

designation as a "qualified herd." Further, it has been determined that the proposed procedures for converting "certified herds" to "qualified herds" should be adopted as proposed. In this regard, the Department reaffirms the following rationale stated in the proposal (48 FR 54640):

It has been determined that herds of cattle designated as "certified herds" would pose a risk of carrying brucellosis no greater than that of a "qualified herd" if the "certified herd" had been subjected to a herd blood test and found free of brucellosis within 120 days prior to or after the establishment of the quarantine. Therefore, it is proposed to amend the regulations to allow "certified herds" of cattle so tested and found free of brucellosis within 120 days prior to or after the establishment of the quarantine to be converted to "qualified herds."

Miscellaneous

This final rule also contains nonsubstantive changes for purposes of clarity.

Executive Order 12291 and Regulatory Flexibility Act

This final 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 an annual effect on the economy of \$100 million or more; will not cause any significant 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There are approximately 15,000 "certified herds" of cattle in the entire United States, compared with a total of approximately 1,700,000 herds of all types of cattle. Only a very small portion of these "certified herds" are located in any one State. Currently, no States are subject to a federal quarantine. However, if a federal quarantine were imposed on a State, or a portion thereof, it appears that only an insignificant number of owners of "certified herds" would convert their herds to "qualified herds."

Under these circumstances, Mr. Bert W. Hawkins, 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.

Alternatives

Consideration was given whether or not to establish a mechanism whereby "certified herds" of cattle could be converted to "qualified herds" if a federal quarantine is established. Such a mechanism is adopted because it will allow the deletion of unnecessary restrictions on the interstate movement from quarantined areas of cattle from "certified herds."

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as set forth below:

1. In § 78.1, paragraph (nn) is revised to read as follows:

§ 78.1 Definitions.

(nn) *Qualified herd.* (1) Any herd of cattle or bison in a quarantined area which is not known to be affected with brucellosis and which has been subjected to two consecutive official tests for brucellosis and found negative. The first of these two official tests of the herd shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a qualified herd. The second official test may not be conducted less than 90 days nor more than 150 days after the first test. Additionally, the second test must be within 120 days of the date of classification as a qualified herd. Certified brucellosis-free herds may qualify for classification as qualified herds by having a negative herd blood test 120 days prior to or after the establishment of a quarantine. (2) In order to remain a qualified herd, a herd must be subjected to successive requalifying official tests and found negative on each test. Each such requalifying test shall be conducted not more than 120 days from the date of the preceding official test. All cattle or bison added to a qualified herd must have been included in the preceding two official tests to qualify as cattle or bison from the qualified herd.

2. In § 78.12a, paragraph (a) is revised to read as follows:

§ 78.12a Cattle from quarantined areas.

(a) *Steers and spayed heifers.* Steers and spayed heifers may be moved interstate without restriction.

3. Section 78.12a is amended as follows: The references in paragraphs

(d)(1), (d)(2), and (d)(3) to "§ 78.1(u)" are amended to refer to "§ 78.1(n)"; the reference in paragraph (d)(1) to "§ 78.8(b)" is amended to refer to "§ 78.8(a)"; the reference in paragraph (d)(2) to "§ 78.8(a)" is amended to refer to "§ 78.8(b)"; and the reference in footnote 4 in paragraph (e) to "§ 78.1(o)" is amended to refer to "§ 78.1(n)".

§ 78.17 [Amended]

4. In § 78.17 the reference to "§ 78.1(u)" is amended to refer to "§ 78.1(n)".

Authority: Secs. 4, 5, 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1285, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 120, 121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 19th day of March 1985.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-6878 Filed 3-21-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 301

[Docket No. 50217-5017]

Duty-Free Entry of Scientific Instruments; Instruments and Apparatus for Educational and Scientific Institutions

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: In the existing regulations, public or private nonprofit institutions established for educational or scientific purposes wishing to make duty-free entry of a scientific instrument under tariff item 851.60 are required to make application on Form ITA-338P in seven copies.

In order to reduce the burden on applicants, we are amending the regulations to require only five copies of Form ITA-338P. We are also making conforming amendments.

DATE: March 22, 1985.

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

SUPPLEMENTARY INFORMATION: We are amending Part 301, Chapter III of Title 15 of the Code of Federal Regulations relating to our responsibilities under the Educational, Scientific, and Cultural

Materials Importation Act of 1966 (the "Act"; Pub. L. 89-651; 80 Stat. 897).

The amendments are for the purpose of reducing the paperwork required of the applicant institution seeking duty-free entry of scientific instruments and are thus in keeping with the Paperwork Reduction Act of 1980. The information collection is made under OMB approval number 0625-0037.

Inasmuch as these amendments are less burdensome and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary pursuant to the Administrative Procedure Act provisions of 5 U.S.C. 553. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

In accordance with Executive Order 12291 dated February 17, 1981, the Department of Commerce has determined that these rules do not constitute a "major rule" as defined by section 1(b) of the Order. They are not likely to result in:

- (1) Annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices in either the public or private sector; or
- (3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

List of Subjects in 15 CFR Part 301

Imports, Customs duties and inspection, Educational facilities, Nonprofit organizations, Administrative practice and procedure, Scientific equipment.

PART 301—[AMENDED]

For reasons set forth above, the following amendments of Part 301 are made:

1. Section 301.3 is amended by revising paragraphs (b), (d), and so much of paragraph (f) as is set forth below.

§ 301.3 Application for duty-free entry of scientific instruments.

(b) *Application forms.* Applications must be made on form ITA-338P which may be obtained from the Statutory Import Programs Staff, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, or from the various District Offices of the U.S. Department of Commerce. (Approved by the Office of Management and Budget under control number 0625-0037.)

(d) Five copies of the form, including relevant supporting documents, must be submitted. One copy of the form shall be signed in the original by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is familiar with the intended uses of the instrument. The remaining four copies of the form may be copies of the original. Attachments should be fully identified and referenced to the question(s) on the form to which they relate.

(f) Failure to answer completely all questions on the form in accordance with the instructions on the form or to supply the requisite number of copies of the form and supporting documents may result in delays * * *

2. In § 301.4, the first two sentences of paragraph (b) are revised to read as follows:

§ 301.4 Processing of applications by the Department of the Treasury (U.S. Customs Service).

(b) *Forwarding of applications to the Department of Commerce.* If the Commissioner finds the application to be within the scope of the Act and these regulations, the Commissioner shall (1) assign a number to the application and (2) forward one copy to the Secretary of the Department of Health and Human Services (HHS), and two copies, including the one that has been signed in the original, to the Director. The Commissioner shall retain one copy and return the remaining copy to the applicant stamped "Accepted for Transmittal to the Department of Commerce."

3. Section 301.5 is amended by revising the second sentence in paragraph (a)(2) and so much of the fourth sentence of paragraph (a)(3) as is shown below, to read as follows:

§ 301.5 Processing of applications by the Department of Commerce.

(a) * * *

(2) * * * Supplemental information/material requested under this provision shall be supplied to the Director in two copies within 20 days of the date of the request and shall be subject to the certification contained in Question 11 of the form. * * *

(3) *Requirement for presentation of views (comments) by interested persons.* * * * In order to be considered, comments and related attachments must be submitted to the Director in duplicate * * *

(Pub. L. 89-651; 80 Stat. 897)

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration.

February 13, 1985.

[FR Doc. 85-6855 Filed 3-21-85; 8:45 am]

BILLING CODE 3510-DS-M

RAILROAD RETIREMENT BOARD

20 CFR Part 227

Computation of Railroad Retirement Act Annuities

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board hereby adopts new Part 227 of its regulations, which explains how to compute a supplemental annuity as provided under section 2(b)(1) of the Railroad Retirement Act of 1974.

EFFECTIVE DATE: March 22, 1985.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 (312) 751-4935 (FTS 751-4935).

SUPPLEMENTARY INFORMATION: The Board hereby adds new Part 227, Computing Supplemental Annuities.

This change in the Board's regulations was published in the Federal Register as a proposed rule on September 7, 1983, and public comments were requested for a 60-day period. 48 FR 40390. The Board received no comments from the public on the proposed rule. The Board also published in the September 7, 1983 Federal Register a proposed new Part 225, Computation of Annuity; however, that proposed rule requires revision to conform to current law.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. In addition, this part does not impose any requirement for the collection of information within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 20 CFR Part 227

Retirement Railroad retirement, Railroad employees, Pensions, Employee benefit plans, Annuities.

Title 20 CFR Chapter II is amended by adding a new Part 227, reading as follows:

PART 227—COMPUTING SUPPLEMENTAL ANNUITIES

Sec.

- 227.1 Introduction.
227.2 Initial supplemental annuity rate.
227.3 Reduction for railroad retirement family maximum.
227.4 Reduction for employer pension.
227.5 Employer tax credits.

Authority: 45 U.S.C. 231b and 45 U.S.C. 231f.

§ 227.1 Introduction.

This part explains how to compute a supplemental annuity. A supplemental annuity is payable to an employee who meets the requirements in § 216.12 of this chapter.

§ 227.2 Initial supplemental annuity rate.

The supplemental annuity rate, before reduction for the railroad retirement family maximum or any private pension, is \$23 for an employee's first 25 years of service plus \$4 for each added year of service up to 30 years. The highest supplemental annuity rate is \$43 for an employee with 30 or more years of service.

§ 227.3 Reduction for railroad retirement family maximum.

If the railroad retirement family maximum applies, and the reduction amount is higher than the spouse tier II rate, as shown in Part 225 of this chapter, the initial supplemental annuity rate from § 227.2 is reduced by the smaller of—

- The difference between the total railroad retirement maximum reduction amount and the reduction in the spouse annuity; or
- The total supplemental annuity rate from § 227.2.

§ 227.4 Reduction for employer pension.

(a) *General.* The supplemental annuity for each month is reduced by the amount of any private pension the employee is receiving for that month based on the contributions of a railroad employer. This reduction is applied to the supplemental annuity amount after any reduction for railroad retirement family maximum. Private pension is explained in § 216.14 of this chapter.

(b) *Private pension reduced for supplemental annuity.* If the employer reduces the private pension for the employee's entitlement to the supplemental annuity, the reduced pension amount is subtracted from the supplemental annuity. However, the reduction in the supplemental annuity can be no greater than the difference between the supplemental annuity amount, after any reduction for railroad retirement family maximum, and the

amount the private pension is reduced for the supplemental annuity. This guarantees that the sum of the reduced supplemental annuity and the reduced employer pension is not less than the amount of the full employer pension.

Example: The full employer pension is \$80. This is reduced by \$35 because of the employee's entitlement to a supplemental annuity. The initial supplemental annuity rate is \$43.

Full employer pension	\$80
Reduction for supplemental annuity	-35
Reduced pension amount	45
Supplemental annuity	43
Reduced pension amount	-45
	0
Guarantee amount:	
Supplemental annuity	43
Reduction in private pension	-35
	8
Supplemental annuity	43
Reduction in private pension	-8
	35
Reduced supplemental annuity	35

The reduced supplemental annuity amount is \$35. This amount plus the reduced employer pension of \$45 equals \$80, the full amount of the employer pension.

(c) *Part of private pension based on employee contributions.* If the employer pension is based on both employer and employee contributions, a special formula is used to determine the amount to be subtracted from the supplemental annuity. The Board first computes the pension amount the employee's contributions could have purchased from a private insurance company. That amount is subtracted from the total employer pension. The result is the pension amount used to reduce the supplemental annuity.

§ 227.5 Employer tax credits.

Employers are entitled to tax credits if they pay non-negotiated pensions to former employees whose supplemental annuities are reduced because of the pensions. Non-negotiated pensions are paid under pension plans that are not established by collective bargaining agreements. The tax credits for each month equal the sum of the reductions for employer pensions in the supplemental annuities of all former employees for that month. The Board sends a report of total tax credits to each employer after the end of each calendar quarter. The credits are applied to the man-hour supplemental annuity tax the employer pays the Internal Revenue Service under section 3221 of the Railroad Retirement Tax Act.

Dated: March 12, 1985.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-6811 Filed 3-21-85; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Metal and Nonmetal Fire Prevention and Control Standards; Public Meetings

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public meetings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold two public meetings to answer questions about the Agency's new fire prevention and control safety standards which become effective on April 15, 1985.

DATES: The public meetings will be held on April 9, 1985 in Denver, Colorado and April 12, 1985 in Pittsburgh, Pennsylvania. Each meeting will begin at 9:00 a.m.

ADDRESSES: The public meetings will be held at the following locations:

1. April 9, 1985—U.S. Post Office; Main Office Building, Room 467; 1823 Stout Street; Denver, Colorado 80202.

2. April 12, 1985—U.S. Bureau of Mines Auditorium; 4800 Forbes Avenue; Pittsburgh, Pennsylvania 15213.

FOR FURTHER INFORMATION CONTACT: Frank Delimba, Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, (MSHA), phone (703) 235-8647.

SUPPLEMENTARY INFORMATION: On January 29, 1985, MSHA published a final rule in the Federal Register (50 FR 4022) revising its safety standards for fire prevention and control at metal and nonmetal mines. These standards will take effect on April 15, 1985. The final rule changed several provisions in the existing standards to accommodate advances in mining technology. In addition, alternative methods of compliance were provided for many standards. In response to requests from the mining community, MSHA has scheduled two public meetings to provide individuals with an opportunity to informally discuss the revised standards with representatives of the Agency. Each meeting is scheduled to begin at 9:00 a.m., local time.