List of Subjects in 5 CFR Parts 531 and 536

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM amends 5 CFR Parts 531 and 536 as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

Subpart D—Within-Grade Increases

1. The authority citation for § 531.410 continues to read as follows:

Authority: 5 U.S.C. 5335 and 5338, E.O. 11721, as amended, Section 402, unless otherwise noted.

2. In Part 531, paragraph (d) of § 531.410 is revised to read as follows:

§ 531.410 Within-Grade Increases.

* * * * *

(d) When a negative determination is sustained after reconsideration, an employee shall be informed in writing of the reasons for the decision and of his or her right to appeal the decision to the Merit Systems Protection Board.

PART 536—GRADE AND PAY RETENTION

Subpart C—Miscellaneous Provisions

3. The authority citation for Part 536 continues to read as follows:

Authority: 5 U.S.C. 5361–5366, Pub. L. 95–454, 92 Stat. 1111.

§ 536.302 [Amended]

4. In Part 536, paragraph (e) of § 536.302 is removed and paragraph (f) is redesignated as paragraph (e).

[FR Doc. 85–175 Filed 1–3–85; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

Regulations (Other Than Rules of Practice) Under the Perishable Agricultural Commodities Act, 1930

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This docket adds clarifying citations in 49 FR 23825 on June 8, 1984 and 49 FR 45735 on November 20, 1984 of the **Federal Register.** Center headings for §§ 46.46 and 46.47 were inadvertently omitted.

EFFECTIVE DATE: December 31, 1984.

FOR FURTHER INFORMATION CONTACT: John D. Flanagan, Assistant Chief, P.A.C.A. Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447–3212.

SUPPLEMENTARY INFORMATION: 1. Undesignated Center Heading for § 46.46 is added to read as follows:

Statutory Trust

46.46 Statutory Trust.

2. Undesignated Center Heading for § 46.47 is added to read as follows:

OMB Control No.

46.47 OMB Control No. 0581–0031.

(Sec. 15, 46 Stat. 537; 7 U.S.C. 499o)

Dated: December 31, 1984.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–196 Filed 1–3–85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 497]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 230,000 cartons during the period January 6–12, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period January 6–12, 1985.

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

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

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on December 28, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is good on smaller sizes and weak on larger sizes of fruit.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.797 is added as follows:

§ 910.797 Lemon Regulation 497.

The quantity of lemons grown in California and Arizona which may be handled during the period January 6, 1985, through January 12, 1985, is established at 230,000 cartons.

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

Dated: December 31, 1984.

D.S. Kuryloski,

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

[FR Doc. 85–336 Filed 1–3–85; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 72

[Docket No. 83-097]

Texas (Splentic) Fever in Cattle; Addition to List of Approved Dipping Pesticides

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the "Texas (Splenetic) Fever in Cattle" regulations by adding Ciodrin® to the list of pesticides officially approved for dipping cattle to rid them of ticks prior to their interstate movement. This action is necessary in order to provide an alternative pesticide which is safe and effective for such treatment of livestock. This document also makes changes in the regulations to clarify that animals may be dipped by thoroughly wetting their entire skin by immersion in a chemical solution in a dip vat, or by thoroughly wetting their entire skin with a chemical solution using a spray dip machine or a hand-held sprayer.

EFFECTIVE DATE: February 4, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. E.R. Mackery, Special Diseases Staff, VS, APHIS, USDA, Federal Building, Room 821, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–8438.

ADDRESS: An environmental impact analysis has been prepared on the use of Ciodrin and is available by contacting Dr. G. O. Schubert, Assistant Senior Staff Veterinarian, VS, APHIS, USDA, Federal Building, Room 820, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–8438.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR 72, among other things, regulate the interstate movement of cattle infested with or exposed to certain specified species of ticks. Sections 72.6 and 72.7 of the regulations require certain cattle to be dipped with a permitted dip before they are moved interstate in order to ensure that they are not infested with ticks. Section 72.13(b) of the regulations lists the brands of "permitted dips" permitted by the Department for such dipping. The "permitted dips" are proprietary brands of specific pesticides at prescribed concentrations.

Proprietary brands of the "permitted dips" listed in § 72.13(b) are allowed to be used for the purposes of Part 72 only when approved by the Deputy Administrator, Veterinary Services (VS), in accordance with § 72.13(c) of the regulations. Before a "permitted dip" is specifically approved for such use, VS requires that, among other things, the product be registered for such use under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (7 U.S.C. 135 *et seq.*) In addition, before a dip can be specifically approved as a "permitted dip," its efficacy and stability must have been demonstrated and trials must have been conducted to determine that its concentration can be maintained and that under actual field conditions the dipping of cattle in a bath of specific strength will effectively eradicate ticks without injury to the animals dipped.

Ciodrin® is a biodegradable, organophosphorous compound, which has been registered by the Environmental Protection Agency since April 24, 1963, under the provisions of FIFRA for use against face flies, stable flies, horn flies, ticks, and lice. Both the efficacy and stability of Ciodrin® have been demonstrated. In trials conducted by the Department, it has been shown that the concentration of Ciodrin® can be maintained. Extensive field trials have also demonstrated that dipping cattle with Ciodrin® in a concentration of 0.44 to 0.54 percent effectively eradicate ticks without injury to the animals.

On June 14, 1983, a document was published in the **Federal Register** (48 FR 27256–27257) which proposed to add Ciodrin® to the list of pesticides officially approved for dipping cattle to rid them of ticks prior to their interstate movement. It was proposed to allow Ciodrin® to be used only if used in a concentration of 0.44 to 0.54 percent and only if used in accordance with the EPA approved label. These provisions are adopted as a final rule along with other changes in the regulations discussed below.

The document of June 14, 1983, invited the submission of written comments on or before August 15, 1983. One comment was received. The commenter wrote to advise the Department that Brahman cattle (*Bos indicus* blood) are sensitive to organophosphorous compounds. The Department agrees that Brahman cattle are sensitive to such compounds. Further, the EPA label for the use of Ciodrin® states that it should not be used on cattle with *Bos indicus* blood, and, as noted above, Ciodrin® is approved only if used in accordance with the EPA label. Under these circumstances, no changes are made in the final rule based on the comment.

Also, it should be noted that the label for use of Ciodrin® states that it should not be used in a dip vat. Ciodrin® was intended to be sprayed on animals with a spray dip machine or a hand-held sprayer.

Prior to the effective date of this document, a technical reading of the regulations would have indicated that dipping could have been allowed only by immersing an animal in a chemical solution in a dip vat. However, the regulations have long been interpreted to also allow dipping to be accomplished by thoroughly wetting the entire skin of an animal with a chemical solution using a spray dip machine or a hand-held sprayer. Further, all three methods are widely used in the livestock industry and livestock treated by any of these methods are deemed by the industry to have been "dipped." Also, the chemical solution used in each case, whether it is used as a bath or a spray, is called a "dip."

Under these circumstances, changes are made to clarify that animals may be dipped by thoroughly wetting their entire skin by immersion in a chemical solution in a dip vat, or by thoroughly wetting their entire skin with a chemical solution using a spray dip machine or a hand-held sprayer.

Executive Order 12291 and Regulatory Flexibility Act

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

Additionally, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities because this action only provides for the use of an additional "permitted dip" as an option for treatment of cattle infested with or exposed to ticks.

Alternatives

Two alternatives were considered:

1. To list Ciodrin® as a permitted dip.
2. Not to list Ciodrin® as a permitted dip.

Alternative 1 is adopted because it provides another approved insecticide

for use as a "permitted dip" for cattle infested with or exposed to ticks. APHIS believes that as large a number of permitted dips as possible should be available to the industry in the interests of effective disease control. Choosing alternative 1, therefore, maximizes net benefits to society (i.e., the use of another effective insecticide) without any additional cost. If alternative 2 had been adopted, this insecticide, which has been proven effective against ticks and which has been registered for that use by EPA, could not be made available. This would be detrimental to ongoing efforts to eradicate Texas (Splenetic) Fever in cattle in the United States.

List of Subjects in 9 CFR Part 72

Animal diseases, Animal pests, Cattle, Quarantine, Transportation, Texas fever, Splenetic fever, Ticks.

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Accordingly, 9 CFR Part 72 is amended as follows:

§ 72.6 [Amended]

1. In § 72.6, "in a permitted dip" is changed to "with a permitted dip".

§ 72.7 [Amended]

2. In § 72.7, "in a permitted dip" is changed to "with a permitted dip".

3. In the first sentence of § 72.13(a), "in a permitted dip and at places where proper facilities are provided for dipping" is changed to "with a permitted dip and at places where proper equipment is provided for dipping".

4. In § 72.13(b), a new paragraph (4) is added to read as follows:

§ 72.13 Permitted dips and procedures.

* * * * *

(b) * * *

(4) Approved proprietary brands of organophosphorous insecticides (Ciodrin®) if used in a concentration of 0.44 to 0.54 percent and if used in accordance with the EPA approved label.

* * * * *

5. In the second sentence of § 72.13(c), "in a bath of definite strength" is changed to "with a solution of definite strength".

§ 72.16 [Amended]

6. In the second sentence of § 72.16, "a properly equipped dipping vat" is changed to "proper dipping equipment."

§ 72.18 [Amended]

7. In § 72.18 (a), (b), and (c), "when dipping facilities are not available", wherever it appears, is changed to "when dipping equipment is not available".

8. A new § 72.25 is added to read as follows:

§ 72.25 Dipping methods.

Dipping is accomplished by thoroughly wetting the entire skin by either immersion in a chemical solution in a dip vat, or by spraying with a chemical solution using a spray-dip machine or a hand-held sprayer.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–128, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 28th day of December, 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–312 Filed 1–3–85; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Parts 72 and 73

[Docket No. 84–110]

Coumaphos (Co-Ral®); Approval for Treatment of Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations by adding the flowable form of coumaphos (Co-Ral®) to the list of pesticides officially approved for the treatment of cattle prior to interstate movement to rid them of fever ticks and to rid them of scabies mites. This action is warranted since it has been determined that the flowable form of coumaphos is a safe and effective pesticide for such treatment of livestock.

EFFECTIVE DATE: February 4, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. G.O. Schubert, Special Diseases Staff, VS, APHIS, USDA, Federal Building, Room 820, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8438.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 72, among other things, regulate the interstate movement of certain cattle because of ticks which are vectors of splenetic or tick fever. Section 72.13(b) of the regulations sets forth certain permitted dips and procedures for the dipping of certain cattle before they are moved interstate in order to ensure that they are not infected with fever ticks. Also, the regulations in 9 CFR Part 73, among other things, regulate the interstate movement of certain cattle because of scabies, a contagious skin disease caused by mites. Section 73.10(a) of the regulations sets forth certain permitted dips for the treatment of cattle affected with or exposed to scabies.

A document published in the **Federal Register** on August 21, 1984 (49 FR 33134–33135) proposed to amend §§ 72.13(b) and 73.10(a) of the regulations by adding the flowable form of coumaphos (Co-Ral®) to the list of pesticides officially approved for the treatment of cattle prior to interstate movement to rid them of fever ticks and to rid them of scabies mites. Comments were solicited for 60 days after publication. No comments were received. The rationale set forth in the proposal still provides a basis for the amendments. Therefore, the regulations are amended as proposed.

Executive Order 12291 and Regulatory Flexibility Act

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

The regulations in 9 CFR Parts 72 and 73 already allow solutions of coumaphos (Co-Ral®) from the wettable powder form to be used for treatment of cattle prior to interstate movement to rid them of fever ticks and to rid them of scabies mites. This document allows solutions from the flowable form of coumaphos to be used for such purpose. It does not appear that this rule will have a significant effect on the amount of coumaphous used under the regulations in 9 CFR Parts 72 and 73.

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

List of Subjects

9 CFR Part 72

Animal diseases, Animal pests, Cattle, Quarantine, Splenetic fever, Texas fever, Ticks, Transportation.

9 CFR Part 73

Animal diseases, Animal pests, Cattle, Mites, Quarantine, Scabies, Transportation.

Accordingly, 9 CFR Parts 72 and 73 are amended as follows:

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

1. The authority for Part 72 reads as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791, secs. 1–4, 33 Stat. 1264, 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 7 CFR 2.17, 2.51, and 371.2(b).

§ 72.13 [Amended]

2. Paragraph (b)(2) of § 72.13 is amended by adding "or flowable form" after "wettable powder".

PART 73—SCABIES IN CATTLE

4. The authority for Part 73 reads as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 73.10 [Amended]

5. Paragraph (a)(3) of § 73.10 is amended by adding "or flowable form" after "wettable powder".

Done at Washington, D.C., this 28th day of December, 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–247 Filed 1–3–85; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 113

[Docket No. 84–103]

Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Feline Calicivirus Vaccine, Feline Rhinotracheitis Vaccine, Bursal Disease Vaccine, Pseudorabies Vaccines, Parvovirus Vaccines, Canine Parainfluenza Vaccine, and Tenosynovitis Vaccine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments codify in the regulations the Standard Requirements for evaluating Feline Calicivirus Vaccine, Feline Rhinotracheitis Vaccine, Bursal Disease Vaccine, Pseudorabies Vaccines, Parvovirus Vaccines, Canine Parainfluenza Vaccine, and Tenosynovitis Vaccine for purity, safety, potency, and efficacy. Such codification assures uniformity and general availability of such Standard Requirements to all licenses, applicants, and to the general public.

FOR FURTHER INFORMATION CONTACT: Dr. David F. Long, Chief Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 829, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8674.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This final rule contains no new or amended recordkeeping, reporting, or application requirements or any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "Nonmajor Rule."

The final rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing.

Background

Standard Requirements consist of test methods, procedures, and criteria established by Veterinary Services for evaluating biological products for purity, safety, potency, and efficacy. Until such Standard Requirements are developed by Veterinary Services and are codified in the regulations (9 CFR Part 113), the test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensees and are written into the applicable Outlines of Production which are required to be filed with Veterinary Services.

When Standard Requirements for a biological product have been developed by Veterinary Services, they are proposed for codification in the regulations.

Development of these standards is accomplished through cooperative efforts involving academic institutions, research organizations, licensees and applicants, and the National Veterinary Services Laboratories.

Each of the test methods proposed in these amendments has been used for evaluation of at least two currently licensed products.

Such codification assures uniformity and general availability of such Standard Requirements to all licensees, applicants, and to the general public.

These amendments contain the Standard Requirements for all licensed products containing live and modified live canine parainfluenza virus or tenosynovitis virus; modified live and killed pseudorabies virus or parvovirus; and killed feline calicivirus, feline rhinotracheitis virus, or bursal disease virus.

Comments Received

On May 21, 1984, a notice of proposed rulemaking was published in the **Federal Register** at 49 FR 21339 discussing this revision and soliciting comments.

Comments were received from eight licensed manufacturers and from National Veterinary Services Laboratories. None opposed adoption of the proposed amendment. The following is a discussion of the comments received regarding the proposed rulemaking.

Two licensees proposed deleting the restriction in 9 CFR 113.130, 113.131, 113.132, 113.133, and 113.134 which would limit vaccine to the fifth passage from Master Seed. Such limit is considered necessary to ensure that changes in immunogenicity through cultural passage of the viruses do not occur. One would be unlikely to detect small but significant changes in protective ability when using small numbers of animals or in vitro procedures in performing potency tests. The proposed fifth passage limit does not unduly restrict the amount of production seed which can be prepared without recourse to a new Master Seed. Therefore, the proposed deletion of the restriction was not accepted.