

will remain in effect pending the promulgation of revised regulations.

EFFECTIVE DATE: November 1, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Hillary A. Oden, Associate Chief, Conservation Division, U.S. Geological Survey, National Center (Mail Stop 600), Reston, Va. 22092, 703-860-7524.

AUTHOR: Gerald D. Rhodes, U.S. Geological Survey, Department of the Interior.

**ENVIRONMENTAL IMPACT AND REGULATORY ANALYSIS STATEMENTS:** The Department of the Interior has determined that the suspension of the effectiveness of sections of 30 CFR 250.34 in the manner described in this notice will not have a significant impact on the quality of the human environment and, therefore, will not require preparation of an Environmental Impact Statement. The Department has also determined that this notice does not require preparation of a regulatory analysis under Executive Order 12044.

**BACKGROUND:** Existing regulations (30 CFR 250.34) were published as final rules on January 27, 1978 (43 FR 3880). On September 18, 1978, President Carter signed the Outer Continental Shelf Lands Act Amendments of 1978 into law (Pub. L. 95-372, 92 Stat. 629 (amending 43 U.S.C. 1331 et seq.)). In order to implement Pub. L. 95-372 more expeditiously, portions of the regulations in 30 CFR 250.34 are being suspended temporarily. All other provisions of the regulations remain unchanged pending review and revision in accordance with the requirements of Pub. L. 95-372, the Administrative Procedure Act (5 U.S.C. § 553(d)), and Executive Order 12044 (43 FR 12661, March 24, 1978).

**NOTICE OF SUSPENSION**

Until further notice: (1)(a) Those provisions of 30 CFR 250.34-1, 250.34-2, and 250.34-3 which call for the submission of an Environmental Report are suspended with respect to the submission of such reports to support plans of exploration and plans of development and production for oil and gas leases in mature oil and gas producing areas of the Outer Continental Shelf in the Gulf of Mexico, unless the Area Oil and Gas Supervisor requests the submission of a report to enable the Secretary to make required statutory findings under the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 et seq., as amended, Pub. L. No. 95-372 and the National Environmental Policy Act of 1969, 42 U.S.C. 4332 et seq. (1970).

(b) The Supervisor shall request a report where an affected State has a coastal zone management program approved under the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.

(2) Those provisions of 30 CFR 250.34-1 and 250.34-3 which call for the submission of plans of exploration and accompanying Environmental Reports to an affected State for review and comment are suspended. Governors of affected States and the individual Area Oil and Gas Supervisors are encouraged to make mutually acceptable arrangements for State review of plans of exploration where State participation can be accomplished within a time frame that will not impede the Supervisor's ability to take final action on the plan of exploration within the 30-day time limit imposed by Pub. L. 95-372. This suspension of the provisions of § 250.34-1 and § 250.34-3 relating to State review of plans of exploration does not affect the right of any State with an approved coastal zone management program to review plans of exploration under the consistency review provisions of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1456, and 15 CFR § 930.

(3) Those provisions of 30 CFR 250.34-2 and 250.34-3 which call for the submission of plans of development and production and accompanying Environmental Reports to affected States for review and comment are suspended with respect to plans of development and production and accompanying Environmental Reports for oil and gas leases in mature oil and gas producing areas of the Gulf of Mexico. The Governor of an affected State that borders the Gulf of Mexico may nullify the effects of this suspension by advising the Area Oil and Gas Supervisor that he wishes to participate in the review of plans of development and production in accordance with section 19 of the OCS Lands Act, as amended by Pub. L. No. 95-372. This suspension of the provisions of § 250.34-2 and § 250.34-3 regarding State review of plans of development and production does not affect the right of any State with an approved coastal zone management program to review plans of development and production under the consistency review provisions of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1456, and 15 CFR 930.

Dated: October 26, 1978.

JOAN M. DAVENPORT,  
Assistant Secretary of the Interior.

[FR Doc. 78-30891 Filed 10-31-78; 8:45 am]

[6560-01-M]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**SUBCHAPTER E—PESTICIDE PROGRAMS**

[PP 6E1700 and 7E1894/R174; FRL 998-61]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Oxytetracycline**

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of oxytetracycline on peaches. The regulation was requested by the interregional research project No. 4. This rule establishes a maximum permissible level for residues of oxytetracycline on peaches.

EFFECTIVE DATE: Effective on November 1, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-2516.

**SUPPLEMENTARY INFORMATION:** On August 7, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 34804) in response to pesticide petitions (PP 6E1700 and 7E1894) submitted to the Agency by the interregional research project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Connecticut, Delaware, Georgia, Illinois, Maryland, Michigan, Missouri, North Carolina, New Jersey, New York, and South Carolina. The petitions proposed that 40 CFR 180.337 be amended by the establishment of a tolerance for residues of the pesticide chemical oxytetracycline in or on the raw agricultural commodity peaches at 0.1 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.337 should be adopted without change, and it has been deter-

mined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before December 1, 1978, file written objections with the Hearing Clerk, Environmental Protection Agency, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 1, 1978, part 180, subpart C, section 180.337 is amended by adding a tolerance for residues of oxytetracycline on peaches at 0.1 ppm as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: October 25, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Part 180, subpart C section 180.337 is amended by adding the following new paragraph at the end of the section to read as follows:

§ 180.337 Oxytetracycline; tolerances for residues.

\* \* \* \* \*

A tolerance of 0.1 part per million is established for residues of the pesticide oxytetracycline in or on the raw agricultural commodity peaches.

[FR Doc. 78-30790 Filed 10-31-78; 8:45 am]

[6560-01-M]

SUBCHAPTER R—TOXIC SUBSTANCES  
CONTROL ACT

[FRL 998-31]

PART 750—PROCEDURES FOR RULE-  
MAKING UNDER SECTION 6 OF  
THE TOXIC SUBSTANCES CONTROL  
ACT

Interim Procedural Rules for Polychlorinated Biphenyls (PCB's) Ban Exemption

AGENCY: Environmental Protection Agency.

ACTION: Procedures for filing and processing certain PCB exemption petitions under section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA).

SUMMARY: Section 6(e)(3)(B) of TSCA authorizes the Administrator to grant, by rule, exemptions to the bans

on the manufacturing, processing, and distribution in commerce of PCB's established pursuant to section 6(e)(3)(A) of TSCA. Since the PCB manufacturing ban will become effective by regulation in early 1979, EPA wishes to inform affected parties now of the procedures which will be followed for the filing and processing of petitions for exemptions from the PCB manufacturing ban imposed by section 6(e)(3)(A). As this notice is strictly procedural, notice and public comment are unnecessary, and it is effective November 1, 1978.

DATES: Petitions for exemption from the 1979 PCB manufacturing ban must be received by December 1, 1978. These procedures are effective on November 1, 1978.

ADDRESS: Send petitions for exemptions to Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, attention: Ms. Joni T. Repasch. Comments on these procedures may be sent to the same address.

FOR FURTHER INFORMATION CONTACT:

John W. Lyon, Office of General Counsel (A-132), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0870.

SUPPLEMENTARY INFORMATION: On June 7, 1978, EPA published a proposed regulation (43 FR 24802) to implement the PCB manufacturing, processing, distribution in commerce, and use bans of section 6(e) of TSCA. EPA stated in the proposed rule at page 24807 that:

The final rule will describe the requirements for filing [exemption] petitions and for the information to be provided in the petitions.

EPA expects to issue its final rule concerning the PCB bans about January 1, 1979. However, if the regulation is promulgated as proposed, certain manufacturing and importing activities will not be able to continue after the effective date of the regulation unless the Agency grants exemptions for them. These activities include, but are not necessarily limited to, the following: Manufacture of PCB small capacitors, manufacture of PCB equipment (including such items as fluorescent light ballasts, television sets, air conditioners, and microwave ovens), manufacture of chemical substances which contain 50 ppm or greater of PCB's (including pigments and precursors), and importation of PCB's. EPA is issuing these procedures at this time to allow individuals who may be affected by the 1979 manufacturing ban to file exemption petitions at once so that the Agency may act on these petitions as early as possible in 1979.

For purposes of determining whether to file a PCB exemption petition, affected parties should assume that the final regulation will be promulgated as proposed. Only persons affected by the 1979 PCB manufacturing ban should file petitions for exemptions at this time. Persons affected by the July 1, 1979, PCB processing and distribution bans should not file petitions for exemptions until issuance of the final PCB ban regulation. The Agency is delaying processing of petitions for exemptions from the July 1, 1979, bans because the scope of the final PCB ban regulation will determine which persons might wish to seek exemptions from those bans.

These procedural rules require individual submission of petitions by manufacturers affected by the 1979 ban. EPA is imposing this requirement because: (1) The number of such manufacturers is small; and (2) the Agency needs the identity and location of each source of PCB's.

All petitions for exemption from the 1979 PCB manufacturing ban imposed by section 6(e)(3)(A) of TSCA must be received by the Agency within 30 days after publication of this notice. This deadline is being imposed to permit consolidation of all rulemaking on 1979 PCB manufacturing exemptions and the holding of one informal hearing on all petitions covered by the consolidation. In the absence of consolidation, the Agency would not be able to complete action on individual petitions in early 1979.

In determining whether to grant a petition for exemption to the PCB ban, EPA will apply the standards enunciated in section 6(e)(3)(B) of TSCA. Section 6(e)(3)(B) reads in pertinent part as follows:

\*\*\* the Administrator may grant by rule such an exemption if the Administrator finds that—

- (i) An unreasonable risk of injury to health or environment would not result, and
- (ii) Good faith efforts have been made to develop a chemical substance which does not present an unreasonable risk of injury to health or the environment and which may be substituted for such polychlorinated biphenyl.

Although EPA is not issuing a form for petitions, petitions should include the information described in § 750.11(d) of the procedural rules.

Due to the need to grant or deny petitions on an expedited basis as early in 1979 as possible, the Administrator is delegating final Agency authority to grant or deny petitions under section 6(e)(3)(B) of TSCA submitted pursuant to these interim procedures to the Assistant Administrator for Toxic Substances. The Assistant Administrator will rule on petitions subsequent to opportunity for an informal hearing.

The procedural rules to be applicable to section 6(e) exemption proceed-

ings are adapted from the TSCA section 6 procedural rules (40 CFR Part 750, 42 FR 61259, December 2, 1977).

The Agency is aware that many participants at the informal hearing on the proposed PCB ban regulation and at the PCB marking and disposal regulation hearing presented information directly applicable to a PCB exemption rulemaking. In order to expedite Agency action on exemption petitions, participants in the PCB exemption informal hearing are permitted and encouraged to designate testimony from prior Agency informal rulemaking hearings on PCB's under TSCA. The exemption hearing panel is specifically authorized by the procedural rules to reject repetitive testimony submitted earlier to the Agency at a TSCA PCB informal hearing.

These interim procedures may be revised prior to Agency action on PCB exemption petitions which concern the July 1, 1979, PCB bans. Comments are therefore invited on any aspect of these exemption procedures.

These rules are issued under authority of section 6(e) of the Toxic Substances Control Act, 15 U.S.C. 2605(e).

Dated: October 25, 1978.

BARBARA BLUM,  
Acting Administrator.

Title 40 of the code of Federal Regulations is amended by adding additional sections to part 750 as set forth below:

- Sec.  
750.10 Applicability.  
750.11 Filing of petitions for exemption.  
750.12 Consolidation of rulemakings.  
750.13 Notice of proposed rulemaking.  
750.14 Record.  
750.15 Public comments.  
750.16 Confidentiality  
750.17 Subpenas.  
750.18 Participation in informal hearing.  
750.19 Conduct of informal hearing.  
750.20 Cross-examination.  
750.21 Final rule.

AUTHORITY: 15 U.S.C. 2605(e).

#### § 750.10 Applicability.

Sections 750.10-750.21 apply to all rulemakings under authority of section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e)(3)(B) with respect to petitions filed pursuant to § 750.11(a) of this part.

#### § 750.11 Filing of petitions for exemption.

(a) *Who may file.* Any person seeking an exemption from the PCB manufacturing ban imposed by section 6(e)(3)(A) of TSCA may file a petition for exemption. Petitions must be submitted on an individual basis for each manufacturer or individual affected by the 1979 manufacturing ban.

(b) *Petition filing date.* All petitions for exemptions from the 1979 manu-

facturing ban under section 6(e)(3)(A) must be received by the hearing clerk by December 1, 1978, which is 30 days after publication of this notice.

(c) *Where to file.* All petitions shall be submitted to the following location: Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, attention: Ms. Joni T. Repasch.

(d) *Content of petition.* Each petition shall contain the following:

(1) Name, address and telephone number of petitioner.

(2) Description of PCB ban exemption requested, including items to be manufactured and nature of manufacturing process—such as smelting.

(3) Location(s) of manufacturing sites requiring exemption.

(4) Length of time requested for exemption (maximum length of exemption is 1 year).

(5) Amount of PCB chemical substance or PCB mixture (by pounds and/or volume) to be manufactured or used during requested exemption period and the manner of release of PCB's into the environment associated with such manufacture or use.

(6) The basis for the petitioner's contention that under section 6(e)(3)(B)(i) of TSCA "an unreasonable risk of injury to health or environment would not result" from the granting of his petition for exemption.

(7) The basis for the petitioner's contention that he meets the criterion of section 6(e)(3)(B)(ii) of TSCA concerning substitutes for PCB's.

(8) Quantification of the reasonably ascertainable economic consequences of denial of the petition for exemption from the 1979 manufacturing ban and an explanation of the manner of computation.

The Agency reserves the right to request further information as to each petition prior to or after publication of the notice of proposed rulemaking required by § 750.13 of these rules.

#### § 750.12 Consolidation of rulemakings.

All petitions received pursuant to § 750.11(a) will be consolidated into one rulemaking with one informal hearing held on all petitions.

#### § 750.13 Notice of proposed rulemaking.

Rulemaking for PCB exemptions filed pursuant to § 750.11(a) shall begin with the publication of a notice of proposed rulemaking in the FEDERAL REGISTER. The notice shall state in summary form the required information described in § 750.11(d). Due to time constraints, the notice need not indicate what action EPA proposes to take on the exemption petitions. The notice shall also be subject to § 750.2(c) with the exceptions (1) that the clause "in addition to the material required under paragraph (b)" is elimi-

nated; and (2) that § 750.2(c)(3) is changed to read:

The due date for public comments, which shall be (1) thirty days after publication of the notice of proposed rulemaking for main comments and (2) one week after the close of the informal hearing for reply comments.

#### § 750.14 Record.

Section 750.3 shall be applicable with the exception that the words "§ 750.11(d)" are substituted for "§ 750.2(b)" in § 750.3(a) (1) and (2).

#### § 750.15 Public comments.

Section 750.4 shall be applicable with the exception that the time period in § 750.4(b) is shortened to 1 week.

#### § 750.16 Confidentiality.

The Agency encourages the submission of nonconfidential information by petitioners and commenters. The Agency does not wish to have unnecessary restrictions on access to the rulemaking record. However, if a petitioner or commenter believes that he can only state his position through the use of information claimed to be confidential, he may submit it. Such information must be separately submitted for the rulemaking record and marked "confidential" by the submitter. For the information claimed to be confidential, the Agency will list only the date and the name and address of the petitioner or commenter in the public file, noting that the petitioner or commenter has requested confidential treatment. The information claimed to be confidential will be placed in a confidential file. A petitioner must also file a nonconfidential petition with a nonconfidential summary of the confidential information to be placed in the public file. Similarly, a commenter must supply a nonconfidential summary of the information claimed to be confidential to be placed in the public file. Any information not marked as confidential will be placed in the public file. Information marked confidential will be treated in accordance with the procedures in part 2, subpart B of this title.

#### § 750.17 Subpenas.

Section 750.5 shall be applicable.

#### § 750.18 Participation in informal hearing.

(a) Each person or organization desiring to participate in the informal hearing required by section 6(c)(2)(C) of TSCA shall file a written request to so participate with the record and hearing clerk which shall be received no later than 7 days prior to the scheduled start of the hearing. The hearing shall begin 7 days after the close of the 30-day comment period or as soon thereafter as practicable.

(b) With the exception of the first sentence in § 750.6(a), § 750.6 shall be applicable with the further exception that the time period in § 750.6(b) is shortened to no later than 3 days prior to the start of the hearing.

**§ 750.19 Conduct of informal hearing.**

Section 750.7 shall be applicable with the addition of the following sentence at the end of § 750.7(c):

Participants shall be allowed to designate testimony from prior EPA informal rule-making hearings concerning PCB's under TSCA. The hearing panel may reject repetitive testimony previously presented at such hearings.

**§ 750.20 Cross-examination.**

Section 750.8 shall be applicable.

**§ 750.21 Final rule.**

(a) As soon as feasible after the deadline for submittal of reply comments, the Agency shall issue a final rule. The Agency shall also publish at that time:

(1) A list of all material added to the record (other than public comments and material from the hearing record) which has not previously been listed in a FEDERAL REGISTER document, and

(2) The effective date of the rule.

(b) The Administrator hereby delegates final Agency authority to grant or deny petitions under section 6(e)(3)(B) of TSCA submitted pursuant to § 750.11 of these rules to the Assistant Administrator for Toxic Substances. The Assistant Administrator shall act on such petitions subsequent to opportunity for an informal hearing pursuant to these rules.

(c) In determining whether to grant an exemption to the PCB ban, the Agency shall apply the two standards enunciated in section 6(e)(3)(B) of TSCA.

[FR Doc. 78-30788 Filed 10-31-78; 8:45 am]

**[6820-23-M]**

**Title 41—Public Contracts and Property Management**

**CHAPTER 5B—PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION**

[FBS P 2800.6A CHGE 2]

**PART 5B-3—PROCUREMENT BY NEGOTIATION**

**Small Purchase Procedures; Correction**

AGENCY: General Services Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in a previously published reg-

ulation in the FEDERAL REGISTER regarding dollar limitations for simplified small purchase procedures set forth in Pub. L. 93-356. This regulation is keyed to the earlier document and the error is clearly identified for correction.

EFFECTIVE DATE: November 1, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Gregory Siracusa, Procurement Policy Review Staff, Office of Program Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405. 202-566-1954.

In FR Doc. 78-23503 appearing at page 37197 in the FEDERAL REGISTER of Tuesday, August 22, 1978, the following changes should be made:

1. On page 37198, § 5B-3.600-70(a), add: (2) Public exigency precludes the use of FSS services.

2. On page 37198, § 5B-3.600-70(b) is corrected in the ninth line to read, "more than \$2,000."

3. On page 37198, § 5B-3.603-1(a)(2)(iii)(B) is corrected in the second line to read, "repair over \$2,000."

Dated: October 6, 1978.

JAMES B. SHEA, JR.,  
Commissioner, PBS.

[FR Doc. 78-30838 Filed 10-31-78; 8:45 am]

**[7035-01-M]**

**Title 49—Transportation**

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Service Order No. 1262, Amdt. No. 4]

**PART 1033—CAR SERVICE**

**North Stratford Railroad Corp. Authorized To Operate Over Certain Tracks Owned by the State of New Hampshire**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. (Amendment No. 4 to service order No. 1262).

SUMMARY: Service order No. 1262 authorizes the North Stratford Railroad Corp. to operate a line of railroad between North Stratford, N.H. and Beecher Falls, Vt., owned by the State of New Hampshire. Resumption of operation over this line restores rail service to shippers affected by its abandonment by the Maine Central, its former owner. Amendment No. 4 to

service order No. 1262 extends for 1 month the emergency authority granted to the North Stratford Railroad for operation of this line. Service order No. 1262 is published in full in volume 42 of the FEDERAL REGISTER at page 16780.

DATES: Effective 11:59 p.m., October 31, 1978. Expires 11:59 p.m., November 30, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone 202-275-7840, Telex 89-2742.

Decided: October 25, 1978.

Upon further consideration of service order No. 1262 (42 FR 16780, 43637, and 57317, and 43 FR 19047) and good cause appearing therefor:

*It is ordered, That § 1033.1262 North Stratford Railroad Corp. authorized to operate over certain tracks owned by the State of New Hampshire, service order No. 1262 is amended by substituting the following paragraph (f) for paragraph (f) thereof:*

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1978.

(49 U.S.C. 1(10-17).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, JR.  
Acting Secretary.

[FR Doc. 78-30904 Filed 10-31-78; 8:45 am]