(5) Approved, non-profit summer camp organizations that are of a civic nature are allowed to purchase from the DCM at cost plus shipping and handling charges, 300 rounds of .22 caliber ammunition for each junior who is participating in a summer camp marksmanship program.

* * * * *

(g)(1) Individuals desiring to purchase National Match Grade M1 service rifles will submit requests to the Director of Civilian Marksmanship, Department of the Army, Washington, DC 20314–0110. The request should contain the name and address of the shooting club with which the purchaser is affiliated and appropriate evidence of status as a competitive marksman.

* * * * *

(h) Marksmanship clubs affiliated with the DCM and individuals who are members of those clubs are authorized to purchase from the Army targets of types not otherwise available from commercial sources. Request for such purchases will be submitted to the Director of Civilian Marksmanship for approval and processing. Individuals who have in the past purchased rifles from the Army under the authority of 10 U.S.C. 4308(a)(5), may purchase spare parts for those rifles if the parts are available. Requests for purchase of spare parts will be submitted to the Director of Civilian Marksmanship for approval. If he/she approves the application, she/he will forward it to ARRCOM for processing. If he/she disapproves the application, she/he will return it to the applicant stating the reasons for disapproval. Current DA transportation security measures for weapons will be applied under procedures contained in paragraphs (d)(1) (i) and (ii) of this section.

* * * * *

[FR Doc. 89–27357 Filed 11–20–89; 8:45 am]
BILLING CODE 3710–08–M

SELECTIVE SERVICE SYSTEM

32 CFR Part 1697

Salary Offset

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: This part sets forth the Selective Service System's policy and procedures which implement 5 U.S.C. 5514 and 5 CFR part 550, Subpart K for the collection by administrative offset of a federal employee's salary with or without his/her consent to satisfy certain debts owed to the Federal government.

EFFECTIVE DATE: November 21, 1989.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, Phone: (202) 724–1167.

SUPPLEMENTARY INFORMATION: This part is not published for public comment because it relates to agency management and personnel matters.

List of Subjects in 32 CFR Part 1697

Administrative practice and procedure, Compensation, Debt collection, Personnel.

Dated: November 15, 1989.

Samuel K. Lessey Jr.,

Director.

Part 1697 is added to chapter XVI of title 32 CFR to read as follows:

PART 1697—SALARY OFFSET

Sec.

1697.1 Purpose and scope.
1697.2 Definitions.
1697.3 Applicability.
1697.4 Notice requirements.
1697.5 Hearing.
1697.6 Written decision.
1697.7 Coordinating offset with another Federal agency.
1697.8 Precedures for salary offset.
1697.9 Refunds.
1697.10 Statute of Limitations.
1697.11 Non-waiver of rights.
1697.12 Interest, penalties, and administrative costs.

Authority: 5 U.S.C. 5514, and 5 CFR Part 550, Subpart K.

§ 1697.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the federal government. These regulations apply to all federal employees who owe debts to the Selective Service System and to current employees of the Selective Service System who owe debts to other federal agencies. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

(1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 et seq.;

(2) The Social Security Act, 42 U.S.C. 301 et seq.;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g., travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108).

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) This regulation does not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the Federal Claims Collection Act 31 U.S.C. 3711 et seq. 4 CFR Parts 101 through 105 and 45 CFR Part 1177.

(e) This regulation does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774 or 32 U.S.C. 716 or in any way questioning the amount or validity of the debt by submitting a subsequent claim to the General Accounting Office. This regulation does not preclude an employee from requesting a waiver pursuant to other statutory provisions applicable to the particular debt being collected.

(f) Matters not addressed in these regulations should be reviewed in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 et seq.

§ 1697.2 Definitions.

For the purposes of the part the following definitions will apply:

"Agency" means an executive agency as is defined at 5 U.S.C. 105 including the U.S. Postal Service and the U.S. Postal Rate Commission; a military department as defined in 5 U.S.C. 102; an agency or court in the judicial branch, including a court as defined in Section 610 of title 28, United States Code, the District Court for the Northern Mariana Islands, and the Judicial Panel on Multidistrict Litigation; an agency of the legislative branch including the U.S. Senate and House of Representatives; and other independent establishments that are entities of the federal government.

"Creditor agency" means the agency to which the debt is owed.

"Debt" means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interests, fines, forfeitures (except those arising under the Uniform Code of Military Justice) and all other similar sources.

"Director" means the Director of Selective Service or his designee.

"Disposable pay" means the amount that remains from an employee's federal pay after required deductions for social security, federal, state or local income tax, health insurance premiums, retirement contributions, life insurance premiums, federal employment taxes, and any other deductions that are required to be withheld by law.

"Employee" means a current employee of an agency, including a current member of the Armed Forces or a Reserve of the Armed Forces (Reserves).

"Hearing official" means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the Director of Selective Service.

"Paying Agency" means the agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

"Salary offset" means an administrative offset to collect a debt pursuant to 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

"Waiver" means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774., 32 U.S.C. 716, 5 U.S.C. 8346(b), or any other law.

§ 1697.3 Applicability.

(a) These regulations are to be followed when:

(1) The Selective Service System is owed a debt by an individual currently employed by another federal agency;

(2) The Selective Service System is owed a debt by an individual who is a current employee of the Selective Service System; or

(3) The Selective Service System employs an individual who owes a debt to another federal agency.

§ 1697.4 Notice requirements.

(a) Deductions shall not be made unless the employee is provided with written notice signed by the Director of the debt at least 30 days before salary offset commences.

(b) The written notice shall contain:

(1) A statement that the debt is owed and an explanation of its nature and amount;

(2) The agency's intention to collect the debt by deducting from the employee's current disposable pay account;

(3) The amount, frequency, proposed beginning date, and duration of the intended deduction(s);

(4) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 et seq.;

(5) The employee's right to inspect or request and receive a copy of government records relating to the debt;

(6) The opportunity to establish a written schedule for the voluntary repayment of the debt;

(7) The right to a hearing conducted by an impartial hearing official;

(8) The methods and time period for petitioning for hearings;

(9) A statement that the timely filing of a petition for a hearing will stay the commencement of collection proceedings;

(10) A statement that a final decision on the hearing will be issued not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) A statement that any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under chapter 75 of title 5, United States Code, Part 752 of title 5, Code of Federal Regulations, or any other applicable statutes or regulations;

(ii) Penalties under the False Claims Act, sections 3729–3731 of title 31, United States Code, or any other applicable statutory authority; or

(iii) Criminal penalties under sections 286, 287, 1001, and 1002 of title 18, United States Code or any other applicable statutory authority.

(12) A statement of other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

§ 1697.5 Hearing.

(a) *Request for hearing.* (1) An employee must file a petition for a hearing in accordance with the instructions outlined in the agency's notice to offset. (2) A hearing may be requested by filing a written petition addressed to the Director of Selective Service stating why the employee disputes the existence or amount of the debt. The petition for a hearing must be received by the Director no later than fifteen (15) calendar days after the date of the notice to offset unless the employee can show good cause for failing to meet the deadline date.

(b) *Hearing procedures.* (1) The hearing will be presided over by an impartial hearing official. (2) The hearing shall conform to procedures contained in the Federal Claims Collection Standards 4 CFR 102.3(c). The burden shall be on the employee to demonstrate that the existence or the amount of the debt is in error.

§ 1697.6 Written decision.

(a) The hearing official shall issue a written opinion no later than 60 days after the hearing.

(b) The written opinion will include: a statement of the facts presented to demonstrate the nature and origin of the alleged debt; the hearing official's analysis, findings and conclusions; the amount and validity of the debt, and the repayment schedule, if applicable.

§ 1697.7 Coordinating offset with another federal agency.

(a) *The Selective Service System as the creditor agency.* (1) When the Director determines that an employee of a federal agency owes a delinquent debt to the Selective Service System, the Director shall as appropriate:

(i) Arrange for a hearing upon the proper petitioning by the employee;

(ii) Certify in writing to the paying agency that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date the government's right to collect the debt accrued, and that Selective Service System regulations for salary offset have been approved by the Office of Personnel Management;

(iii) If collection must be made in installments, the Director must advise the paying agency of the amount or percentage of disposable pay to be collected in each installment;

(iv) Advise the paying agency of the actions taken under 5 U.S.C. 5514(b) and provide the dates on which action was taken unless the employee has consented to salary offset in writing or signed a statement acknowledging receipt of procedures required by law. The written consent or acknowledgement must be sent to the paying agency;

(v) If the employee is in the process of separating, the Selective Service System

must submit its debt claim to the paying agency as provided in this part. The paying agency must certify any amounts already collected, notify the employee and send a copy of the certification and notice of the employee's separation to the creditor agency. If the creditor agency is aware that the employee is entitled to Civil Service Retirement and Disability Fund or similar payments, it must certify to the agency responsible for making such payments the amount of the debt and that the provisions of this part have been followed; and

(vi) If the employee has already separated and all payments due from the paying agency have been paid, the Director may request, unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset as provided under 5 CFR 831.1801 or other provisions of law or regulation.

(b) *The Selective Service System as the paying agency.* (1) Upon receipt of a properly certified debt claim from another agency, deductions will be scheduled to begin at the next established pay interval. The employee must receive written notice that the Selective Service System has received a certified debt claim from the creditor agency, the amount of the debt, the date salary offset will begin, and the amount of the deduction(s). The Selective Service System shall not review the merits of the creditor agency's determination of the validity or the amount of the certified claim. (2) If the employee transfers to another agency after the creditor agency has submitted its debt claim to the Selective Service System and before the debt is collected completely, the Selective Service System must certify the total amount collected. One copy of the certification must be furnished to the employee. A copy must be furnished the creditor agency with notice of the employee's transfer.

§ 1697.8 Procedures for salary offset.

(a) Deductions to liquidate an employee's debt will be by the method and in the amount stated in the Director's notice of intention to offset as provided in § 1697.4. Debts will be collected in one lump sum where possible. If the employee is financially unable to pay in one lum sum, collection must be made in installments.

(b) Debts will be collected by deduction at officially established pay intervals from an employee's current pay account unless alternative arrangements for repayment are made with the approval of the Director.

(c) Installment deductions will be made over a period not greater than the anticipated period of employment. The size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. The deduction for the pay intervals for any period must not exceed 15% of disposable pay unless the employee has agreed in writing to a deduction of a greater amount.

(d) Unliquidated debts may be offset against any financial payment due to a separated employee including but not limited to final salary or leave payment in accordance with 31 U.S.C. 3716.

§ 1697.9 Refunds.

(a) The Selective Service System will refund promptly any amounts deducted to satisfy debts owed to the Selective Service System when the debt is waived, found not owed to the Selective Service System, or when directed by an administrative or judicial order.

(b) The creditor agency will promptly return any amounts deducted by the Selective Service System to satisfy debts owed to the creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this subsection shall not bear interest.

§ 1697.10 Statute of Limitations.

If a debt has been outstanding for more than 10 years after the agency's right to collect the debt first accrued, the agency may not collect by salary offset unless facts material to the government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

§ 1697.11 Non-waiver of rights.

An employee's involuntary payment of all or any part of a debt collected under these regulations will not be construed as a waiver of any rights that employee may have under 5 U.S.C. 5514 or any other provision of contract or law unless there are statutes or contract(s) to the contrary.

§ 1697.12 Interest, penalties, and administrative costs.

Charges may be assessed for interest, penalties, and administrative costs in accordance with the Federal Claims Collection Standards, 4 CFR 102.13

[FR Doc. 89-27256 Filed 11-20-89; 8:45 am]

BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FL-027; FRL-3682-1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants in Florida; Total Reduced Sulfur (TRS) From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA approved Florida's 111(d) plan for the control of total reduced sulfur (TRS) emission from Kraft Pulp Mills on August 10, 1988 (53 FR 30051). Final compliance for most TRS sources was due on May 12, 1989. Florida is extending the compliance date for Container Corporation of America, Fernandina Beach, Florida to June 1, 1990. EPA concurs with Florida that the extension is justified and is hereby approving the extended compliance schedule as a SIP revision.

DATE: This action will be effective January 22, 1990 unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the document relevant to this action are available for public inspection at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland St. N.E., Atlanta, Georgia 30365

Florida Bureau of Air Quality Management, Twin Towers Office Bldg., 2600 Blair Stone Road, Tallahassee, Florida 32301

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: R. Douglas Neeley, EPA Region IV, Air Programs Branch at above listed address and telephone numbers 404-347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: In accordance with section 111 of the Clean Air Act, "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for criteria pollutants (those for which National Ambient Air Quality Standards have been published) and noncriteria pollutants. The standards apply to "new" sources (i.e., new, modified, or

reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular source category.

A source in existence prior to the date on which EPA proposed new source performance standards for that particular source category is defined as an "existing source." Paragraph (d) of section 111 of the Clean Air Act requires states to develop plans for the control of emissions of the same non-criteria, or designated, pollutants from such "existing" sources. The requirements for such plans are set forth in subpart B of 40 CFR part 60 (November 17, 1975; 40 FR 53346). Since total reduced sulfur (TRS) is a designated pollutant, regulated under section 111(d) of the CAA, states are required to develop section 111(d) plans for the control of TRS emissions from existing kraft pulp mills contained in the state.

The Florida Department of Environmental Regulations (FDER) submitted its section 111(d) plan for control of TRS emissions from kraft pulp mills and tall oil plants on May 24, 1985. This submittal contained certification that adoption of the plan had been preceded by adequate notice and public hearing.

The plan as submitted contained all the elements needed for an approvable section 111(d) plan pursuant to 40 CFR part 60, subpart B (Adoption and Submittal of State Plans for Designated Facilities), and the guideline document. This plan submittal included: regulations establishing emission standards for all affected sources along with the adoption of necessary definitions; regulations establishing the procedures for the development of individual source compliance schedules to include increments of progress; regulations establishing test methods and procedures for determining compliance with the emission standards; an emission inventory of all designated facilities; regulations establishing procedures for monitoring the status of compliance with emission standards through record-keeping, periodic inspections, and testing; and documentation that the State had legal authority to carry out the plan.

EPA approved the plan on August 10, 1988 (53 FR 30051). As part of that plan, final compliance for digester systems, multiple effect evaporation systems, condensate stripper systems, smelt dissolving tank vents, tall oil plants and combustion devices subject to FDER's Rule 17-2.600(4)(c), FAC was due May 12, 1989. One of the affected sources was Container Corporation of America, Fernandina Beach, Florida, hereinafter referred to as CCA. On March 19, 1987, CCA petitioned the FDER to issue a variance extending the final compliance date for the No. 5 Multiple Effect Evaporator System (MEES), batch digester system and Kamyr digester system to June 1, 1990. CCA presently operates two lime kilns (Nos. 2 and 3). As part of CCA's current modernization program and proposed "TRS conceptual Compliance Plan" submitted to FDER on January 30, 1988, the source elected to replace the two lime kilns with a new lime kiln which will be subject to subpart BB (Standards of Performance for kraft pulp mills) of 40 CFR part 60 (Standards of Performance for New Stationary Sources). The new lime kiln will be subject to a TRS emission standard of 8 ppm corrected to 10% oxygen. The existing lime kilns would have had to meet a 20 ppm standard by volume on a dry basic at standard conditions corrected to 10% oxygen as a 12-hour average.

As part of the "TRS Conceptual Compliance" for CCA, the source also elected to install a TRS noncondensible gas (NCG) handling system for capturing and transporting TRS emissions from the existing No. 5 MEES, batch digester system, and Kamyr continuous digester system, to the new lime kiln (No. 4) for incineration. Since the 2 existing lime kilns will be replaced with the No. 4 lime kiln, CCA felt that it would be redundant and not cost-effective to install and operate a temporary or secondary TRS control system connected to the No. 2 or 3 lime kilns, for the existing No. 5 MEES, batch digester system and Kamyr digester. However, since the proposed new No. 4 lime kiln cannot be constructed and in compliance by May 12, 1989 (the final compliance date for the existing No. 5 MEES, batch digester system and Kamyr digester system), the source requested a variance to extend the final compliance date to June 1, 1990 to allow for completion of construction and start-up of the new No. 4 lime kiln. FDER held a public hearing on March 3, 1988 concerning the variance request and issued the variance on March 17, 1988. FDER then submitted the variance request as a SIP revision to EPA on April 15, 1988.

Final Action

EPA is approving the variance as a SIP revision which extends the final compliance date for the three emission sources at CCA from May 12, 1989 to June 1, 1990.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the officer of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709.)

This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307)b)(1) of the Act, petition for judicial review of this action must be filed in the United States Court of Appeals or the appropriate circuit by January 22, 1990. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Air pollution control, Inter governmental relations, Paper and paper products industry, Reporting and Recordkeeping requirements.

Dated: November 6, 1989.

Lee A. DeHihns III,

Acting Regional Administrator.

PART 62—[AMENDED]

Part 62 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart K—Florida

1. The authority citation for Part 62 continues to read as follows:

Authority 42 U.S.C. 7401-7642.

2. Section 62.2350 is amended by adding paragraph (b)(4) to read as follows:

§ 62.2350 Identification of plan.

* * * * *

(b) * * *

(4) The final compliance date to achieve TRS emission limits for the No. 5 Multiple Effect Evaporation System, batch digester system and Kamyr digester system for Container Corporation of America in Fernadina Beach, Florida is June 1, 1990.

* * * * *

[FR Doc. 89-27329 Filed 11-20-89; 8:45 am]
BILLING CODE 6560-50-M

---

40 CFR Part 799

[OPTS-42103A; FRL 3662-9]
RIN 2070-AB07

C.I. Disperse Blue 79:1; Testing Consent Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice announces that EPA has signed an enforceable Testing Consent Order with eight companies who have agreed to perform certain health and environmental effects tests with C.I. Disperse Blue 79:1 (DB-79:1)(CAS No. 3618-72-2). This action is in response to the TSCA Interagency Testing Committee's (ITC) recommendation of this substance for priority testing. EPA also announces its decision not to initiate rulemaking for C.I. Disperse Blue 79 (DB-79)(CAS No. 3956-55-6) and two of its analogs (CAS. Nos. 21429-43-6 and 3618-73-3) for health and environmental effects and chemical fate testing.

EFFECTIVE DATE: November 21, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR part 790, eight manufacturers of DB-79:1, also known as acetamide, N-5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)azo]-4-methoxyphenyl], have entered into a Testing Consent Order with EPA in which they have agreed to perform certain health and environmental effects tests using DB-79:1. This rule amends subpart C of 40 CFR part 799 to add DB-79:1 to the list of chemical substances and mixtures ("chemicals") subject to Testing Consent Orders for which the export notification requirements of 40 CFR part 707 apply.

I. ITC Recommendations

In its Nineteenth Report to EPA, published in the **Federal Register** of November 14, 1986 (51 FR 41417) the ITC recommended that DB-79 (CAS No. 3956-55-6) be tested for (1) chemical fate (water solubility, and aerobic and anaerobic biodegradation); (2) environmental effects (acute and chronic toxicity to algae, aquatic invertebrates, fish, and benthic organisms, and bioconcentration in fish); and (3) health effects (absorption and chemical disposition, and 90-day subchronic toxicity).

In its Twentieth Report to EPA published in the **Federal Register** of May 20, 1987 (52 FR 19020), the ITC also recommended DB-79:1 (CAS No. 3618-72-2), the chloro/methoxy analog of DB-79 (CAS No. 3618-73-3), and the chloro/ethoxy analog (CAS. No. 21429-43-6), for the same testing as DB-79.

II. Testing Consent Order Negotiation

In the **Federal Register** of October 12, 1988 (53 FR 34786) and in accordance with the procedures established in 40 CFR 790.28, EPA requested persons interested in participating in or monitoring testing negotiations for DB-79:1 to contact EPA. EPA held public meetings on October 26, 1988, November 29, 1988, and January 24, 1989, to discuss testing appropriate for this chemical. On October 20, 1989 EPA and eight companies signed a Testing Consent Order for DB-79:1. The eight companies agreed to conduct or to provide for the conducting of the following studies: (1) subchronic oral toxicity in the rat, (2) sex-linked recessive lethal (SLRL) test in *Drosophila*, (3) developmental toxicity in the rat and rabbit, (4) metabolism in the rat, and (5) a rainbow trout fish partial life-cycle test. These tests are to be conducted by specific dates and according to the test standards and the Appendices of the Consent Order.

A group of companies who comprise the manufacturing and importing industry for DB-79:1 and DB-79 and its two analogs, have reported to EPA through the Ecological and Toxicological Association of Dyestuffs Manufacturing Industry (ETAD) that less than 1,000 pounds of DB-79 and less than 25,000 pounds of the chloro/methoxy analog were produced in 1985 (Ref. 1). The chloro/ethoxy analog was not manufactured or imported in 1985. The aggregated TSCA section 8(a) inventory update information supports this industry estimate (Ref. 2). Therefore, EPA is not initiating rulemaking proceedings for health, environmental, and chemical fate testing of these chemicals because there is little or no production.

However, because analogs of DB-79:1 could be used as substitutes for DB-79:1, EPA will monitor future manufacturing of these chemicals through the section 8(a) TSCA Inventory Update Rule, 40 CFR part 710, published in the **Federal Register** of June 12, 1986 (51 FR 21438), and section 5 TSCA premanufacture notification requirements, to determine whether further testing will be needed.

III. Technical Summary

A. Manufacture and Use

The estimated average annual production from 1980 to 1985 is 2 to 3 million pounds for DB-79:1 and related analogs as active colorants (Ref. 3). ETAD has estimated the current domestic sales market (1985) for DB-79.1 to be 1.8 million pounds of active colorant (Ref. 1). The aggregated TSCA section 8(a) inventory update data for 1987 support this industry estimate (Ref. 2).

Disperse Blue-79:1 and related products are used almost exclusively for dyeing or printing polyester fibers.

B. Human Exposure

1. *Occupational exposure.* Dermal and inhalation/ingestion exposure to DB-79:1 can occur during production, processing, and use of DB-79:1. A maximum of 180 workers (10 to 20 workers at 9 sites) are potentially exposed during production, while a maximum of 66 workers are exposed during processing (3 to 6 workers at 11 sites). In addition, from 1 to 3 dye weighers and 1 to 18 machine operators per site are potentially exposed to DB-79:1 during use according to an EPA engineering analysis of occupational exposure (Ref. 5). If the dye weighers are considered for potential worker exposure at 300 to 400 sites (ETAD estimate), then approximately 900 to 1,200 workers are potentially exposed via both inhalation/ingestion and dermal routes. If the machine operators are included, an additional 7,200 workers are potentially exposed via the dermal route. ETAD agrees that EPA's estimates of the number of workers potentially exposed through use are reasonable (Ref. 1).

The results from a preliminary review of a joint study on the occupational exposure of textile dye color on storeroom workers, conducted by the American Textile Manufacturers Institute (ATMI), EPA, and ETAD, support ETAD's supposition and reports that the average daily level of exposure to dye weighers is 0.09 mg (Ref. 7) and

average daily level of exposure to machine operators is negligible (Ref. 5). The potential remains for more significant single exposures in these cases.

Data available from the National Occupational Exposure Survey (NOES), from 1980 to 1983, reported that 1,450 workers in 25 plants were potentially exposed to DB–79:1 or related compounds. The National Occupational Hazard Survey (NOHS), from 1972 to 1974, reported that 2,305 workers in 107 plants were potentially exposed to DB–79 and related compounds (Ref. 8).

2. *Consumer exposure.* DB–79:1 and related products are fast dyes that are held tightly within the polyester fiber structure and therefore not easily removed (Refs. 5 and 6). Thus, consumer exposure to DB–79:1 and related products is low.

C. Environmental Fate and Exposure

1. *Chemical fate.* The water solubility of DB–79:1 is low (measured between 4.6!1.9 and 6.2!0.5 ug/l); the log octanol/water partition coefficient for DB–79:1 is 4.7!0.1 (Ref. 9). DB–79:1 is not likely to volatilize or photodegrade.

Results of aerobic biodegradation studies using 13 percent liquid, and 26 percent and 52 percent granular formulations of DB–79:1 indicate that at higher concentrations less biodegradation occurs (Ref. 6).

EPA's Environmental Research Laboratory in Cincinnati is completing a study on the adsorption, aerobic, and anaerobic biodegradation of DB–79:1. Early results indicate that DB–79:1 partitions to sludge and is anaerobically biodegraded when added to a model sludge-treatment system in insoluble (particulate) form at its solubility limit (Ref. 10). A recent study from EPA's Environmental Research Laboratory in Athens Georgia reported rapid degradation of DB–79 in anaerobic sediment systems (Ref. 11). The half-life was on the order of minutes.

After reviewing this information, some of which was not available to the ITC, EPA has decided not to include testing for chemical fate as a part of the Consent Order for DB–79:1.

2. *Release and monitoring.* No effluent or ambient monitoring information is available. The majority of releases of DB–79:1 from its manufacturing and use will be to water. Estimated dyestuff pre–treatment losses to water during production are between 0.5 and 1 percent of production (Ref. 5). Estimated dyestuff pre–treatment losses during the use of textile dyestuffs are between 5 and 10 percent. Sludge containing DB–79:1 and products from wastewater treatment facilities or POTW's may be sent to landfills.

3. *Environmental exposure.* EPA has performed aquatic environmental modeling for DB–79:1 using engineering assessment– based estimated discharge data which suggest that the surface water concentrations of DB–79:1 are relatively low (Ref. 12). The industrial facilities producing DB–79:1 and related compounds were located, and the receiving streams were identified. Releases were estimated to be 1.4 kg per site for 100 days each year, which is the upper bound based on average batch size (Ref. 12). Using a measured log K_{ow} of 4.7, it was estimated that 80 percent of DB–79:1 would be removed by sorption either in the on-site wastewater treatment plant or in a POTW (Ref. 13). Five site-specific surface water concentrations were projected to range from 0.01 to 0.97 ug/l for mean flow conditions, and from 0.04 to 3.9 ug/l for low flow conditions.

4. *Bioconcentration.* The ITC pointed out that no experimental data on the potential for bioconcentration of DB–79:1 by aquatic organisms are available. However, 18 disperse monoazo dyes examined experimentally had log BCF values <1.8 even though the experimental log K_{ow} was 3 in seven out of nine, and the calculated K_{ow} was 3 in one of the remaining nine (Ref. 14). This suggests that the bioconcentration factor for DB–79:1 would be low. The reason proposed for this behavior was that the relatively high molecular weight (450 to 550 g/mole) of these disperse dyes made transport across the fish gill membrane difficult. Additional studies also suggest that high molecular weight and molecular size limit membrane penetration and thus accumulation through the gills (Refs. 16 and 17). After reviewing this information, some of which was not available to the ITC, EPA has decided not to include bioconcentration testing as a part of the Consent Order for DB–79:1.

IV. Testing Program

A. Environmental Effects

No experimental data on the toxic effects of pure DB–79:1 to fresh water fish are available. The 96–hour LC_{50} of a powder formulation of DB–79:1 was reported to be 390 mg/l in bluegill (*Lepomis macrochirus*) (Ref. 6). Converted to LC_{50} values, the 48–hour median tolerance limits of two granular formulations of 26 and 52 percent, and one liquid formulation of 13 percent of DB–79:1 were reported to be 320, 400, and 700 mg/l respectively in rainbow trout (*Salmo gairdneri*) (Ref. 6). The absence of specific descriptions of formulation compositions used in these studies precludes an accurate evaluation of the toxic potential of the test substances

EPA's predicted LC_{50}'s for fish, daphnid, and algae for DB–79:1 are all above the water solubility limit for DB–79:1, so no acute toxicity is likely at or below DB–79:1's solubility limit (Ref. 18). However, toxicity to fish is possible from long-term exposure at the limits of solubility for DB–79:1. No method is available to determine the effects of long term exposure to benthic invertebrates.

In the absence of useful fish toxicity data and any data on the effects of long-term exposure on fish life stages to disperse dyes, eight companies have agreed to conduct rainbow trout early life-cycle testing of DB–79:1, in accordance with 40 CFR 797.1600 as modified for DB–79:1 (Ref. 4) and contained in the public docket. The final report for this test is due 15 months after the effective date of the Testing Consent Order.

EPA will use the data generated by this test to determine the potential risk to the environment from exposure to DB–79:1 and to determine whether any additional testing of DB–79:1 is necessary.

B. Health Effects

Because of the lack of health effects data and the potential for worker exposure to DB–79:1, EPA and the eight companies have decided to include in the Consent Order subchronic toxicity testing, developmental toxicity testing, mutagenic effects testing (SLRL in *Drosophila*), and metabolism testing. The companies have agreed to conduct the following studies in accordance with the cited test guidelines:

(1) An oral subchronic study in the Sprague-Dawley rat.

(2) Developmental toxicity studies in the Sprague-Dawley rat and rabbit by the oral gavage route.

(1) An oral metabolism test in the Sprague-Dawley rat (Ref. 15), and (4) an SLRL test in *Drosophila*. If the SLRL indicates a hazard of genetic toxicity, EPA will consider the need for further testing.

Testing Plan for DB-79:1

Test	Test Standards in 40 CFR	Report Date[1]
SLRL in *Drosophila*.	§ 798.5275	12
Subchronic oral toxicity, rat.	§ 798.2650	15
Developmental toxicity, rat.	§ 798.4900	12

Testing Plan for DB-79:1—Continued

Test	Test Standards in 40 CFR	Report Date[1]
Developmental toxicity, rabbit.	§ 798.4900	24
Metabolism, rat.....	ETAD Protocol[2]	24

[1] Months after effective date of this rule.
[2] ETAD-provided rat oral metabolism protocol (Ref. 15)

The above Table delineates the tests, test standards, and final reporting dates for the health effects tests incorporated in the Testing Consent Order. The test standards with modifications are attached to the Order. EPA will use the data generated by these tests to determine the potential risk to human health from exposure to DB–79:1 and, if any additional testing of DB–79:1 is necessary.

V. Export Notification

The issuance of this Testing Consent Order subjects any person who exports or intends to export DB–79:1 to the export notification requirements of section 12(b) of TSCA. The specific requirements are listed in 40 CFR part 707. Chemicals subject to Consent Orders are listed at 40 CFR 799.5000. This listing serves as notification to persons who export or who intend to export chemical substances or mixtures which are the subject of Testing Consent Orders that 40 CFR part 707 applies.

VI. Rulemaking Record

EPA has established a record for this rule and the Consent Order (docket number OPTS–42103). This record contains the information EPA considered in developing this rule and Consent Order and includes the following:

A. Supporting Documentation

(1) Testing Consent Order for DB–79:1.

(2) **Federal Register** notices pertaining to this rule and the Consent Order consisting of:

(a) Notice containing the ITC recommendation of DB–79:1.

(b) Rules requiring TSCA section 8(a) and (d) reporting on DB–79:1.

(c) Notice soliciting interested parties for Testing Consent Order negotiation on DB–79:1.

(3) Communications consisting of:

(a) Letters.

(b) Contact reports of telephone conversations.

(c) Meeting summaries.

B. References

(1) ETAD. Ecological and Toxicological Association of Dyestuffs Manufacturing Industry. Letter from E.A. Clarke, Executive Secretary to R.H. Brink, Interagency Testing Committee-USEPA (February 12, 1987) on: Disperse Blue 79, with Appendix I: Disperse Blue 79 and DB79 analogs; and with enclosure: ETAD's comments on the ITC Testing Recommendations for C.I. Disperse Blue 79 (February 12, 1987).

(2) USEPA. Memo from N. Vogel, Confidential Data Branch, to H. Colbert, Test Rules Development Branch, on: Aggregated production volume figures (December 21, 1988).

(3) USEPA. U.S. Environmental Protection Agency. Technical Support Document for C.I. Disperse Blue 79, prepared by Syracuse Research Corp. for Test Rules Development Branch (1987).

(4) USEPA. OTS Guideline § 797.1600 Fish early life stage toxicity test, with modifications. (1989).

(5) USEPA. Memo from G. Heath, Chemical Engineering Branch, to John Walker, Test Rules Development Branch, on: Disperse Blue 79 with attached report-Engineering report worker exposure, and release analysis for Interagency Testing Committee (ITC) Disperse Blue 79 (May 30, 1986).

(6) ETAD. Letter from E. Clarke, Executive Secretary, to R. Brink, Interagency Testing Committee–USEPA on: Disperse Blue 79; with attachments: Comments by ETAD to Dynamac on the ITC recommendations for testing Disperse Blue 79 and added data (August 11, 1986).

(7) USEPA. Memo from G. Heath, Chemical Engineering Branch, to Mike McCommas, Test Rules Development Branch, on: Supplemental Engineering Report- Disperse Blue 79 (January 26, 1987).

(8) NIOSH. National Institute for Occupational Safety and Health. Computer printout of National Occupational Hazard Survey (1972–1974) and National Occupational Exposure Survey (1980–1982) data bases: C.I. Disperse Blue 79. Cincinnati, OH. Department of Health and Human Services (April 28, 1986).

(9) USEPA. Memo from G.L. Baughman, USEPA-ERL Athens, GA, to E. Bryan, Chief, Exposure Assessment Branch, on: Disperse Blue 79 (August 20, 1987).

(10) USEPA. "Aerobic and Anaerobic Treatment of C.I. Disperse Blue 79." D.A. Gardner, T.J. Holdsworth, Radian Corporation; G.M. Shaul, K.A. Dostal, Risk Reduction Engineering Laboratory-USEPA, Cincinnati, OH; and L.D. Betowski, Environmental Monitoring and Support Laboratory-USEPA, Las Vegas, NV; Contract No. 68–03–3371, Volume 1 and 2 (June 1989).

(11) ETAD. Ecological and Toxicological Association of the Dyestuffs Manufacturing Industry. Letter from E.A. Clarke, Executive Secretary, to Document Processing Center–USEPA (April 8, 1988), with enclosure: E.J. Weber. Fate of textile dyes in the aquatic environment: degradation of Disperse Blue 79 in anaerobic sediment-water systems. Environmental Research Laboratory– USEPA, Athens, GA (1988).

(12) USEPA. Memo from M.H. Thomas, Exposure Assessment Branch, to John Walker, Test Rules Development Branch, on: Predicted surface water concentrations and drinking water exposure of C.I. Disperse Blue 79 (June 24, 1986).

(13) USEPA. Hand-written table from P. Harringan, Design and Development Branch, to M. McCommas, Test Rules Development Branch, on: Sewage treatment removal estimates for site specific releases of DB–79:1 (December 11, 1987).

(14) Anliker, R., Clarke, E.A., and Moser, P. "Use of the partition coefficient as an indicator of bioaccumulation tendency of dyestuffs in fish." *Chemosphere* 10:263–274 (1981).

(15) ETAD. Protocol outline for oral metabolism study in rats with disperse blue 79 (DB79), with modifications. (1989).

(16) Opperhuizen, A., Velde, E., Gobas, F., Liem D., Steen, J., and Huntzinger, O. "Relationship between bioconcentration in fish and steric factors of hydrophobic chemicals." *Chemosphere* 14:1871–1896 (1985).

(17) Gobas F., Shiu, W., Mackay, D., and Opperhuizen, A. "Bioaccumulation of PCDD's and OCDF in fish after aqueous and dietary exposure." *Chemosphere* 15:1985–1986 (1986).

(18) Memo from R. Jones, Toxic Effects Branch, to M. McCommas, Test Rules Development Branch, on: Review of Disperse Blue 79 (June 3, 1988).

Confidential Business Information, (CBI) while part of the record, is not available for public review. A public version of the record, from which CBI has been deleted, is available for inspection in the OTS Public Information Office, Rm. NE–G004, 401 M St., SW., Washington, DC from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

VII. Other Regulatory Requirements

Paperwork Reduction Act

OMB has approved the information collection requirements in this Testing Consent Order under the provision of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has been assigned OMB control 2070–0033.

Public reporting burden for this collection of information is estimated to average 564 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total estimated testing hours for DB–79:1 is 3386.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC

20460; and to the Office of Management and Budget, Paperwork Reduction Project (2070–0033), Washington, DC 20503.

List of Subjects in 40 CFR Part 799

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

Dated: October 20, 1989.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding "C.I. Disperse Blue 79:1" to the table in CAS Number order, and the OMB control number to the end of § 799.5000 to read as follows:

§ 799.5000 Testing consent orders.

* * * * *

CAS Number	Substance or Mixture Name	Testing	FR Citation
* * * * * *			
3618-72-2	C.I. Disperse Blue 79:1 Acetamide,N-[5-[bis[2-(acetyloxy) ethyl]amino]-2-[(2-bromo-4, 6-dinitrophenyl)azo]-4-methoxyphenyl]-.	Health effects Environmental effects	November 21, 1989. -Do-
* * * * * *			

(Information collection requirements have been approved by the Office of Management and Budget under control number 2070–0033)

[FR Doc. 89–27211 Filed 11–21–89; 8:45am]

BILLING CODE 6560–50–D

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 6, 19, and 52

[Federal Acquisition Circ. 84–52]

RIN 9000–AD31

Federal Acquisition Regulation (FAR); Competitive Thresholds; Correction

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule; correction of effective date.

SUMMARY: This document corrects the effective date of Federal Acquisition Circular (FAC) 84–52 published in the **Federal Register** on Tuesday, October 31, 1989 (54 FR 46004).

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523–4755. Please cite FAC 84–52 correction.

SUPPLEMENTARY INFORMATION: In FR Doc. 89–25491 beginning on page 46004, in the first column of page 46004, under effective date, November 30, 1989, is correct. However, in the second column of page 46004, under "[Number 84–52]", the effective date statement issued under the authority of the DOD, GSA, and NASA is corrected to read as follows:

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84–52 is effective November 30, 1989.

On pages 46009 and 46010, in the clauses at 52.219–11, 52.219–12, 52.219–17, and 52.219–18, and the Alternates I, II, and III of 52.219–18, the effective date is corrected to read as follows:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.219–11, 52.219–12, 52.219–17, and 52.219–18 [corrected]

Section 52.219–11, 52.219–12, 52.219–17, and 52.219–18 are corrected by removing in the title of each clause, and in Alternates I, II, and III of 52.219–18, the effective date "OCT 1989" and inserting in each place "NOV 1989".

List of Subjects in 48 CFR Parts 5, 6, 19, and 52

Government procurement.

Dated: November 14, 1989.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

[FR Doc. 89–27149 Filed 11–20–89; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AA24

Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: The Fish and Wildlife Service is correcting errors in the rule prescribing open seasons on waterfowl that appeared in the **Federal Register** on September 28, 1989 (54 FR 39940).

DATE: Effective on September 28, 1989.

FOR FURTHER INFORMATION CONTACT: Byron K. Williams, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 634–Arlington Square, Washington, DC 20240, telephone 703–358–1714.

SUPPLEMENTARY INFORMATION: Public comment was received on proposed rules involving these seasons and was addressed in the September 19, 1989 **Federal Register** (54 FR 38614). In that document, final frameworks were published that would allow these seasons. However, there were several errors and omissions in the September 28, 1989 **Federal Register** (54 FR 39940), prescribing the late open seasons,