

general areas of planned activity, are given below.

The joint venture is comprised of MDPI and Hoffmann-La Roche Inc. The parties have agreed to collaborate on clinical studies to evaluate the effect of concomitant administration of DFMO (difluoromethylornithine) and interferon for the treatment of metastatic malignant melanoma, providing for the mutual exchange of all data from the collaborative studies.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-4002 Filed 2-15-85; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importer of Controlled Substances; Withdrawal of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)) and in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), a Notice of Application was published in *Federal Register*, Vol. 49, No. 87, Thursday, May 3, 1984, that Bio-Fine Pharmaceutical, Inc., 3600 Cambridge, Las Vegas, Nevada 89109, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Raw Opium (9600)—Schedule II
Opium Plant Form (9650)—Schedule II

Notice is hereby given that Bio-Fine Pharmaceuticals, Inc. has withdrawn said application.

Dated: February 8, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 85-3984 Filed 2-15-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 15, 1984, Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Sufentanil (9740)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than March 21, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

February 11, 1985.

[FR Doc. 85-3987 Filed 2-15-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR) this is notice that on October 15, 1984, Mallinckrodt, Inc., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Fentanyl (9801).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than (March 21, 1985).

Dated: February 8, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-3986 Filed 2-15-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Withdrawal of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR) a Notice of Application was published in the *Federal Register*, Vol. 49, No. 85, Tuesday, May 1, 1984, that Bio-Fine Pharmaceuticals, Inc., 3600 Cambridge, Las Vegas, Nevada 89109, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Codeine (9050)	Schedule II
Morphine (9300)	Schedule II
Opium Extracts (9610)	Schedule II
Opium Fluid Extracts (9620)	Schedule II
Tincture of Opium (9630)	Schedule II
Powdered Opium (9639)	Schedule II
Granulated Opium (9640)	Schedule II

Notice is hereby given that Bio-Fine Pharmaceuticals, Inc. has withdrawn said application.

Dated: February 8, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 85-3985 Filed 2-15-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in Washington, D.C. on March 4-5, 1985. The meeting will begin at 9:30 a.m., on Monday, March 4, in Room C-2318 of the Frances Perkins Building, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

The agenda will include reports on recent activities of OSHA and NIOSH and discussions of issues relating to these Agencies.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3662, Third Street and Constitution Avenue, N.W. 20210, Telephone: (202) 523-8024.

Official records of the meeting will be available for public inspection at the Division of Consumer Affairs.

Signed in Washington, D.C. this 15th day of February, 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85-4193 Filed 2-15-85; 10:21 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-35; Exemption Application No. D-5395 et al.]

Grant of Individual Exemptions; ESI Profit Sharing Retirement Plan and Trust, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the

notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

ESI Profit Sharing Retirement Plan and Trust (the Plan) Located in Portland, OR

[Prohibited Transaction Exemption 85-35; Exemption Application No. D-5395]

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 proposed sale, pursuant to the escrow arrangement described in the notice of proposed exemption, of certain employer real property by the Plan to Electro Scientific Industries, Inc., a party in interest with respect to the Plan, provided the terms of such transaction are at least as favorable to the Plan as those of similar 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 December 4, 1984 at 49 FR 47448.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Pension Plan for Employees of American Petrofina, Incorporated and Certain Subsidiaries (the API Plan) and Cosden Oil & Chemical Company Pension Plan (the Cosden Plan, Collectively the Plans); Located in Dallas, TX

[Prohibited Transaction Exemption 85-38; Exemption Application Nos. D-5464 and D-5465]

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: (1) The lease, entered into on July 12, 1984, by Trust Pipe Line Company (the TPLC Lease), a title holding company all of whose shares are owned by the Plans, with Cosden Oil & Chemical Company (Cosden), the sponsor of the Cosden Plan; (2) the leases, entered into on July 12, 1984, by River Pipe Line Company (the RPLC Leases), a title holding company all of whose shares are owned by the Plans, with Cosden; and (3) the guarantee of the TPLC Lease and RPLC Leases (the Leases) by American Petrofina, Incorporated, the sponsor of the API Plan and parent corporation of Cosden, provided that the terms and conditions of the Leases are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party.

Effective Date: The effective date of this exemption is July 12, 1984.

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 December 14, 1984 at FR 48825.

For Further Information Contact: Mr. David M. Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Newspaper Agency Corporation Pension Trust (the Plan) Located in Salt Lake City, UT

[Prohibited Transaction Exemption 85-37; Exemption Application No. D-5540]

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: (1) The continued leasing of certain improved real property (the Property) from the Plan to Newspaper Agency Corporation (the Employer), a party in interest with

respect to the Plan, (2) the guarantee by Kearns-Tribune Corporation and Deseret News Publishing Corporation of the Employer's obligation under such lease, and (3) the possible future sale of the Property by the Plan to the Employer pursuant to Articles 19 or 20 of such lease; provided the terms of each of these transactions are at least as favorable to the Plan as those the Plan could obtain in similar transactions with unrelated parties, and provided further that in the event of any such sale, the sales price is not less than the fair market value of the Property on the date of the sale, disregarding any reduction in value attributable to the Employer's rights under Articles 19 and 20 of such lease.

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 December 4, 1984 at 49 FR 47451.

Effective Date: This exemption is effective July 1, 1984.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

A.F. Abdullah, M.D., Pension Plan (the Plan) Located in Hagerstown, MD

[Prohibited Transaction Exemption 85-38; Exemption Application No. D-5678]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the borrowing by the Plan of the maximum loan values of life insurance policies held by the Plan on the lives of Plan participants, provided that the terms of and conditions of such loans are at least as favorable to the Plan as those it could obtain from an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 4, 1984 at 49 FR 47457.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a

fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) 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 12th day of February 1985.

Elliot L. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc. 85-3970 Filed 2-15-85; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-5228 and D-5229] et al.

Proposed Exemptions; Baton Rouge Building and Construction Industry 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) 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 Hearings Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include 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.