN	55101
010354	MOCHO INDUSTRIES INC	SUITE 303 EAST 200 PARK AVE	NEW YORK NY	10017
010359	BERNZ-O-MATIC	740 DRIVING PARK AVE	ROCHESTER, NY,	14613
010366	FRM CHEM. INC.	P.O. BOX 207	WASHINGTON, MO	63090
010367	WEINBERG COMPANY	17TH & WALNUT	LOUISVILLE KY	40203
010370	FORDS CHEMICAL AND SERVICE INC.	2739 PASADENA BLVD.	PASADENA, TX.	77502
010376	JONES EXTERMINATING COMPANY	326 HUGUENT ST	NEW ROCHELLE NY	10801
010395	BARCO CHEMICAL DIVISION INC	14800 N W 24TH COURT	OPA LOCHA, FL	33054
010398	CAPITOL CHEMICAL INDUSTRIES INC.	336 RANDOLPH PL. N.E.	WASHINGTON, DC	20002
010423	ESSEX CHEMICAL CORPORATION	CONNAIR ROAD	ORANGE, CT	06477
010433	VARI-CHEM INDUSTRIES LTD	6901 N CRESCENT BLVD	PENNSAUKEEN NJ	08109
010448	KERR CHEMICALS INCORPORATION	4647 HUGH HOWELL ROAD	TUCKER GA	30084
010453	UNITED LABORATORIES INC	HWY 54 W	DUMAS AR	71639
010455	PUPPY PALACE ENTERPRISES INC	927 EAST TERRA LANE	OFALLON, MISSOURI	63366
010474	QUALITY MANUFACTURING COMPANY INC	6527 MCKINLEY AVE.	LOS ANGELES, CA	90001
010493	CONTINENTAL CAN CO INC OFFICE ENV CONTRO	633 THIRD AVENUE	NEW YORK NY	10017
010497	STAR CHEMICAL COMPANY INC	360 SHORE DRIVE	MINSDALE, IL	60521
010519	MARS CHEMICAL CORPORATION	762 MARIETTA BLVD NW	ATLANTA GA	30318
010551	ATLAS CHEMICAL CORPORATION	P.O. BOX 1972	CEDAR RAPIDS, IA	52406
010558	SHELABAR A INC	430 W PUTNAM AVENUE	GREENWICH, CT	06830
010562	VASCO CHEMICAL COMPANY INC	P.O. BOX 1068	MANFORD CA	93230
010573	PEST CONTROL PRODUCTS OF CONN	500 WHALLEY	NEW HAVEN, CT	06511
010583	GENERAL CONTROL COMPANY INC	3334 E. PENNSYLVANIA ST.	TUCSON, AZ.	85714
010595	CAPITAL CHEMICAL COMPANY OF RICHMOND INC	1607 HIGH POINT AVE	RICHMOND VA	23230
010596	DEYOUNG CHEMICAL COMPANY	2280 DIAMOND BLVD. SUITE 510	CONCORD CA	94520
010608	KATHON INC	112 NO 4TH STREET	ST LOUIS MO	63102
010631	LOS ANGELES SEED COMPANY	736 MERCHANTS ST	LOS ANGELES CA	90021
010634	ALPHA CHEMICAL SERVICES INC	PO BOX 431	STOUGHTON MA	02072
010636	ECOLOGY PRODUCTS CORP	P. O. BOX 3349	BROWNSVILLE TX	78520
010637	BALL INDUSTRIES	140 N. AVIATION	EL SEGUNDO CA	90245
010638	FARM & RANCH SUPPLY COMPANY	7890 E 11TH ST	TULSA, OK	74112
010658	W & B DIV OF W W B CO	21732 KANEOHE LANE	HUNTINGTON BEACH CA	92646
010660	DELCO CHEMICAL PRODUCTS	1673 ROGERS AVE	SAN JOSE CA	95112
010663	SENTRY CHEMICAL COMPANY	1481 ROCK MOUNTAIN BLVD	STONE MOUNTAIN GA	30086
010667	CHEMICAL SYSTEMS CORP	P.O. BOX 9146	LEVONIA, MI	48151
010674	WYE INDUSTRIES INC	P.O.BOX 21 28 WILTON ST	BOSTON MA	02136
010692	MOREHEAD IND INC	273 HAYDEN ROWE	HOPKINTON MA	01748
010693	FLO-KEM INC	19402 SUSANA ROAD	COMPTON CA	90221
010712	ATLAS PEST CONTROL COMPANY	2348 MICHIGAN AVE	DETROIT MI	48216
010716	A&B EXTERMINATORS INC	5911 CHURCH AVE	BROOKLYN NY	11203
010728	COLEMAN COMPANY INC THE	250 NO. ST. FRANCIS STREET	WICHITA KS	67201
010736	BABCO CHEMICAL COMPANY INC	417 CASSAT AVE.	JACKSONVILLE FL	32205
010782	BIG STATE CHEMICAL SERVICE INC	1200 SHOTWELL - BOX 15099	HOUSTON, TX	77020
010790	GRIEF BROS CORP NORCO DIV-WEST COAST DIV	PO BOX 1-E	ROSEMOUNT MN	55068
010806	CONTACT INDUSTRIES INC	641 DOWD AVENUE	ELIZABETH, NJ	07201
010807	AMREP, INC.	990 INDUSTRIAL PARK DRIVE	MARIETTA, GA	30062
010811	SENTER MANUFACTURING CO.	P.O. BOX 609	BELMONT, MS	38827
010816	MISTER GROOM PRODUCTS	223/225 E. MAIN STREET	FREEPORT, IL	61032
010827	CHEMICAL SPECIALTIES INC.	P. O. BOX 312	SAN MARCOS, TEXAS	78666
010872	LARWIN CHEM COMPANY	201 N E 2ND ST	FT LAUDERDALE FL	33301
010882	CHEM-POWER	15 WING DRIVE	CEDAR KNOLLS NJ	07927
010885	ADCO CHEMICALS INC	1307 KIRKLAND DRIVE	RALEIGH NC	27603
010900	SPRAYCN PRODUCTS INC.	26300 FARGO AVE.	BEDFORD HEIGHTS, OHIO	44146
010944	BARDEN'S EXTERMINATING COMPANY	2633 ATLANTIC AVE	LONG BEACH CA	90806
010952	BUGGSY STURTEVANT PEST CONTROL	PO BOX 5130	SAN BERNARDINO CA	92404
010975	CHEMILENE COMPANY	2129 N. TROY AVE	SOUTH BELMONTE, CA.	91733
011037	HACIENDA ENTERPRISES C/O GARDEN	565 CHARLES STREET	SAN JOSE, CA	95112
011068	KEY 11 CHEMICAL COMPANY	2682 VENTURA BLVD	CAMARILLO CA	93010

011070	KILL IT ALL INSECTICIDE COMPANY	805 RANCHO DR	MONTBELLO CA	90640
011093	MASTER NURSERYMEN'S ASSN.	1935 BEACH STREET	CONCORD, CA.	94519
011117	ORCHARD SPLY BLDG COMPANY	720 W SAN CARLOS ST	SAN JOSE CA	95126
011134	PEST CONTROL CHEMICALS INC	5852 S WESTERN AVE	LOS ANGELES CA	90047
011157	ROSE EXT COMPANY	626 POTRERO AVE	SAN FRANCISCO CA	94110
011185	SENTINEL CHEMICAL COMPANY	PO BOX 853	OAKLAND CA	94604
011200	NATIONAL SANITARY SUPPLY COMPANY	BOX 61126 - 13217 S. FIGUERO	LOS ANGELES, CA	90061
011214	TARGET CHEMICAL COMPANY	17710 STUDEBAKER RD	CERRITOS CA	90701
011243	WHEATS ROACH SHOT	2008 S.CENTRAL AVENUE	LOS ANGELES CA	90006
011273	SANDOZ,INC,-CROP PROTECTION	480 CAMINO DEL RIO SOUTH-SUITE 204	SAN DIEGO, CA.	92108
011285	WOLFE CHEMICAL INC	341 5TH ST	DAYTON OH	45382
011303	D & S SALES COMPANY	P O BOX 528	MACON GA	31208
011322	THREE O ONE EXTERMINATING SERVICE COMPAN	211 LILLIAN RD	WILSON, NC	27893
011333	HY-TEST 303 CORPORATION	9 MEADOW RD	RUTHERFORD NJ	07070
011357	SENTINEL INSECT CONTROL LABORATORY	1001 S. 9TH ST.	SPRINGFIELD IL	62703
011364	ANSUS CHEMICAL CORP	2857 CHAPMAN STREET	OAKLAND CA	94601
011371	GAC JANITORIAL SUPPLIES INC DBA BLUE LIN	2501 COMMERCIAL ST	SAN DIEGO CA	92113
011376	BULK INSECTICIDE COMPANY	3140 HARPER ST	BERKELEY CA	94703
011426	POLYTECH CHEMICAL COMPANY	2520 SAN FERNANDO RD.	LOS ANGELES, CA	90065
011440	LANE LAB. INC.	BOX 24632	LOS ANGELES, CA	90024
011454	ADVANCE PAKAGING INC	6410 MAYFAIR	HOUSTON TX	77017
011474	SUNGRO CHEMICALS, INC.	P. O. BOX 24632	LOS ANGELES, CA.	90024
011484	BUG MAN THE	BOX 1317	ASBURY PARK NJ	07712
011511	SHALCO CHEMICAL CORPORATION	1125 BROWN AVE.-P.O. BOX 3443	TOLEDO OH	43607
011515	ABC CHEMICAL CORPORATION	14288 MEYERS RD	DETROIT,MICHIGAN	48227
011524	HALERO CONTROL IND.	2090 ROUTE 110	FARMINGDALE, NEW YORK	11735
011525	PETERSON PURITAN INC	MEGELER LANE	DANVILLE IL	61832
011534	EPACT CORP	109-117 DOBBIN ST	BROOKLYN NY	11222
011540	MICRO-GEN EQUIPMENT CORPORATION	10700 SENTINEL DR.	SAN ANTONIO, TX	78217
011556	BAYVET DIV. MILES LABORATORIES INC.	P.O. BOX 390	SHAWNEE MISSION, KS	66201
011561	WARNER ENTERPRISES	P.O. BOX 621	RANSON, WV	25438
011564	LAVAR LABORATORIES	PO BOX 1955	EL PASO TX	79950
011572	CHEMSCOPE	1909 MI LINE DRIVE	DALLAS, TX	76011
011589	PAN AMERICAN CHEMICAL COMPANY	P.O. BOX 01-6186	MIAMI FL	33101
011592	CHEMURGY MANUF CORP.	BOX 34223	DALLAS TX	75234
011598	CONNECTICUT AEROSOL INC	85 FURNITURE ROW	MILFORD, CO	06460
011623	APOLLO INDUSTRIES INC.	1850 SOUTH COBB INDUSTRIAL BLVD.	SMYRNA, GA	30080
011694	DYMON, INC.	3401 KANSAS AVENUE	KANSAS CITY, KS	66106
011695	DERMOCARE CORPORATION	537-541 E 3RD ST	MOUNT VERNON NY	10553
011704	PERMA KILL MFG CO	PO BOX 665	SALLISAW, OK	74955
011707	WICHITA PEST CONTROL	1603 GARFIELD	WICHITA FALLS TX	76309
011715	SPEER PRODUCTS INC	PO BOX 18993-4242 B F GOODRICH BLVD	MEMPHIS TN	38118
011724	INTEX PRODUCTS INC	PO BOX 6648	GREENVILLE SC	29606
011725	BIO-TEK INDUSTRIES INC	1212 MENLO DR NW	ATLANTA GA	30318
011736	COLONIAL CHEMICAL COMPANY	CARRANZA RD-RD 3	TABERNACLE, VINCENTOWN, N	08088
011746	LOUISIANA CHEMICALS COMPANY	8993 AIRLINE HWY	BATON ROUGE, LA	70815
011849	WHB SPECIALTY PRODUCTS CO.	BOX 231	ALTON, IA	51003
011853	BISCAYNE CHEMICAL LABORATORIES	P.O. BOX 14341	MIAMI FL	33101
011857	CENTRAL PRODUCTS INC	P.O. BOX 119	MONTGOMERY AL	36101
012019	WESTERN TERMITE PEST CONTROL CO.	475 PROSPECT AVE.	W. ORANGE, N.J.	07052
012050	CHEMCO CHEMICAL COMPANY	P.O. BOX 801850	DALLAS, TX	75380
012059	PRIDE LABORATORIES, INC.	110 SCHMITT BLVD.	FARMINGDALE, NY	11735
012123	SHERWOOD CHEMICALS LTD	P O BOX 25	WESTBILLE NJ	08093
012148	CROWN INDUSTRIAL PRODUCTS COMPANY	100 STATE LINE RD	HEBRON IL	60034
012188	HOLDER'S PEST CONTROL COMPANY	5617 SW FREEWAY	HOUSTON TX	77027
012226	SUN SANITARY SUPPLIES INC	3301 TYRONE BLVD.	ST PETERSBURG FL	33710
012264	ALLSTATES CHEMICAL CORPORATION	P.O. BOX 619	KATY, TX	77492
012310	MISCO INTERNATIONAL CHEMICALS INC	1021 S. NOEL AVE./P.O. BOX 130	WHEELING IL	60090
012325	CORBIN CHEMICAL CORP	1400-04 CONEY ISLAND AVE.	BROOKLY, N.Y.	11230
012367	LICO, INC.	929 FIFTH AVE	MCKEESPORT PA	18504
012384	ABC CHEMICAL CORP	94 - 131 LEOWAENA STREET	WAIPAHU, HI	96797
012483	KOLMAR LABORATORIES INC	901 PRECISION DR.	DENTON, TX	76201
012489	PURE AIR PRODUCTS	BOX 222	MANCHESTER MA	01944
012490	ROGERS CHEM COMPANY		DECHARD TN	37324
012610	COLUMBIA ORGANIC CHEMICAL COMPANY	912 DRAKE STREET	COLUMBIA SC	29209
012661	GATOR CHEMICAL INC	11625 WALSINGHAM ROAD	LARGO, FL	33544
012843	STANDARD CHEMICAL COMPANY	270 N.E. 183RD STREET	MIAMI, FL	33162
013194	UNIJAX INC.	2999 42ND AVE. NORTH	ST. PETERSBURG, FLORIDA	33714
013268	PUBLIC HEALTH EQUIPMENT & SUPPLY COMPANY	1720 SO PRESA	SAN ANTONIO TX	78210
013283	DO-IT-YOURSELF PEST CONTROL INC.	201 N. 37TH ST.	BIRMINGHAM, ALABAMA	35222
013330	TOMLYN PRODUCTS	1800 EAST NORTH PARK ST.	OKEECHOBEE, FL	33472
013348	EDWARD DON & COMPANY	1550 MIAMI AVE	MIAMI FL	33136
013437	DU CO CHEMICAL CORP.	P. O. BOX 13298	ORLANDO, FLORIDA	32809
013453	GAMECOCK CHEMICAL COMPANY	P O BOX 877	SUMTER SC	
013680	OZARK CHEMICAL COMPANY	1500 MURPHY DR	N.LITTLE ROCK,AR	72118
013799	FOUR PAWS PRODUCTS LTD	200 OVAL DRIVE	CENTRAL ISLIP, N.Y.	11722
013857	CHARBET CHEMICAL CORP	1360 NW 54TH ST	MIAMI FL	33142
013891	ACCRA PAC INC	P.O. BOX 878	ELKHART, IN	46515
013898	CONTRACT PACKAGING INC	1733 GRAND AVE.	DES MOINES, IOWA	50309
013926	VERPAS PROD INC	PO BOX 825	CAROLINA, PR	00630
014125	SCENTRY INCORPORATED	190 KANSAS STR. - BOX 339	HACKENSACK, NJ	07601
014246	INDUSTRIAL CHEMICAL CLEANERS	6333 SIDNEY	HOUSTON TX	
014775	ASGROW FLORIDA COMPANY	HIGHWAY 39 NORTH / P.O. DRAWER D	PLANT CITY FL	33566
014806	MODERN ECOLOGY INC	3884 KINGSBERRY RD	SEAFORD NY	11783
014808	NATIONAL PHARMACEUTICAL, MFG. CO.	7205 WINDSOR BLVD.	BALTIMORE MD	21215
014981	GILMAN PAPER COMPANY	111 W 50TH ST	NEW YORK NY	10020
015125	VALLEY VETERINARY SUPPLY	5232 LAUREL CANYON BLVD	N HOLLYWOOD CA	91607
015142	WIDE HORIZONS COMPANY	RTE-1 MOCKING BIRD HILL RD	LANDRUM SC	29356
015297	BIO DERM LABORATORIES INC	717 EASTMAN ROAD-BOX 6070	LONGVIEW,TX	75601
015341	LOUISVILLE CHEMICAL COMPANY INC	601 E JEFFERSON	LOUISVILLE KY	40202
015567	CREATIVE CHEMICALS INC	3 CHURCH STREET	PALMER MA	01069
015834	ADVANCE AEROSOL & CHEM SPEC	319 FREEMAN STREET	GENOA CITY WI	53128
015887	AGRICULTURAL CHEMICALS OF DALLAS	3707 EAST KIEST BLVD.	DALLAS, TEXAS	75203
016351	GARDEN OF EDEN	223 E. MADISON	PHOENIX AZ	85004
017001	PETTY'S EXTERMINATING COMPANY	1515 S PULASKI RD	CHICAGO IL	60623
017420	WILLIAMS CHEMICAL CORP	3950 NW 31ST AVE	MIAMI FL	33149
018034	SUNSHINE PACKAGING CO.	637 BROADWAY S.E.	ALBUQUERQUE, N.M.	87102
018146	EXCEL CHEMICAL COMPANY	2385 CORBETT STREET	JACKSONVILLE FL	32204
018433	LEE CHEMICAL CORP	2800 TAFT AVE.	ORLANDO FL	32804
018599	BARBER LABORATORIES	1200 S BROAD AVE	NEW ORLEANS, LA	70125
018684	NATIONWIDE CHEMICAL CORP	146 MIDLAND AVENUE	KEARNY, NJ	07032
019215	DUNHAM COMPANY THE	9425 GIDLEY ST	TEMPLE CITY CA	91780
019223	EMAC CORPORATION	1187 MILLDALE RD	CHESHIRE CT	06410
019605	GULF CHEMICALS COMPANY	P.O. BOX 12620	HOUSTON, TX	19605
019713	DREXEL CHEMICAL COMPANY	2487 PENNSYLVANIA STREET-P.O.BOX 9306	MEMPHIS, TN	38109
019760	CARDINAL CHEMICAL COMPANY	257 DUTCHESS TNPK	POUGHKEEPSIE NY	12603

020624	NIPPON KODO INC	220 FIFTH AVE	NEW YORK NY	10001
020954	ZOECON CORPORATION	P.O. BOX 10975	PALO ALTO, CA.	94304
021145	J W T INDS	P.O. BOX 232	WEST CHICAGO IL	60185
021165	CHEM-I-MATIC INC	3548 EAST T.C. JESTE BLVD.-P.O. BOX 1070	HOUSTON TX	77018
021337	OLD HICKORY MEDICINE CO. INC.	P.O. BOX 33 / 5813 LEE HIGHWAY	CHATTANOOGA, TN.	37421
021522	FRANKLIN EXTERMINATING SYSTEMS INC	984 E MAIN ST	COLUMBUS OH	
022521	CARRILLO & COMPANY	6TH AVE PEDRO D CORREA	RIO PIEDRAS PR	00923
022559	CLEANWAY PRODUCTS	8804 FENKELL AVENUE	DETROIT MI	48238
022842	ORKIN EXTERMINATING CO.	106-01 101 AVENUE-OZONE PARK	NEW YORK, NEW YORK	11416
023298	PEST CONTROL SUPPLIES	1012 WEST LUNT AVE.	SCHAUMBURG, IL.	60193
023305	SOUTHERN MILL CREEK PRODUCTS OHIO	18319 NOTTINGHAM	CLEVELAND OH	44119
023335	LEACHEM INDUSTRIES INC	BOX 5504 - 4640 CALLE CORTO	TITUSVILLE, FL	32780
023486	INLAND LABS. INC.	2739 PASADENA BLVD.	PASADENA, TX	77502
023561	FLORESSENCE INC	21 SOUTH MALL	PLAINVIEW NY	11803
023611	DELTA CHEMICALS	CHEMPAC DIVISION L LUCON DR.	DEER PARK NY	11729
024053	PETERSON'S EXTERMINATING COMPANY	559 EAST 63RD STREET	CHICAGO, IL	60637
024909	KNAPP CHEMICAL COMPANY	5227 EAST PINE AVENUE	FRESNO CA	93727
025022	SEFCO MFG. SOUTHEASTERN	4794 CLARK HOWELL HWY-1A	COLLEGE PARK, GA	30349
025025	AIRWICK INTERNATIONAL	380 NORTH ST	TETERBORO NJ	07608
025026	ENVIRONMENTAL INSECT CONTROL SYSTEMS	P O BOX 52803	HOUSTON TX	77052
025708	SHIELD AEROSOL COMPANY OF CALIFORNIA	5165 G STREET	CHINO, CA	91710
026494	COPPER STATE CHEMICAL COMPANY	P.O. BOX 1110	TUSCON AZ	85702
026695	BSP MARKETING INC.	9125 DAFFODIL P.O. BOX 42075	HOUSTON, TEXAS	77042
026885	CONTROL PRODUCTS ASSOCIATED	PO BOX 1481	ST AUGUSTINE FL	32084
028158	PEST CONTROL SUPPLY COMPANY	6351 GRAND RIVER AVE	DETROIT MI	48208
028293	UNICORN LABS	P.O. BOX 90014	HOUSTON, TX	77090
029334	TORCO TERMITE & PEST CONTROL	600 WEST TOWN STREET	COLUMBUS, OH	43215
029909	CARDINAL LABORATORIES INC	710 S. AYON AVE.	AZUSA, CA.	91702
029910	CASTLE CHEMICAL CORPORATION	830 GRAND BLVD	DEER PARK NY	11729
030257	ROSE EXT COMPANY	2165 E. SECOND STREET	CLEVELAND OH	44115
030573	WRIGHT WEBB CORP	PO BOX 1572	FORT MYERS FL	33902
030943	LEA CHEMICALS	PO BOX 868	MARIANNA FL	32446
030948	BIONOMICAL CHEMICALS & SERVICES INC.	1003 PINEVILLE RD	CHATTANOOGA TN	37405
031268	JOHNSON-HAYWORTH CHEMICAL COMPANY	21 N. 988 PEPPER ROAD	BARRINGTON, IL	60010
031445	VO-TOYS INC		BRONX NY	10451
031606	STANDARD SALES COMPANY	278 ATLANTIC AVE	BROOKLYN NY	11201
031674	STATE CHEMICAL COMPANY	4158 E. GRANT ROAD	TUCSON AZ	85712
031971	CUT HEAL INC	206 GARVON	GARLAND TX	75040
032349	PATTERSON ASSOCIATES INC	2970 WINCHESTER BLVD.	CAMPBELL, CALIFORNIA	95008
032694	HAMMOND LABORATORIES, INC.	P.O. BOX 68880	INDIANAPOLIS, IN	46220
032743	UNIPHARM INC.	540 N.W. 165TH ST. RD.	MIAMI, FLORIDA	33169
032849	PEST CONTROL LTD.	1024 COTTMAN AVE	PHILADELPHIA PA	19111
032900	KILLQUIK, INC.	2808 N.E. 21ST WAY	GAINSVILLE, FL.	32601
033161	BIG F INSECTICIDES INC	P.O. BOX 22095	MEMPHIS, TN	38122
033176	MBL INDUSTRIES INC.	3600 WEST CARRIAGE DR	SANTA ANNA, CA.	92704
033404	PRIDE LABORATORIES INCORPORATION	110 SCHMITT BOULEVARD CS 6006	FARMINGDALE, NY	11735
033543	EM-BEE CHEMICALS INC	250 AXMINISTER DR	FENTON MO	63026
033590	PHARMASOL CORPORATION	61 PLEASANT ST	RANDOLPH, MA	02368
033764	AEROSOL SERVICES CO INC	425 S 9TH AVE	CITY OF INDUSTRY, CA	91746
033871	SOUTHCHEM INC	750 MARKHAM AVE	DURHAM, NC	27701
033955	PBI GORDON CORP	1217 WEST 12TH STREET	KANSAS CITY, MO	64101
034052	H. WILSON MANUFACTURING CO.	P.O. BOX 481	JEFFERSON, GA	30549
034130	LEAH CHEM INDUSTRIES, INC.	P O BOX 5504	TITUSVILLE, FL	32780
034149	BEAUMONT CHEMICAL CO	2690 GULF STREET	BEAUMONT, TX	77703
034151	UNITED AEROSOL CORP	1750 OAK STREET LAKEWOOD INDUSTRIAL PARK	LAKEWOOD, NJ	08701
034164	AMERICAN REFINING & MFG. CO	P.O. BOX 402948	MIAMI, FL	33140
034224	CHEMRITE CORP	12600 S DAPHNE	HAWTHORNE, CA	90250
034309	ALL STATE PRODUCTS COMPANY	2616 GUINOTTE ST	KANSAS CITY, MO	64120
034346	WESTERN LABORATORIES	P O BOX 594	OMAHA, NB	68112
034429	AGRO PHOSPHATE CO., INC.	P.O. BOX 5330	YUMA, AZ	85364
034538	ECOLOGICAL & SPECIALTY PROD CO	1188 TICE PLACE	WESTFIELD, NJ	07090
034702	AEROSOL SYSTEMS INC	9150 VALLEY VIEW ROAD	MADEDONIA, OH	44056
034737	PUFF INDUSTRIES		BROOKLYN, NY	11223
034748	LIBRETT INDUSTRIAL DISTRIBUTORS	370 MAIN STREET	NEW ROCHELLE, NY	10802
034797	QUALIS, INC.	4500 PARK AVE.	DES MOINES, IA	50321
034850	BIO-DYNE INDUSTRIES	24201 FRAMPTON AVENUE	HARBOR CITY, CA	90710
034862	ESCO PRODUCTS INC	P.O. BOX 6467	CORPUS CHRISTI, TX	78411
034875	AMBIX LABORATORIES	210 ORCHARD STREET	NORTH BERGEN NJ	07073
034892	RUSSALL PRODUCTS COMPANY,INC.	2253 LIGHT STREET	BRONX, NY	10466
034896	OLD -SOUTH SALES COMPANY	P O BOX 33	ANDALUSIA, AL	36420
034909	ADROIT CHEMICAL & PEST CONTROL	1278 WELDON PARKWAY	MARYLAND HEIGHTS.MISSOURI	63043
034968	MIR A KIL PEST CONTROL	2542 OCEAN PARKWAY	BROOKLYN, NY	11235
035034	DIVERSEY HAWAII LTD	980115 KANEHAMEHA HIGHWAY	AIEA, HI	96701
035072	PENN TREATY CHEMICAL CORP	115 W GIRARD AVENUE	PHILADELPHIA, PA	19123
035076	ALBANY LABORATORIES, INC.	67 HOWARD STREET	ALBANY, NY	12207
035078	ACE TERMITE & PEST CONTROL	114-116 MIDLAND AVENUE	KEARNY, NJ	07032
035137	PRICE RESEARCH, LTD	BOX 7933 3511 STADIUM DR.	KANSAS CITY, MO	64129
035138	WINCO CHEMICAL COMPANY	P.O. BOX 10692	JACKSON, MS	39209
035219	YATES-ASTRO TERMITE & PEST CONTROL CO.	3007 GIBBONS ST, BOX 23313	SAVANNAH, GA	31403
035303	GARDEN OF ALVYN, INC.	P. O. BOX 450222	MIAMI, FL	33145
035324	CHEMICAL SALES & SERVICE, INC	P.O. BOX 17893	HONOLULU, HI	96817
035325	MASTER KILL MANUFACTURER	137 E. PIPER AVENUE	FLINT, MI	48505
035376	A. T. S. LABORATORIES	936 LEDGE ROAD	MEDINA, OH	44256
035404	FLORIDA CORRECTIONAL INDUSTRY	1311 WINEWOOD BLVD BLDG NO 5	TALLAHASSEE, FL	32301
035417	RITE JOB EXTERMINATORS, INC	2098 CONEY ISLAND AVENUE	BROOKLYN, NY	11230
035449	ARROW EXTERMINATING CO., INC	289 BROADWAY	LYNBROOK, NY	11563
035455	ATLANTIC FERTILIZER & CHEM., CO.	P O BOX 1488 18375 N W 260TH ST	HOMESTEAD, FL	33030
035470	SEE 11928	437 WEST CENTRAL BLVD.	ORLANDO, FL	32801
035575	GHOST MAKER PRODUCTS	8929 W 24 STREET	LOS ANGELES, CA	90034
035576	ENTERPRISE SALES CO.	919 EAST THIRD ST.	LOS ANGELES, CA	90013
035668	CERTIFIED EXTERMINATING CO.	359 EAST 161ST STREET	BRONX, NY	10451
035922	TIFA, LTD.	1390 VALLEY ROAD	STIRLING, NJ	07980
035998	CORONADO CHEMICAL CO.	610 ATLANTIC	CORPUS CHRISTI, TX	78404
036007	INTERNATIONAL EXTERMINATOR	155 W MAGNOLIA AVENUE	FORT WORTH, TX	76104
036123	PHARMADYNE CHEMICAL CORP	15 SEWAREN AVE	SEWAREN, NJ	07077
036148	DEA/AIR	155 N.E. 10TH STREET	MIAMI, FL	33101
036210	MIDWEST GARDEN SUPPLY	PLEASANT VIEW RD.	PLEASANT VALLEY NY	12569
036232	REED & CARRICK	30 BORIGHT AVENUE	KENILWORTH, NJ	07033
036265	APEX PEST CONTROL CO.	1838 SPRINGWELLS ST.	DETROIT, MI	48209
036272	MYSTIC CHEMICAL PRODUCTS	3561 WEST 105TH STREET	CLEVELAND, OH	44111
036301	J-CHEM A DIV. OF FUMIGATORS, INC.	9100 BECKER -BOX 5421	HOUSTON, TX	77012
036383	J.H. ROBINSON EXTERMINATING CO.	2138 83RD ST.	CLEVELAND, OH	44103
036480	MID AMERICA CHEMICAL CO.	P.O. BOX 490	MONTROSE, AL	36559
036604	REPUBLIC DRUG CO., INC.	175 GREAT ARROW	BUFFALO, NY	14207
036640	MIDLAND MANUFACTURING CO.	6800 SOUTH T STREET	FORTH SMITH, AR	72901
036645	ZODIAC, HEALOX, & LUSTRAY	711 EAST 134TH STREET	BRONX, NY	10454

036688	BIG BEE CHEMICAL AND SUPPLY CO.	ROUTE 4 OLD CONYERS ROAD	STOCKBRIDGE, GA	30281
036724	MACHEMCO	P.O. BOX 19791	ATLANTA, GA	30325
036866	A.V. LABORATORIES	2926 S.W. 1ST ST.	MIAMI, FLORIDA	33143
037023	KENIC LABS, INC	2025 4TH AVE. SOUTH	ST. PETERSBURG, FL	33712
037060	STEWARD FEED & SEED COMPANY	726 SPRING STREET	JEFFERSONVILLE, IN	47130
037103	HUDSON'S PEST CONTROL PRODUCTS	1754 MELDRUM STREET	DETROIT, MI	48207
037197	ARROW PEST CONTROL OF SYRACUSE, INC.	132 BURNET AVENUE	SYRACUSE, NY	13203
037265	GENERAL CHEMICAL CORP.	5568 SCHAEFER AVENUE, P.O. BOX 1697	CHINO, CA	91710
037346	EUREKA LABORATORIES, INC.	2033 W FULTON ST	CHICAGO IL	60612
037401	TRI TON MANUFACTURING CORP.	2648 FREEWOOD DRIVE	DALLAS, TX	75220
037425	ADAMS VETERINARY RESEARCH LABS, INC	P.O. BOX 971039	MIAMI, FL	33197
037594	TRIGON CORPORATION	1175 GLENDALE	SPARKS, NV	89431
037686	CHEM-NUT, INC	P. O. BOX 3706-1921 LEDO RD	ALBANY, GA	31706
037735	N.C. DEPT. OF CORRECTIONS PRISON E	1122 HILLSBOROUGH ST.	RALEIGH, N.C.	27603
037761	CONTROL CHEMICAL ENTERPRISES IN	1368 NORTH KILLIAN DRIVE	LAKE PARK, FLORIDA	33403
037788	ABC FLORIDIAN PEST CONTROL	658 N.W. 99 ST.	MIAMI, FL	33150
037811	SEE 37431	BOX 65	HIALEAH, FL	33011
037814	HUNTER CHEM. & FORMULATING CO., INC.	1300 ALDEN ROAD	ORLANDO, FL	32803
037915	PROFESSIONAL SUPPLY, INC.	8033 N. 56TH AVE.	GLENDALE, ARIZONA	85302
037920	U.S. DEPT. OF AGRIC. COUNTY	418 TOMPKINS AVE.	BROOKLYN, NY	11216
037935	TAB'S PEST CONTROL SERVICE	1539 EAST 55TH STREET	CLEVELAND, OH	44103
038060	ACME PEST & WEED CONTROL, INC.	212 NORTH MAIN ST.	BICKNELL, IN	47512
038063	VALLEY PEST CONTROL	8504 READING RD.	CINCINNATI, OH	45215
038065	LIVELY PRODUCTS CO.	BOX 9222	EL PASO, TX	79983
038072	PEST CONTROL KITS	8928 W. 24TH STREET	LOS ANGELES, CA	90034
038234	MOUNT HOREB HARDWARE CO.	100 MAIN STREET	MT HOREB, WI	53572
038389	ACTION PRESSURE CLEANING	1107 SUNSHINE AVENUE	BRANDON, FL	33511
038519	W.T. THRASHER TERMITE CO.	2212 CENTRAL AVE.	KNOXVILLE, TENNESSEE	37917
038523	P & H SALES COMPANY	1096 SAUNDERS AVENUE	MEMPHIS, TN	38127
038527	STIM-U-PLANT,INC.	2077 PARKWOOD AVENUE	COLUMBUS, OH	43219
038530	BRIAN'S PEST CONTROL	5920 SOUTH NORMANDIE AVE.	LOS ANGELES, CA	90044
038664	ARCHEM, INCORPORATED	P.O. BOX 1122	CONWAY, AR	72032
038733	BILCO ASSOCIATES	1140 W. 50TH STREET	HIALEAH, FL	33012
039159	USU (P.R.) DEVELOPMENT CORP.	STATE HWGY, 82	MANATI, PR	00701
039497	P.L.C. CORPORATION	415 HARVESTER CT.	WHEELING, IL.	60090
039609	SCHULTZ COMPANY	11730 NORTHLINE,MARYLAND HTS.	ST.LOUIS,MO	63043
040018	BLANCO CHEMICAL	P.O. BOX 73308	HOUSTON, TX	77273
040322	EQUINE CHEMICAL CO., INC.	529 NORTH 43RD WEST AVE.	TULSA, OK.	74127
040391	ENTECH SYSTEMS CORPORATION	4141 VETERANS BLVD	METAIRIE LA	70002
040831	FALLS CHEMICALS INC	P.O. BOX 2345	GREAT FALLS, MT	59403
040849	C & J CHEMICAL	P.O. BOX 1068	CARTERSVILLE, GA	30120
040871	CHEMLAND INC.	P.O. BOX 9	TURLOCK, CA	95380
040940	LEXTRON, INC.	BOX BB	GREELY, CO	80632
040988	D.F. CUSTOM CHEMICALS,INC.	P.O. BOX 206	KENNEDALE, TX	76060
041138	SCENTEX INC	3260 W. GRAND AVENUE	CHICAGO ILLINOIS	60651
041451	CONTINENTAL LABS INC.	2617 N.W. 16TH ST. ROAD	MIAMI, FL	33125
041452	SPRAYSECT, INCORPORATED	BOX 64	VERONA, NJ	07044
041580	B & R PRODUCTS, INC.	18721 S.W. 104TH AVE.	MIAMI, FLORIDA	33157
041632	ARROW-CHEM	BOX 762	MARIETTA, GA	30061
041824	CHEMICAL PRODUCTS MFG CORP	BOX ONE	ST JOSEPH, MO	64502
041987	CUSTOM CHEMILENE	476 HESTER ST	SAN LEANDRO,CA	94577
042050	J & B INDUSTRIES	2100 J & B DR.	SAN BENITO, TX	78586
042057	MORGRO CHEMICAL & ENERGY CORP.	145 W. CENTRAL AVE.-P.O. BOX 151048	SALT LAKE CITY, UTAH	84115
042249	CHEMICAL SPECIALTIES MFG. CO.	829 WEST MAIN ST.	MESA, AZ	85201
042458	COMMERCIAL RESEARCH LABS., INC.	BRIDGEWATER IND. PARK-4190 BLANCHE RD.	CORNWELLS HEIGHTS, PA.	19020
042710	SOUTHEAST PACKAGING CORP	701 WHARTON CIRCLE SW	ATLANTA, GA	30336
042844	MASTI-KURE PRODUCTS CO. INC.	ONE WISCONSIN AVE.	NORWICH, CT	06360
042858	DIATECT CORPORATION	410 E 48TH ST	HOLLAND MI	49423
042964	AIRWICK PROFESSIONAL PRODUCTS	40 SEAVIEW DR	SECAUCUS NJ	07094
043227	SANEX CHEMICALS LIMITED	5651 DAWSON ST.	HOLLYWOOD, FLORIDA	33023
043288	C.S.A. CHEMICAL CO.	P.O. BOX 73308	HOUSTON, TX	77090
043576	RICH HEALTH	17895 C SKY PARK CIRCLE	IRVINE, CA.	92714
043591	VETERINARY PRODUCTS LABORATORIES	301 W. OSBORN ROAD P.O. BOX 34570	PHOENIX, AZ	85067
043602	DAVIS SPECIALTY CHEMICALS, INC.	P.O. BOX 12687	JACKSON, MS.	39211
043679	INDUSTRIAL SPECIALTIES	P.O. BOX 1113	TOPEKA, KANSAS	66601
043742	SOUTHERN VETERINARY SUPPLY	BOX 56-1163	MIAMI, FL.	33156
043797	J COLBURN, INC.	427 EVERNIA ST.	WEST PALM BEACH, FL.	33401
043822	RAINBOW SUPPLY INC.	10873 PORTAL DRIVE	LOS ALAMITOS, CA	90720
043954	STEWART SANITARY SUPPLY CO., LTD.	P.O. BOX 15061	ST. LOUIS, MO.	63110
044092	BAF INDUSTRIES	1910 SOUTH YALE STREET	SANTA ANA, CALIFORNIA	92104
044126	ARC LABORATORIES	POST OFFICE BOX 18884	IRVINE, CALIFORNIA	92713
044215	KAW VALLEY, INC	1801 SOUTH 2ND STREET	LEAVENWORTH, KS	66048
044274	LAN-O-TONE PRODUCTS, INC.	65 WOOSTER ST.	NEW YORK, N.Y.	10012
044446	HAWK SALES	P.O. BOX 90020	HOUSTON, TEXAS	77090
044455	PET RX	8801 N. CRESCENT DRIVE	MIRAMAR, FLORIDA	33025
044462	SLUG-A-BUG	7253 N. DAMEN	CHICAGO, ILLINOIS	60645
044631	WENDT LABORATORIES INC	100 NANCY DR	BELLE PLAINE MN	56011
044975	BESTALL CHEMICAL CORP.	44-17 55TH AVE.	MASPETH, NEW YORK	11378
045055	DESERT FLY CONTROL OF ARIZONA, INC.	5303 E. FAIRVIEW	CHANDLER, AZ	85224
045078	VET. MED INC.	1529 NW 165TH ST.	MIAMI, FLORIDA	33169
045087	ZEMA CORP.	6514 HIGHWAY 54 WEST	RALEIGH, NC	27607
045180	A-TREY INDUSTRIES	BOX 411	OMAHA, NE	68101
045188	HARRISON SPECIALTY CO., INC.	15 UNIVERSITY-P.O. BOX H	CANTON, MA.	02021
045220	ECOSAFE LABORATORIES	BOX 8702	OAKLAND, CALIFORNIA	94662
045302	SUNRISE SOAP COMPANY, INC.	620 W. CENTER STREET, #6	N. SALT LAKE, UT	84054
045385	CHEM-TOX, INC	21 N. 988 PEPPER RD.	BARRINGTON, IL	60010
045639	BFC CHEMICALS	P.O. BOX 7495 3509 SILVERSIDE RD.	WILMINGTON, DE	19803
045894	APPLIED RESEARCH TECHNOLOGIES INT'L (ART	2724 CENTRAL, S.W.	ALBUQUERQUE, NM	87104
046259	STEVAN ELLIOT, INC.	P.O. BOX 5	N. MIAMI, FL	33161
046269	QUIP INC.	407 E. AYRE	NEWPORT, DE	19804
046421	PETCARE INDUSTRIES, INC.	576 HIGH STREET	BURLINGTON, NJ	08016
046481	FAST KILL PEST CONTROL CO.	18216 W. SEVEN MILE RD.	DETROIT, MI	48219
046515	CELEX CORPORATION	443 AMELIA ST.	PLYMOUTH, MI	48170
046579	DICKSON CHEMICAL CO., INC.	2110 S. PRAIRIE	STUTTGART, AR	72160
046597	CHEMSTAR CORP.	2501 N.W. 75TH ST.	MIAMI, FL	33147
046600	JODAN LABORATORIES, INC.	4200 WINTON RD-SUITE 3000	RALEIGH, NC	27604
046813	CCL INDUSTRIES INC.	235 YORKLAND BLVD. STE. 500	WILLOWDALE, ONTARIO M2 J	00000
046826	PESTCO PEST CONTROL INC.	BOX 4232	MARGATE, FL	33068
047000	CHEM-TECH, LTD	4515 FLEUR DR. #303	DES MOINES, IA	50321
047088	EASTERN EQUINE ENTERPRISES	592 COUNTY RD #1302 - P.O. BOX 392	ASHLAND, OHIO	44805
047123	THE PARROTT AGRICULTURAL CHEMICAL CO.	16 SUNNYSIDE AVE.	STAMFORD, CT	06902
047286	VALHAR CHEMICAL CORP.	277 GREENWICH AVE.	GREENWICH, CT	06830
047663	CAF-FEY CHEMICAL & PESTICIDE	2640 WOODLAND AVE.	LOUISVILLE, KY	40211
047834	HEARTLAND INDUSTRIES INC.	BOX 687	WALNUT, CA	91789
047867	WOODY RIGGS CO.	5027 SE 107TH ST.	BELLVIEW, FL	32620
047916	WESLEY INDUSTRIES INC.	P.O. BOX 456	MONTROSE, AL	36559

048110	V. P. L. LABORATORIES, INC.	P.O. BOX 5982	LIGHTHOUSE PT, FL	33064
048139	SERAT INC.	8403 REDNOCK LANE	MIAMI LAKES, FL	48139
048665	CHARLES F. HUDSON, JR. D/B/A/ CHUCK HUDS	8 CLEAR WAY	OCALA, FL	32672
048668	CHARLES BENARD LTD.	BOX 324	MILLBURN, NJ	07041
049784	RESEARCH LABORATORIES, INC.	BOX 430140	HOUSTON, TX	77243
050414	TOMLYN PRODUCTS	2285 E. LANDIS AVENUE	VINELAND, NJ	08360
050415	CAMERON M. BAIRD	445 TILDEN RD.	SCITUATE, MA	02066
050450	ORION CHEMICAL INC.	919 WEST 38TH STREET	CHICAGO, ILLINOIS	60609
050534	SDS BIOTECH CORP.	7528 AUBURN RD-P.O. BOX 348	PAINESVILLE, OH.	44077
050591	DAVIS MANUFACTURING	3797 DRUID HILLS RD.	DECATUR, GA	30033
050697	BLUE LUSTRE HOME CARE PRODUCTS INC.	7950 CASTLEWAY DR.	INDIANAPOLIS, IN	46250
051033	OMNITECH INTERNATIONAL INC.	2516 CT. AVE.	KENNER, LA	70062
051111	PFEIFFER PHARMACEUTICALS INC.	BOX 100	WILKES BARRE, PA	18773
051170	B & M SPECIALTY CO. INC.	BOX 1582	HATTIESBURG, MS	39401
051320	BLUE RIBBON TACK	15250 N. CAVE CREEK RD.	PHOENIX, AZ	85032
051793	ELITE CHEMICAL CORP.	P.O. BOX 1947	NORCROSS, GA	30091
052497	TM CHEMICAL COMPANY INC.	BOX 292-37 DRAKESTOWN RD.	FLANDERS, NJ	07836
052747	LION CHEMICAL CO.	BOX 1900	CLAREMORE, OK	74018
053127	GARDEN CARE BY FARMINGDALE LTD	60 AUSTIN BLVD.	COMMACK, NY	11725
054282	TECHNICAL PRODUCTS CORP.	BOX 7607	PORTSMOUTH, VA	23707
054287	ASSOCIATED REGISTRATIONS	1272 ABBEY CRESCENT LANE, BOX 13208	CLEARWATER, FL	33519

Any response to this Notice requesting other than a generic data exemption must be received within 90 days of the publication of this Notice in the **Federal Register.**

Dated: September 27, 1985.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 85-27383 Filed 11-18-85; 8:45 am]

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Federal Register

Tuesday
November 19, 1985

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

29 CFR Part 541

Defining and Delimiting Terms; Advance Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

29 CFR Part 541

Defining, and DEelimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including Any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman"

AGENCY: Wage and Hour Division, ESA, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Wage and Hour Division is considering proposing revisions in Regulations, 29 CFR Part 541 which contain the criteria for exemption under section 13(a)(1) of the Fair Labor Standards Act (FLSA) with respect to employees employed in a bona fide executive, administrative, professional, or outside sales capacity. Those sections under review include the salary test levels as well as the duties and responsibilities tests contained in the regulations. Accordingly, this advance notice of proposed rulemaking is being published to obtain the views of the public on needed changes in the regulations. The Department is interested in the views of the public with respect to all aspects of the regulations. Comments are invited concerning the current definitions of terms relating to the salary, duties, and responsibilities tests for such employees, as well as the interpretations of such definitions.

DATE: Comments will be received until January 21, 1986.

ADDRESS: Written comments should be addressed to Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-523-8305. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 13(a)(1) of the FLSA (29 U.S.C. 213(a)(1)) provides an exemption from the Act's minimum wage and overtime pay provisions for "any employee employed in a bona fide executive, administrative or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary of secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary of Labor . . .)". Regulations defining and delimiting these terms are codified in 29 CFR Part 541. The regulations provide that in order to be exempt as a bona fide executive, administrative or professional (EPA) employee, an individual must meet certain tests of job duties and responsibilities and must be compensated at no less than a specified amount on a salary basis.

On January 13, 1981, the Department of Labor published a final rule (46 FR 3010) revising the salary test levels for EAP employees to take effect 30 days after publication. (There is no salary tests for outside sales employees.) On February 12, 1981, a notice was published in the **Federal Register** announcing that the effective date of these regulations was stayed indefinitely (46 FR 11972). The purpose of that action was to allow the Department to fully review the rule before it took effect. The comment period was reopened and the interim salary tests which became effective April 1, 1975, were continued. On March 27, 1981, that notice was republished (46 FR 18998) as a notice of proposed rulemaking to invite public comments on the indefinite suspension of the January 13, 1981, regulations. Comments were also invited regarding the economic impact of the salary tests contained in the regulations. In view of a number of comments and petitions received from various industry groups regarding the duties and responsibilities tests and their interpretations as contained in the regulations as well as recent development in case law, the Department has concluded that there is a need for a more comprehensive review of the regulations. Accordingly, the indefinite stay of the January 13, 1981, regulations on the salary tests is continued and the comment period on this issue is reopened. In addition, the Department has decided to broaden the scope of the review to cover all aspects of the regulations for the reasons discussed below.

Employers in the food and lodging industry seek clarification of the regulations governing the exemption status of certain job functions performed by management personnel and proposals to change the regulations as they apply to management employees in that industry have been suggested. Requests have also been received from the real estate industry, specifically the camp resort and timeshare condominium industry, for clarification of the outside sales employee exemption tests in the regulations. Also, recent decisions of the courts interpreting the "primary duty" test for exemption of executive employees raise questions concerning the Department's current interpretations in the regulations. In *Donovan* v. *Burger King Corp.*, 672 F.2d 221 (1st Cir. 1982), the court ruled that the "primary duty" of managers means the "principal or most important" work performed by these employees, and not necessarily duties and functions requiring more than 50 percent of their working time. See also *Donovan* v. *Burger King Corp.*, 675 F.2d 516 (2nd Cir. 1982). In *Marshall* v. *Western Union Telegraph Co.*, 621 F.2d 1246 (3rd Cir. 1980), the court ruled that the "primary duty" test could not be applied on a workweek basis, or over any other specific timeframe, until such time as the regulations are amended to specify a timeframe during which this test must be met.

Accordingly, comments are sought from interested parties concerning the matters set out below, as well as any other issues of interest under this regulation.

I. Salary Tests

In order to be exempt under the current regulations, executive and administrative employees must be paid on a salary basis of not less than $155 per week and professional employees must be paid on a salary or fee basis of not less than $170 per week. In addition to these monetary tests, such employees must also meet certain duties and responsibilities tests. EAP employees who are paid not less than $250 need only meet shortened duties and responsibilities tests under the regulations. Comments are sought with respect to the following matters related to the salary tests:

1. Should the salary test levels contained in §§ 541.1, 541.2, and 541.3 of Regulations, 29 CFR Part 541 be increased, and, if so, why? If so, to what levels should the salary tests be increased, and why those levels? Commenters should also address the economic impact of raising the salary tests.

2. Should the salary tests be eliminated? If so, what tests should the Department rely on to determine applicability of the section 13(a)(1) exemption? What would be the economic impact of the elimination of the salary tests?

3. Should the salary test levels be established based on a relationship to (i.e., a specific multiple of) the minimum wage required by the FLSA (currently $3.35 an hour)? If so, what should that relationship be, how should the relationship be calculated and for what periods of time should such a salary level remain in effect?

4. Should the regulations also provide separate salary test levels for employees or retail or service establishments since sections §§ 541.1(e), 541.112, 541.2(d), and 541.209 provide a higher tolerance for nonexempt work for executive and administrative employees of such establishments to conform with Congressional intent? If so, what should the relationship be to the salary tests for other industries?

5. Should the regulations permit the inclusion of commission earnings in meeting the salary tests without a "guarantee" as discussed in § 541.118(b)? If, so, how and to what extent should such earnings be included?

6. Should the regulations continue to require that the salary test levels be "guaranteed"? If not, what measure should be adopted to determine if the tests are being met?

7. Should an employer be able to take a credit toward meeting the salary tests for lodging, meals, or other facilities furnished to EAP employees? If so, to what extent should the value of such facilities be counted toward the applicable salary tests?

8. Should the regulations permit the inclusion of bonuses or employee receipts from profit sharing plans in meeting the salary tests? If so, how and to what extent should such compensation be included?

9. Should the regulations permit consideration of compensation guaranteed on an annual basis, including compensation other than basic salary? Further, should it be assumed that a pro rata share of such compensation is allocable to each workweek in the year for the purposes of meeting the weekly salary test requirements in the regulations?

10. Should the Department recognize individual State and local government civil service systems for classifying EPA employees in applying the exemption to employees of such governments? Such recognition would not alter the traditional FLSA principle that an employer who claims an exemption under the Act has the burden of showing that it applies.

II. Duties and Responsibilities

1. Should the duties test be changed or eliminated? What would be the economic impact of such a proposal?

2. Should the present duties tests for EAP employees be revised to eliminate current limitations on the amount of nonexempt work which may be performed without the loss of their exempt status? For example, under the current rule executives who are paid a salary of at least $155 per week are exempt if their primary duty is management and supervision and if they spend no more than 20 percent of their time on nonexempt duties (40 percent in the case of retail or service establishments). However, executives who are paid at least $250 per week (the "upset salary") are not subject to the 20 percent (or 40 percent) limitation on nonexempt work.

3. Should a special salary test be established which would provide that any EAP employee earning at least that amount and performing some executive, administrative or professional type functions would be exempt regardless of the employee's other duties and responsibilities? If so, how and at what level should such a salary test be established? What safeguards would be necessary in order to preclude the loss of minimum wage and overtime protection for highly paid employees, such as certain mechanics and technicians, to whom Congress did not intend the section 13(a)(1) exemption to apply?

Under the present rule, employees who are paid at least $250 per week are not subject to the 20 percent limitation on nonexempt work, but remain subject to the criterion of having management and supervision as their primary duty. For example, executives paid at least $250 per week must have management as their primary duty and must supervise two or more other employees.

4. Should a standard time frame be established for determining whether an employee has met the primary duty test for exemption contained in §§ 541.1(a), 541.2(a), and 541.3(a) of the regulations? If so, should such a time frame be a week, a month, or some other length of time?

5. Should the primary duty test concept as discussed in §§ 541.103, 541.206, and 541.304 be changed to emphasize an employee's "primary responsibility" as opposed to "time spent" in various activities encompassed within the scope of his/her job? If so, how should responsibilities be defined to distinguish a bona fide manager or executive from an employee engaged in routine nonexempt work?

6. Should the "sole charge" standard in § 541.113 be revised or abandoned? Currently, executives who are paid a salary of at least $155 but less than $250 per week are subject to a 20-percent limitation on nonexempt duties (40 percent in the case of retail or service establishments). Executives who are in sole charge of an independent establishment or a physically separated branch establishment are not subject to this limitation.

7. Should a separate and special definition of duties be established in § 541.1 for the retail or service industry? If so, why? Are there inherently different or unique duties performed by managers in that industry to warrant such an exception? Are there other industries which should be given such separate treatment? If so, why?

8. Do the definition of "administrative" employee in § 541.2 and the interpretations in §§541.201 through 541.215 need to be clarified in any specific areas?

9. Should consideration be given to recognizing additional occupations as "professional" within the meaning of section 541.3? For example, should systems analysts and computer programmers employed in the data processing field with bachelor degrees in computer science or related fields be recognized as exempt professional employees? Also, for example, should newspaper reporters, court reporters, aircraft pilots and flight engineers be recognized as exempt professional employees? Are there occupations in the health science, medical, and related fields, for which at least a bachelor's degree and accreditation are customarily required, that should be recognized as "professional" within the meaning of the regulations? Finally, should the definitions of "educational establishment" and "teachers" be clarified?

10. Should consideration be given to revising the definition of "outside sales" employees contained in §§541.5 and 541.500 to take into account sales practices in the real estate industry or other industries? In particular, how does the concept of sales away from the employer's place of business apply in the real estate, camp resort, and time share condominium industries?

Preparation of this Document

This document was prepared under the direction and control of Herbert J. Cohen, Deputy Administrator, Wage and Hour Division.

List of Subjects in 29 CFR Part 541

Wages, Teachers, Minimum wages, Overtime pay, Salaries, Labor.

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213; Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 comp. p. 1004); Secretary's Order No. 6–84, 49 FR 32473, August 14, 1984; and Employment Standards Order No. 78–1, 43 FR 51469, November 3, 1978)

Signed at Washington, D.C., this 5th day of November 1985.

William E. Brock,

Secretary of Labor.

Susan R. Meisinger,

Deputy Under Secretary for Employment Standards.

Herbert J. Cohen,

Deputy Administrator, Wage and Hour Division.

[FR Doc. 85–27539 Filed 11–18–85; 8:45 am]

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Federal Register

Tuesday
November 19, 1985

Part IV

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Standards for Ionizing Radiation Hazards at Metal and Nonmental Mines; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Standards for Ionizing Radiation Hazards at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to existing standards addressing ionizing radiation hazards at metal and nonmetal mines. MSHA seeks written comments on this preproposal draft from all interested parties. Copies of the draft may be obtained from MSHA.

DATE: Written comments on the preproposal draft must be received on or before February 18, 1986.

ADDRESSES: Send comments on the preproposal draft to the Office of Standards, Regulations, and Variances, MSHA, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On January 29, 1985, MSHA published an Advance Notice of Proposed Rulemaking (ANPR) in the **Federal Register** (50 FR 4144) requesting comments on its existing standards addressing the hazards from ionizing radiation at metal and nonmetal mines, 30 CFR 57.5037 through 57.5047. The Agency is reviewing these standards to determine whether they provide an appropriate level of protection to metal and nonmetal miners. After reviewing comments received, MSHA has prepared a preproposal draft of revised radiation protection standards. The standards in the preproposal draft would apply to underground areas of underground mines, the surface mining and milling of uranium, and the use of X-radiation equipment.

The document contains draft revisions to the existing standards as well as a brief explanation for each change. MSHA considers early public participation in the development of these standards to be particularly important and welcomes comments, data, and information relevant to the issues addressed in the preproposal draft.

Dated: November 14, 1985.

Thomas J. Shepich,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 85–27596 Filed 11–18–85; 8:45 am]

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Federal Register

Tuesday
November 19, 1985

Part V

Department of Labor

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Underground Coal Mines; Ventilation; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Underground Coal Mines; Ventilation

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to existing standards for ventilation in underground coal mines. MSHA seeks written comments on this preproposal draft from all interested parties.

DATES: Written comments on the preproposal draft must be received on or before February 18, 1986.

ADDRESSES: Send requests for and written comments on the preproposal draft to the Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Tower #3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone (703) 235–1910.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On July 9, 1982, MSHA published an Advance Notice of Proposed Rulemaking in the **Federal Register** (47 FR 30025) announcing a comprehensive review of the underground coal mining standards in 30 CFR Part 75. The Agency is reviewing the standards to eliminate unnecessary reporting and recordkeeping requirements, minimize conflicting provisions, delete irrelevant standards, simplify and consolidate existing standards, update standards to conform to state-of-the-art technology, and to clarify and reorganize standards, where necessary.

This review is consistent with the goals of Executive Order 12291, the Regulatory Flexibility Act, the Paperwork Reduction Act, and the Department of Labor's initiatives with respect to improving regulations. MSHA considers early public participation in this standards review process to be particularly important.

MSHA has now completed development of preproposal safety standards for ventilation of underground coal mines. The Agency reguests comments on the substance of the preproposal standards, as well as on the reorganization of the standards. In addition, the Agency is interested in economic data and other regulatory impact information.

Copies of the preproposal draft have been mailed to persons and organizations known to be interested. Other interested persons and organizations may obtain a copy of the draft by either oral or written request to the address provided above. The document contains the Agency's intended revisions, comparison with existing provisions, and brief explanations of the draft changes.

MSHA welcomes written comments relevant to issues concerning the preproposal draft. Upon close of the comment period and review of the comments, any economic data and other regulatory impact information received, MSHA will develop revised standards which will be published as a proposed rule in the **Federal Register.** The proposal will be followed by a comment period and public hearings. In issuing its final rules, MSHA will make every effort to be responsive to the concerns of the coal mining community and to advance the goals of regulatory reform and improved miner safety and health.

Dated: November 14, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 85–27597 Filed 11–18–85; 8:45 am]

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Vol. 50, No. 223

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H.J. Res. 441 / Pub. L. 99-154

Making further continuing appropriations for the fiscal year 1986. (Nov. 14, 1985; 99 Stat. 813; 1 page) Price: $1.00

H.R. 3721 / Pub. L. 99-155

To temporarily increase the limit on the public debt and to restore the investments of the Social Security Trust Fund and other trust funds. (Nov. 14, 1985; 99 Stat. 814; 1 page) Price: $1.00

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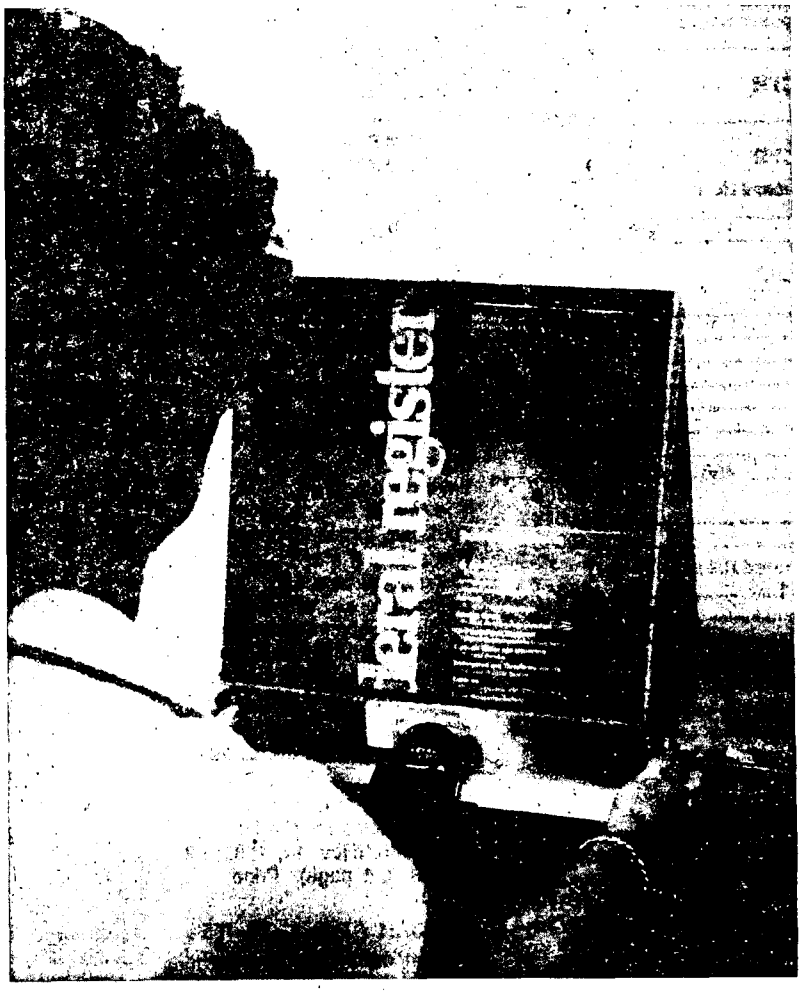

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