The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for Part 558 is revised to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b), unless otherwise noted.

2. In § 558.625 by revising paragraph (b)(3) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(3) To 043733: 4 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 5, 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. May 3, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated April 26, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-10750 Filed 5-2-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Dale Alley Co., providing for manufacturing 5- and 20-gram-per-pound tylosin premixes. The premixes are used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1414.

SUPPLEMENTARY INFORMATION: Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, MO 64502, is sponsor of a supplement to NADA 96–512 submitted on its behalf by Elanco Products Co. The supplement provides for making 5- and 20-gram-per-pound tylosin premixes for subsequent addition to beef cattle, chickens, and swine feeds for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b), unless otherwise noted.

2. In § 558.625 by revising paragraph (b)(50) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(50) To No. 018083: 4 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 5, 8, 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date: May 3, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: April 26, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-10748 Filed 5-2-85; 8:45 am]

BILLING CODE 4160-01-M

AFRICAN DEVELOPMENT FOUNDATION

22 CFR Part 1501

Central Organization of the Foundation

AGENCY: African Development Foundation.

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Freedom of Information Act, this rule describes the central organization of the African Development Foundation, and the office and location at which the public may obtain information, make submittals or requests, or obtain decisions regarding the operations of the Foundation.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Magid, General Counsel, (202) 634–9853.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The African Development Foundation has determined that this rule is related to internal agency organization and is therefore not subject to OMB E.O. 12291 review.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the public.

Regulatory Flexibility Act of 1980

The President of the Foundation certifies that this rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 22 CFR Part 1501

Organizations and functions (Government agencies).

Accordingly, Part 1501 is added to 22 CFR Chapter XV to read as follows:

PART 1501—ORGANIZATION

Substantive Rule of General Applicability

Sec.
1501.1 Introduction.
1501.2 Background.
1501.3 Description of central organization and location of offices.
1501.4 Availability of information pertaining to Foundation operations.
1501.5 Substantive rules of general applicability.

Authority: 22 U.S.C. 290h, 5 U.S.C. 552.

Substantive Rule of General Applicability

§ 1501.1 Introduction.

The regulations of this part are issued pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. 552.

§ 1501.2 Background.

(a) The African Development Foundation ("ADF") is a wholly-owned corporation of the United States Government, created by the African Development Foundation Act (Title V, Pub. L. 96–533, 94 Stat. 3151 (22 U.S.C. 290h)). It is a non-profit, non-stock issuing, tax-exempt corporation, and is subject to Title I of the Government Corporation Control Act (31 U.S.C. 9101 et seq.).

(b) The primary function of ADF is to extend financial assistance in the form of grants, loans and loan guarantees to African private and public entities to support self-help activities at the local level in African countries, and to fund development research by Africans. Priority shall be given to projects which community groups undertake to foster their own development and which involve maximum feasible participation of the poor. The maximum assistance which may be extended for a single project is $250,000.

§ 1501.3 Description of central organization and location of offices.

(a) The management of ADF is vested in a Board of Directors (hereinafter referred to as the "Board") consisting of a Chairperson, a Vice Chairperson and five other members appointed by the President, by and with the advice and consent of the Senate. Five of the members are appointed from private life and two from among the officers and employees of agencies of the United States concerned with African affairs. The Board establishes policy for the Foundation and is responsible for its management.

(b) The Board is required to appoint a President of the Foundation upon such terms as it may determine. The President has responsibility for directing the day to day activities of the Foundation. He is assisted by a Vice President, a Congressional liaison officer, a Public Affairs officer, a General Counsel, and the following staff units:

(1) *Office of Administration and Finance.* This office is responsible for the management of the administrative, budgeting, financial and personnel activities of the Foundation.

(2) *Office of Research and Evaluation.* This office is responsible for evaluating, or assisting grantees to evaluate, ADF funded projects; for monitoring evaluations and analyses of grassroots projects conducted by other funding or research organizations; and for identifying and providing assistance to indigenous researchers in Africa working in development projects at the local level.

(3) *Office of Program and Field Operations.* This office is responsible for identifying, reviewing and monitoring projects funded by the Foundation.

(c) The Board is also required to establish an Advisory Council made up of individuals knowledgeable about development activities in Africa, and to consult with the Council at least once each year. The Council shall have not more than 25 members appointed for a period of two years with an option to be reappointed for an additional year.

(d) The Board of Directors and the aforementioned officers, together with the other employees of the Foundation, constitute the central organization of ADF, and are located and function at ADF headquarters, 1724 Massachusetts Avenue NW., Suite 200, Washington, D.C. 20036. It is anticipated that in the future a field organization will be established with offices in selected cities in Africa, but this has not yet occurred.

§ 1501.4 Availability of information pertaining to Foundation Operations.

Rules of procedure and forms used for the funding of ADF projects may be obtained upon application to the Office of Program and Field Operations at ADF headquarters, 1724 Massachusetts Avenue NW., Suite 200, Washington, D.C. 20036.

§ 1501.5 Substantive rules of general applicability.

ADF's regulations published under the provisions of the Administrative Procedure Act are found in Chapter XV of Title 22 of the Code of Federal Regulations and the **Federal Register.** These regulations are supplemented from time to time by amendments appearing initially in the **Federal Register.**

Dated: April 25, 1985.

Leonard H. Robinson, Jr.,

President, African Development Foundation.

[FR Doc. 85–10697 Filed 5–2–85; 8:45 am]

BILLING CODE 6117–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8014]

Income Tax—Energy Investment Credit for Leased Qualified Intercity Buses

Correction

In FR Doc. 85–7022, beginning on page 11852, in the issue of Tuesday, March 26, 1985, make the following correction:

On page 11853, second column, in the first line of the amendatory language, "Section 1.48–9(g)(8)" should have read "Section 1.48–9(q)(8)".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[OPTS–82020; FRL–2828–8]

Chemical Information Rules; Health and Safety Data Reporting Urea-Formaldehyde Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding the chemical substances known generically as urea-formaldehyde resins (UF resins) to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information rule (PAIR). EPA is also adding UF resins to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of TSCA. The specific chemicals subject to these rules are: urea, polymer with formaldehyde (CAS Number 9011–05–6), and urea, reaction product with formaldehyde (CAS Number 68611–64–3). Thirty days after publication of this rule, UF resins will become subject to 40 CFR Parts 712 and 716.

EFFECTIVE DATE: This regulation becomes effective on June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of

Toxic Substances, Environmental Protection Agency, Room E-543, 401 M Street 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: OMB Control Numbers 2000-0420 and 2070-0004.

I. Background

A. Statutory Framework

EPA believes that the Interagency Testing Committee (ITC) designation of methylolurea in its Twelfth Report was actually a recommendation to test UF resins. The substance investigated by the ITC was a material referred to as "methylolurea", but was in fact a brand of UF resin. EPA is therefore considering UF resins to be the substance designated by the ITC.

Under section 8(a) of TSCA, EPA issued PAIR, which was published in the **Federal Register** of June 22, 1982 (47 FR 26992), for reporting by chemical manufacturers. Those companies which manufactured, produced, or imported one of the approximately 250 chemical substances listed were to report general production, use, and exposure data to the Agency by November 19, 1982. This rule is codified at 40 CFR Part 712. An amendment to the rule, published in the **Federal Register** of May 11, 1983 (48 FR 21294), added 40 CFR 712.30(c) which provides that chemicals designated by the ITC may be made subject to the rule by publication of a regulation to that effect in the **Federal Register.**

EPA issued regulations under section 8(d) of TSCA, which were published in the **Federal Register** of September 2, 1982 (47 FR 38780), to require submission of lists and copies of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. Other persons in possession of such studies may be asked to submit them on a voluntary basis. The rule established standardized reporting requirements and provides for amending the list of chemicals subject to the rule. This rule is codified at 40 CFR Part 716. Section 716.18(b) of the rule provides that chemicals designated by the ITC for testing consideration may be made subject to the rule by the publication of a regulation to that effect in the **Federal Register.**

B. Reason for Identifying UF Resins

The ITC, in its Twelfth Report to the Administrator of EPA, published in the **Federal Register** of June 1, 1983 (48 FR 24443), recommended that methylolurea be considered for health effects testing. EPA issued rules adding the chemical methylolurea (CAS Number 1000-82-4) to 40 CFR Part 712 on June 22, 1983 (48 FR 28443) and to 40 CFR Part 716 on June 1, 1983 (48 FR 24366). It was apparent to EPA from submissions received under these rules that the methylolurea product reported on was actually a brand of UF resin.

The ITC's recommendation was based on the misconception that methylolurea is a monomer used in the production of UF resins and controlled release fertilizers. Actually the product "methylolurea", which the ITC identified on the TSCA Inventory, and based its recommendations on, is not the isolated monomer methylolurea but a UF resin product.

Urea-formaldehyde resins are the products which result when urea and formaldehyde are combined in aqueous solution. The components of UF resins are the monomeric and oligomeric reaction products of urea and formaldehyde. Methylolurea is one of many reaction products formed, all of which coexist in a dynamic equilibrium.

Although the ITC Report gives specific data for the chemical species methylolurea, the CAS Number (1000-82-4) given actually refers to material which is a reaction product of urea and formaldehyde, and not the chemical species methylolurea. This "methylolurea" product is indistinguishable from other UF resins. A representative of one of the companies which reported manufacturing methylolurea to the TSCA Inventory stated that the particular product it reported as "methylolurea" does not contain analytically detectable levels of the chemical species methylolurea, and that "methylolurea" was a sales term for certain UF resins.

In addition, the ITC's testing recommendation was based on the positive results observed in two genotoxicity studies which were conducted on a material called UF precondensate (another term for a UF resin). The ITC referred to this material as "methylolurea". Because the ITC actually evaluated a UF resin product and based its recommendation on tests conducted on UF resins, EPA believes the ITC recommendation was actually a recommendation to test UF resins.

EPA issued an Advance Notice of Proposed Rulemaking (ANPR) which was published in the **Federal Register** of May 21, 1984 (49 FR 21371), stating EPA's tentative conclusion that health effects testing for UF resins is warranted under section 4(a) of TSCA. The ANPR met EPA's statutory requirement under section 4(e) of TSCA to initiate a rulemaking under section 4(a) of TSCA for ITC designated substances within 1 year of designation. In that ANPR, EPA stated the belief that the ITC recommendation to test methylolurea was in fact a recommendation to test UF resins. Seven persons submitted comments on that ANPR. None of the comments disagreed that the ITC's designation of methylolurea was a designation of UF resins. One comment agreed with EPA's conclusion, stating "* * * the ITC's designation of methylolurea was imprecise, in that methylolurea exists as an unisolated intermediate in the production of urea-formaldehyde (UF) resins."

C. Reasons for Proposing This Rule

In the May 21, 1984 ANPR, EPA solicited data on exposure, production, and environmental release levels of UF resins. One of the commenters submitted a study it sponsored on occupational exposure to uncured UF resins in seven industries. At the present time, EPA believes that the results summarized in this occupational exposure study provide sufficient information on most routes of worker exposure to UF resins at UF resin manufacturer and processor sites. However, the report does not contain sufficient information on production and environmental release levels of UF resins at manufacturing and importing facilities to allow the Agency to fully evaluate all possible routes of exposure to UF resins. In the ANPR, EPA indicated that it was considering developing a regulation under section 8(a) of TSCA if adequate exposure data were not received in response to the ANPR. Because sufficient data on production and environmental release at UF resin importing and manufacturing facilities were not received, EPA is requiring reporting under TSCA section 8(a) from manufacturers and importers of UF resins.

EPA also solicited data on the health effects, chemical fate, and environmental fate of UF resins in the May 21, 1984 ANPR. The Agency indicated that it was considering developing a regulation under section 8(d) of TSCA if sufficient health and safety data were not received. In response to that request for data, the Agency received only a few reports, and the majority of these reports were reprints or abstracts of articles in the published literature. These data are insufficient for the Agency to evaluate the health and environmental characteristics of UF resins. Therefore, EPA is now requiring reporting of all unpublished health and safety data on

UF resins from chemical manufacturers and processors under section 8(d) of TSCA.

II. Chemicals To Be Added

The chemicals for which reporting is required under this rule are as follows:

CAS No.	Name
9011-05-6	Urea, polymer with formaldehyde.
68611-64-3	Urea, reaction product with formaldehyde.

Synonyms listed in the TSCA Inventory for the chemical substance identified by CAS Number 9011-05-6 include: Methylolurea resin, urea-formaldehyde adduct, urea-formaldehyde condensate, urea-formaldehyde copolymer, urea-formaldehyde polymer, urea-formaldehyde precondensate, urea-formaldehyde prepolymer, urea-formaldehyde resin, urea-formaldehye resin UST, and urea-paraformaldehyde polymer. There are no known names for UF resin identified by CAS Number 68611-64-3 other than urea, reaction product with formaldehyde. The manufacture or import of a urea-formaldehyde resin not listed on the Inventory requires the submission of a premanufacture notice under section 5(a)(1) of TSCA.

III. Reporting Requirements

All persons who manufactured or imported a urea-formaldehyde resin during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturers Report (EPA Form No. 7710-35) for each importing or manufacturing site which produces a subject chemical substance. A separate form must be completed for each UF resin, if more than one type of resin is produced, and submitted to the Agency no later than August 1, 1985. Copies of the form are available from the TSCA Assistance Office at the address given above.

Manufacturers who qualify as small with respect to the previously prescribed standards are exempt from this rule under 40 CFR 712.25(c).

Under § 712.30(a)(3) of the Preliminary Assessment Information rule, a company which has voluntarily submitted a Manufacturer's Report to the ITC will be allowed to submit a copy of the original report to EPA. Also under § 712.30(a)(3), persons who previously and voluntarily provided EPA with a Manufacturer's Report on a urea-formaldehyde resin listed in § 712.30(a) must notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission and must follow all other procedures outlined in that section.

This regulation adding UF resins to 40 CFR 716.17 constitutes the notice required by 40 CFR 716.18(b). That paragraph states that substances and designated mixtures designated by the ITC for testing consideration become subject to the section 8(d) rule 30 days after publication in the **Federal Register**. On June 30, 1985, UF resins will become subject to 40 CFR Part 716, Subpart A.

At that time, persons who have manufactured or processed, or have proposed to manufacture or process UF resins during the ten year period ending June 3, 1985 will be required to submit to EPA copies of unpublished health and safety studies in their possession. Persons manufacturing or processing or proposing to manufacture or process UF resins as of June 3, 1985 must submit to EPA lists of all health and safety studies that are ongoing at that date. Persons who initiate studies after August 1, 1985 must notify EPA within 30 days of initiating the study, and submit a copy of the study to the Agency when the study is completed. Copies of studies and lists must be submitted to EPA no later than August 1, 1985.

Any person who believes that reporting on a chemical is unnecessary should promptly submit to the Agency the reasons in detail for that belief. The chemical may then be removed from the rule at the Agency's discretion for good cause. When withdrawing a chemical from the rule, the Agency will issue a rule amendment for publication in the **Federal Register**.

IV. Release of Aggregate Data

The Agency will follow the procedures for release of aggregate data and requesting exemptions from release of aggregate statistics as prescribed in the rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Requests for exemptions from release of aggregate data for any substance must be received by EPA no later than August 1, 1985.

V. Economic Impact

A. Preliminary Assessment Information Rule

Employing the analysis prepared for the Preliminary Assessment Information rule published in the **Federal Register** of June 22, 1982, as well as other relevant data, the Agency has estimated the impact of the addition of these chemicals on the firms that must report and upon the Agency in terms of data processing costs.

The Agency used the TSCA Inventory and other published material to generate a list of manufacturers and importers of the subject chemicals. After excluding small manufacturers, 104 companies operating 166 sites were identified as manufacturers or importers of UF resins.

The costs for reporting are broken down as follows:

Reporting Cost (dollars)	
(a) 166 reports expected at $707 per report	$117,400
(b) 166 familiarization cases at $590 per case	97,900
Total	215,300
Average cost per site equals	1,300
Average cost per firm equals	2,100
Reporting Burden (hours)	
(a) Familiarization (18 hours per site times 166 sites)	2,900
(b) Reporting (16 hours per report times 166 reports)	2,660
Total	5,650
EPA Cost (dollars)	
Processing cost ($80 per report times 166 reports)	13,200

B. Health and Safety Rule

EPA estimates that submitting the required data on UF resins will cost industry approximately $57,000. This estimate is based on an expected maximum of 324 firms (manufacturers, importers, and processors) who may be subject to the rule and who will need to perform an initial review to determine if they are subject to the rule. Based upon previous section 8(d) submissions, EPA expects that only 5 of these firms will in fact be subject to the section 8(d) rule, and that these 5 firms will submit a total of 5 lists of studies and 44 copies of studies. EPA's estimate for ongoing reporting is one study for one firm for each year.

The costs for reporting are broken down as follows:

Initial review (324 firms)	$49,248
Corporate review (5 firms)	1,140
File search (5 firms)	2,205
Title listing (5 firms)	95
Photocopying (5 firms)	453
Managerial review (5 firms)	3,344
Ongoing reporting (1 firm)	456
Total	$56,941

VI. Rulemaking Record

EPA has established a public record (docket number OPTS-82020) for this rulemaking document. All documents, including the index to this public record, are available for inspection in the OTS Reading Room, Rm. E-107, 401 M Street SW., Washington, D.C. from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. This record includes basic information considered in developing this rule.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements 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] for review, because the automatic listing of designated substances is provided for in 40 CFR 712.30(c) and 40 CFR 716.18(b). Those final rules have been previously reviewed by OMB under the terms of the Executive Order.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), EPA certifies that this rule will not have a significant impact on a substantial number of small businesses.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the 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 2000-0420 and 2070-0004.

(Secs. 8(a) and 8(d), 90 Stat. 2027, 2029; 15 U.S.C. 2607 (a) and (d))

List of Subjects in 40 CFR Parts 712 and 716

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

Dated: April 23, 1985.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 712—[AMENDED]

Therefore, 40 CFR Chapter I is amended as follows:

1. The authority citation for Part 712 is revised to read as set forth below and the authority citation following § 712.30 is removed.

Authority: 15 U.S.C. 2601 *et seq.*

2. In Part 712, by adding § 712.30(n) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(n) A Preliminary Assessment Information Manufacturer's Report must be submitted by August 1, 1985, for each chemical substance listed in this paragraph.

CAS No.	Name
9011-05-6	Urea, polymer with formaldehyde.
68611-64-3	Urea, reaction product with formaldehyde.

* * * * *

3. The authority citation for Part 716 is revised to read as set forth below and the authority citation following § 716.17 is removed.

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

4. In Part 716, by adding § 716.17(a)(11) to read as follows:

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

(a) * * *

(11) As of June 3, 1985, the following chemical substances are subject to this Subpart A.

CAS No.	Name
9011-05-6	Urea, polymer with formaldehyde.
68611-64-3	Urea, reaction product with formaldehyde.

* * * * *

[FR Doc. 85-10656 Filed 5-2-85; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 50, No. 86
Friday, May 3, 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 52

United States Standards for Grades of Canned Clingstone Peaches

Correction

In FR Doc. 85-9186, beginning on page 15160, in the issue of Wednesday, April 17, 1985, make the following correction:

1. On page 15162, the fourth line of the third column in § 52.2572(c)(1) should have read: " 'fairly good color': Provided, That in all containers".

2. On page 15166, in the first column, the next to the last line of § 52.2575(c)(1) should have read: "count: Provided, That the appearance or eating quality, or both, is not affected materially by the character of ".

3. On page 15166, second column, in the sixth line of § 52.2575(f) "standards" should have read "substandard".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 84-087]

Importation of Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The regulations governing the importation of animals and animal products provide, with certain exceptions, that birds imported from any part of the world shall be quarantined in the United States as a condition of entry into the United States. The quarantine requirements were established to help ensure that birds imported into the United States are free of communicable diseases and poultry. This document proposes to amend the regulations by establishing provisions to allow birds originating in the United States and the offspring from such birds to be imported into the United States from an approved breeding facility, without quarantine in the United States, under specified conditions. It appears that the provisions set forth in the proposal could be used in lieu of the quarantine provisions without increasing the risk of the introduction of communicable diseases of poultry into the United States.

DATE: Written comments must be received on or before June 3, 1985.

ADDRESS: Written comments concerning this proposed rule should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel S. Richeson, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (referred to below as the regulations) contain provisions concerning the importation of birds into the United States. Section 92.11(e) of the regulations provides, with certain exceptions, that each lot of pet birds, commercial birds, zoological birds, or research birds imported from any part of the world shall be entered at certain ports and quarantained at a United States Department of Agriculture quarantine facility or at a privately-operated quarantine facility approved by the Deputy Administator for Veterinary Services. The quarantine requirements were established to help ensure that birds imported into the United States are free from exotic Newcastle disease, forms of avian influenza lethal to poultry, and other communicable diseases of poultry.

Persons associated with the commercial bird industry have requested that the Department establish regulations to allow birds to be imported into the United States without quarantine in the United States if from a closed breeding facility containing only birds that originated in the United States and the offspring from such birds.

This document proposes to amend the regulations by establishing provisions to allow birds originating in the United States and the offspring from such birds to be imported into the United States from an approved closed breeding facility, without quarantine in the United States, under specified conditions set forth in the rule portion of this document.

The proposal includes provisions designated to ensure that birds shipped from the United States to the closed breeding facility have originated in the United States, that the birds are free of communicable diseases of poultry at the time of shipment, that identification of the birds is maintained during shipment, and that the birds do not become infected with communicable diseases of poultry during shipment.

The proposal also includes provisions designed to ensure that an approved closed breeding facility contains only birds that originated in the United States or are offspring hatched in the facility, that the facility would be operated under conditions adequate to prevent the introduction into the facility of communicable diseases of poultry, that any communicable diseases of poultry that might be introduced into the facility would be quickly detected, that birds at the facility or during shipment from the facility to the United States do not become exposed to communicable diseases of poultry, and that the identification of the birds is maintained at the facility and during shipment to the United States. The requirements for an approved closed breeding facility are the same or similar to requirements for an approved privately operated bird quarantine facility in the United States. Differences reflect that requirements for an approved closed breeding facility are designed primarily to prevent the introduction of diseases into the facility while requirements for an approved privately operated bird quarantine facility in the United States are designed primarily to prevent the spread of disease from the facility.

The proposal also includes provisions stating that the operator of the facility shall bear the costs associated with the construction, maintenance and operation of the facility, and the costs of services relating to the facility provided

by Veterinary Services. In addition, the proposal includes provisions for obtaining approval of closed breeding facilities, and for denying or withdrawing approval of such facilities.

It appears that the provisions set forth in the rule portion of this document could be used in lieu of the quarantine provisions without increasing the risk of introduction of communicable diseases of poultry into the United States.

Also, it should be noted that the proposed regulations contain provisions for treating psittacine birds and other birds housed or shipped with psittacine birds with feed containing chlortetracycline (CTC). This is necessary as a preventive measure against chlamydiosis (psittacosis, ornithosis), a communicable disease of birds and poultry and also a disease which can be transmitted to humans. Although chlamydiosis can be spread to birds other than psittacine birds, psittacines are the primary carriers of the disease, and it appears that these proposed treatments would be adequate to protect against chlamydiosis.

Executive Order 12291 and Regulatory Flexibility Act

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

If the proposed rule is adopted, the raising and selling of birds imported into the United States from closed breeding facilities would compete on the market with birds raised in the United States. It is anticipated that the number of birds imported into the United States from closed breeding facilities would be insignificant compared with the total number of similar types of birds raised and sold in the United States.

Accordingly, 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.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, D.C. 20503. A duplicate copy of such comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Therefore, it is proposed to amend 9 CFR Part 92 as follows:

1. The authority citation for § 92.11 would be revised to read as follows:

Authority: 21 U.S.C. 111, 134a, 134b, 134c, 134d, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (e) of § 92.11 would be redesignated as paragraph (e)(1) and a new paragraph (e)(2) would be added to read as follows:

§ 92.11 Quarantine requirements.

* * * * *

(e) * * *

(2) Birds imported from an approved closed breeding facility shall be exempt from the provisions of paragraph (e)(1) of this section if all of the following conditions have been met:

(i) If the birds are banded with a legband pursuant to paragraph (h)(4) of this section;

(ii) If the birds had been maintained together in a separate enclosure from other birds in the closed breeding facility for at least 30 days prior to shipment to the United States port of entry;

(iii) If the birds had been shipped by air directly from the country in which the closed breeding facility is located to the United States port of entry;

(iv) If the birds had been moved from the closed breeding facility to the airplane for shipment to the United States port of entry under the direct supervision of a salaried veterinarian of the national veterinary services of the country in which the closed breeding facility is located;

(v) If the birds had been moved only on an airplane containing no other birds or poultry;

(vi) If the birds had no contact with poultry or other birds from the time they left the closed breeding facility until entry into the United States;

(vii) If within 21 days prior to shipment to the United States, cloacal samples from all the birds in the shipment, or 150 birds in the shipment, whichever is fewer, had been submitted to the National Veterinary Services Laboratories, Ames, Iowa, by a salaried veterinarian of the national veterinary services of the country in which the facility is located and had tested negative for exotic Newcastle disease and forms of avian influenza lethal to poultry using standard virus isolation procedures (the samples shall have been collected within 28 days prior to shipment);

(viii) If within 21 days prior to shipment to the United States, necropsy samples from lung, trachea, terminal gut, and spleen from all birds maintained in the separate enclosure that died, or 30 birds maintained in the separate enclosure that died, whichever is fewer, had been submitted to the National Veterinary Services Laboratories, Ames, Iowa, by a salaried veterinarian of the national veterinary services of the country in which the closed breeding facility is located and had tested negative for exotic Newcastle disease and forms of avian influenza lethal to poultry using standard virus isolation procedures (the samples shall be from birds maintained in the separate enclosure that died between 30 and 21 days prior to shipment to the United States);

(ix) If for not less than 30 days immediately prior to shipment to the United States all psittacine birds in the shipment and all non psittacine birds in the shipment that had been housed in the same building with psittacine birds at the closed breeding facility had a balanced, medicated feed ration treatment consisting of bird seed coated with not less than .5 mg chlortetracycline (CTC) per gram of seed (for birds 9 inches in length or less measured from the forehead to the end of the tail) or a balanced, medicated feed ration treatment containing not less than 1 percent chlortetracyline (CTC)

with not more than 0.7 percent calcium (for birds more than 9 inches in length measured from the forehead to the end of the tail); and

(x) If all birds in the shipment that die enroute from the closed breeding facility to the United States port of entry are made available to an inspector at the United States port of entry; and

(xi) If, based on port of entry inspection and all other information available there is no evidence to indicate that any bird in the shipment has any communicable disease of poultry.

* * * * *

2. A new paragraph (h) would be added to § 92.11 to read as follows:

§ 92.11 Quarantine requirements.

* * * * *

(h) *Standards for an approved closed breeding facility for birds.* To qualify for designation as an approved closed breeding facility for birds and to retain such approval, the facility and its maintenance and operation must meet the requirements of this section: *Provided, however,* That approval of any closed breeding facility shall be contingent upon a determination made by the Deputy Administrator, Veterinary Services, that adequate Veterinary Services personnel are available to provide services required by the facility. The cost of the facility and all costs associated with the maintenance and operation of the facility shall be borne by the operator.

(1) *Supervision of the facility.* The closed breeding facility shall be maintained under the supervision of Veterinary Services personnel and a salaried veterinarian of the national veterinary services of the country in which the facility is located. The salaried veterinarian of the national veterinary services of the country in which the facility is located shall inspect the facility at least once each calendar week to determine whether the facility is operating in compliance with the applicable regulations in this part.

(2) *Physical plant requirements.* The closed breeding facility shall comply with the following requirements:

(i) *Location.* The facility shall be located at least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or pet shops containing poultry or birds. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration.

(ii) *Construction and related provisions.* (A) The building or buildings housing birds in the facility shall:

(*1*) Be constructed only with materials that can withstand continued cleaning and disinfection and prevent escape or accidental entry of birds (All walls, floors, and ceilings shall be impervious to moisture; all openings to the outside shall be screened with double layers of insect-proof metal or plastic mesh; and a bird escape-proof barrier screen of not greater than ½ inch hardware cloth shall be placed between the birds and the insect-proof screening);

(*2*) Have bird holding areas of sufficient size to contain intended shipments of birds without overcrowding of the birds (All access into a holding area shall be from within the building and each entryway into such area shall be equipped with self-closing, double doors: *Provided,* That if emergency exits to the outside are required by local fire ordinances, such exits may exist in a bird holding area if constructed so as to allow their opening from the inside of the building only);

(*3*) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the health of the birds;

(*4*) Have a vermin-proof feed storage area.

(*5*) Have a T.V. monitoring system or a window or windows sufficient to provide a full view of the facility, excluding the clothes changing areas, shower and restrooms.

(B) The closed breeding facility shall:

(*1*) Have office space for recordkeeping;

(*2*) Have a necropsy room containing a necropsy table, a hood with a viewing window over the table, refrigerated storage space for carcasses retained for laboratory examination, and other equipment adequate for specimen preparation and carcass disposal;

(*3*) Have a supply of water adequate to meet all watering and cleaning needs;

(*4*) Have a separate area for washing facility equipment;

(*5*) Have a shower at the entrance into the facility and have a clothes storage and change area at each end of the shower area;

(*6*) Have a receptacle for soiled and contaminated clothing in the clothes change area nearest to the bird holding areas;

(*7*) Have permanent restrooms at each end of the shower area;

(*8*) Have a storage area for equipment necessary for the facility operations; and

(*9*) Be enclosed by a chain link security fence of a minimum of 11½ gauge wire which is at least 6 feet high.

(3) *Operational procedures.*

(i) The facility shall be maintained in a clean, sanitary condition, and shall have equipment, including insect and pest control equipment and cleaning and disinfecting equipment, adequate for such purpose; and after removal of all birds from a holding area, the holding area shall be thoroughly cleaned and disinfected with a disinfectant as provided in § 71.10(a)(5) of this chapter, under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located.

(ii) Waste material from the facility shall be bagged in leakproof bags. Such material shall be handled in a manner that spoilage is kept to a minimum and control of pests is maintained. Such material shall be disposed of by incineration, or burial, or by public sewer or other method authorized by the Deputy Administrator, Veterinary Services. The disposition of such material shall be under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located.

(iii) Surface drainage onto or from the facility shall be controlled to prevent any disease agent from entering.

(iv) The facility shall have protective clothing and footwear adequate to ensure that workers at the facility have clean clothing and footwear at the start of each workday and at any time such articles become soiled or contaminated.

(v) A guard shall be posted at the facility at all times other authorized persons are not present at the facility to prevent contact of birds in the facility with persons not authorized entry to the facility and with other birds and animals. A daily log shall be maintained to record the entry and exit of all persons entering the facility.

(vi) The operator shall allow the unannounced entry into the facility of Veterinary Services personnel, salaried veterinarians of the national veterinary services of the country in which the facility is located, or other persons authorized by the Deputy Administrator, Veterinary Services, for the purpose of inspecting birds in the facility and the operations at the facility and to ascertain compliance with the regulations in this part. Otherwise, access to the facility shall be granted only to persons working at the facility, or to persons specifically granted such access by a salaried veterinarian of the national veterinary services of the country in which the facility is located.

(vii) All persons granted access to a bird holding area shall:

(A) Wear clean protective clothing and footwear upon entering a bird holding area;

(B) Change protective clothing and footwear when they become soiled or contaminated;

(C) Shower when entering and when leaving the facility; and

(D) Have no contact with poultry or other birds outside the facility (except cooked products) for at least 3 days prior to entering the facility.

(viii) The operator of the facility shall handle soiled clothing worn within the facility in a manner approved by the Deputy Administrator, Veterinary Services, as adequate to preclude transmission of poultry disease agents into the facility.

(ix) The operator shall furnish a telephone number or numbers to Veterinary Services at which the operator can be reached on a daily basis or furnish the same for an agent or representative who can act and make decisions on the operator's behalf.

(x) The operator of the facility shall provide Veterinary Services a current list of the legal names and residential addresses of designated personnel employed at the facility who will be used to handle and care for birds in the facility. Additions to the designated personnel list shall be given in advance of such persons working in the facility.

(xi) The operator of the facility shall furnish to Veterinary Services a signed statement from each of the designated personnel employed at the facility which provides that such personnel agree that for a period of 3 days prior to any contact with birds in the facility, such personnel will refrain from having contact with poultry and other birds (other than cooked products).

(4) *Procedures concerning birds.*

(i) The facility shall contain only birds that originate in the United States and the offspring of such birds that were hatched in the facility, and shall not contain any birds that have been removed from the facility.

(ii) Birds shipped to the facility from the United States shall be shipped directly by air (without changing planes) from the United States port of embarkation to the port of entry in the country in which the facility is located. Upon arrival in the country in which the facility is located such birds shall be moved to the facility under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located. Prior to shipment from the United States such birds shall be banded with a serially numbered legband which has been coded to the facility. The legband shall be supplied by the operator of the facility and must be approved by the Deputy Administrator, Veterinary Services, upon written request. Each shipment of birds from the United States to the facility shall be accompanied by a certificate issued by an accredited veterinarian and endorsed by an authorized Veterinary Services veterinarian in the State of origin. The certificate shall state species, breed, and number of birds; legband numbers; that all birds covered by the certificate have been inspected by the accredited veterinarian and that no evidence of Newcastle disease, chlamydiosis (psittacosis, ornithosis), or other communicable disease of poultry was found among the birds; and that insofar as has been possible to determine, the birds were not exposed to any such diseases during the 90 days immediately preceding their exportation from the United States; that such birds were placed into new containers at the premises from which the birds are to be exported from the United States; that such birds have not been vaccinated; that Newcastle disease did not occur anywhere on the premises from which such birds are to be exported from the United States or on adjoining premises during the 90 days immediately preceding the exportation from the United States of such birds and that these premises are not located in any area under quarantine for poultry diseases at any time during such preceding 90 days.

(iii) The facility operator, under the supervision of a salaried veterinarian of the national veterinary services of the country in which the facility is located, shall individually band each bird hatched in the facility within 30 days after hatching, with a serially numbered legband which has been coded to the facility. The legbands shall be supplied by the operator of the facility. The legbands must be approved by the Deputy Administrator, Veterinary Services, upon written request from the operator of the facility.

(iv) Within 7 to 15 days of arrival of any shipment of birds at the facility, a salaried veterinarian of the national veterinary services of the country in which the facility is located shall collect cloacal swabs of all birds in the shipment or 150 birds in the shipment, whichever is fewer, and submit the samples to the National Veterinary Services Laboratories, Ames, Iowa. The samples shall be tested for Newcastle disease and forms of avian influenza lethal to poultry, using standard isolation procedures.

(v) All psittacine birds shipped to the facility and all non psittacine birds shipped to the facility accompanied by psittacine birds shall for not less than 30 days upon entering the facility receive a balanced, medicated feed ration treatment consisting of bird seed coated with not less than .5 mg chlortetracycline (CTC) per gram of seed (for birds 9 inches in length or less measured from the forehead to the end of the tail) or a balanced, medicated feed ration treatment containing not less than 1 percent chlortetracycline (CTC) with not more than 0.7 percent calcium (for birds more than 9 inches in length measured from the forehead to the end of the tail).

(vi) All birds entering the facility shall be kept in a separate enclosure from other birds in the facility for at least 30 days.

(vii) The facility operator shall immediately collect all birds which are dead upon entry into the facility or die while housed in the facility and hold them under refrigeration within the facility, shall account for all birds in the facility, and shall not dispose of any carcass or parts thereof unless authorized to do so by a salaried veterinarian of the national veterinary services of the country in which the facility is located. Birds that die enroute to the facility or while in the facility shall be inspected by a salaried veterinarian of the national veterinary services of the country in which the facility is located who may submit specimens from such birds to the National Veterinary Services Laboratories, Ames, Iowa, for laboratory examination.

(viii) Any birds in the facility shall be subjected to such tests and procedures as are required in specific cases by Veterinary Services personnel or by a salaried veterinarian of the national veterinary services of the country in which the facility is located to determine if the birds are free from communicable diseases of poultry.

(5) *Records.* The operator of the closed breeding facility shall maintain a current daily log concerning all birds in the facility, recording such information as the general condition of the birds, number of birds that die, number of birds that enter the facility (including a separate count of those arriving dead), and number of birds that leave the facility. The operator of the facility shall also maintain copies of certificates accompanying birds pursuant to this section and pursuant to § 92.5 of this part. The daily log and copies of certificates shall be maintained by the operator of the facility for a minimum of 12 months. Any daily logs and copies of certificates kept by the facility shall be made available to Veterinary Services personnel upon request.

(6) *Payment for services required by operator of approved closed breeding*

facility. When a closed breeding facility is approved by the Deputy Administrator, Veterinary Services, as provided in this section, a Trust Fund Agreement in accordance with the provisions of this paragraph shall be executed by the operator of the facility and Veterinary Services and, in conjunction therewith, the operator shall deposit with the Deputy Administrator, Veterinary Services, an amount equal to the approximate cost to the Department for two shipments of birds into the United States and one inspection of the facility by a veterinarian of Veterinary Services, and as funds from that amount are obligated, monthly bills for costs incurred based on official accounting records will be issued to restore the deposit to its original level. Amounts to restore the deposit to its original level shall be paid within 14 days of the date of receipt of the bill. This will cover all expenses for veterinarians of Veterinary Services inspecting the operations of the facility, including travel, salary, subsistence, other incidental expenses (including excess baggage provisions up to 150 pounds), administrative expenses to carry out the activities under such agreement, and all testing costs associated with maintaining the facility free of communicable diseases of poultry. The Deputy Administrator, Veterinary Services, is authorized to provide services required by the operator of the approved closed breeding facility relating to importation of birds from the facility when the Deputy Administrator, Veterinary Services, determines that the operator has executed a Trust Fund Agreement and has deposited funds (including funds to restore the deposit to its original level) in connection therewith as provided in this paragraph.

(7) Requests for approval and plans for a proposed approved closed breeding facility shall be submitted to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782. Before a decision is made with respect to the eligibility of any facility for approval, a personal inspection of the facility shall be made by a veterinarian of Veterinary Services, to determine whether it complies with the standards outlined in this section. As a condition of conducting an inspection of the facility, a Trust Fund Agreement in accordance with the provisions of this paragraph shall be executed by the operator of the facility and Veterinary Services and, in conjunction therewith, the operator shall deposit with the Deputy Administrator, Veterinary Services, an amount equal to the approximate cost to the Department of all expenses for veterinarians of Veterinary Services inspecting the facility, including travel, salary, subsistence, other incidental expenses, including excess baggage provisions up to 150 pounds, and administrative expenses. If these costs exceed the amount of money deposited, a bill for the extra costs incurred, based on official Veterinary Services accounting records, will be issued to the operator and shall be paid within 14 days of the date of receipt of the bill. If the entire deposit amount is not expended, Veterinary Services will refund to the operator of the facility any unexpended amount.

(8) (i) Approval of any closed breeding facility may be denied and approval of any approved closed breeding facility may be withdrawn at any time by the Deputy Administrator, Veterinary Services, for any of the reasons provided in paragraph (h)(8)(ii) of this section. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action in accordance with rules of practice which shall be adopted for the proceeding. However, such withdrawal shall become effective pending final determination in the proceeding when the Deputy Administrator, Veterinary Services, determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the facility. In the event of oral notification, written confirmation shall be given to the operator of the facility as promptly as circumstances allow. This withdrawal shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Deputy Administrator, Veterinary Services.

(ii) Except as provided in paragraph (h)(8)(iv) of this section, the approval of a closed breeding facility may be denied or withdrawn if in the judgment of the Deputy Administrator, Veterinary Services:

(A) Any requirement of this section is not complied with, or

(B) The operator or a person responsibly connected with the business of the closed breeding facility is, or has been, convicted of any crime under any law regarding the importation into any jurisdiction of any animal or bird, or

(C) The operator or a person responsibly connected with the business of the closed breeding facility is, or has been, convicted of any crime involving fraud, bribery, or extortion or any other crime involving a lack of integrity needed for the conduct of operations affecting the importation of birds into the United States, or

(D) Birds have not been shipped from the facility to the United States for a period of one year.

(iii) For the purposes of this section, a person shall be deemed to be responsibly connected with the business of the closed breeding facility if such person has an ownership, mortgage, or lease interest in the facility's physical plant, or if such person is a partner, officer, director, holder or owner of 10 per centum or more of its voting stock, or an employee of the operator.

(iv) The denial or withdrawal referenced in paragraph (h)(8) of this section shall not be solely based upon the conviction of a person responsibly connected with an approved closed breeding facility if, after issuance of a complaint and upon receipt of notification of such action from the Deputy Administrator, Veterinary Services, the operator of the approved closed breeding facility enters into a consent agreement with the Deputy Administrator, Veterinary Services, in which it is agreed that the responsibly connected person identified in the notification shall not ever be associated with the approved closed breeding facility and the operator complies with the provisions of the agreement. Violation of the consent agreement shall constitute independent grounds for withdrawal of approval of an approved closed breeding facility.

Done at Washington, D.C., this 30th day of April 1985.

Gerald J. Fichtner,

Acting Deputy Administrator, Veterinary Service.

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BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-85-4]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.