DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Dextrines and Soluble or Chemically Treated Starches Derived From Potato Starch From the European Community; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Revocation of countervailing duty order.

SUMMARY: This notice is to advise the public that, as a result of a negative injury determination by the International Trade Commission, the Department of Commerce is revoking the countervailing duty order on dextrines and soluble or chemically treated starches derived from potato starch from the European Community. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 1126, Washington, D.C. 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION: A notice of "Final Countervailing Duty Determination," T.D. 80-2, was published in the Federal Register of December 19, 1979 (44 FR 75135). The notice stated that the Treasury Department had determined that exports of dextrine and soluble or chemically treated starches derived from potato starch from the European Community were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, Title I of the Trade Agreements Act of 1979 (93 Stat. 150) (the TAA) went into effect. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce (the Department). Since the member states of the European Community were "countries under the Agreement" as of January 1, 1980, the Department referred this case to the International Trade Commission (ITC) for a material injury determination in accordance with section 104(a)(1) of the TAA. Effective January 1, liquidation was suspended and estimated countervailing duties were collected (see 45 FR 12860, February 27, 1980). The ITC published a negative material injury decision in the Federal Register of May 7, 1980 (45 FR 30182).

As a result, the Department hereby revokes T.D. 80-2 with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

The Department will instruct Customs officers to proceed with liquidation of all such entries of the subject merchandise without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to such entries. Entries, or withdrawals from warehouse, for consumption made from December 19, 1979, through December 31, 1979, are subject to countervailing duties as set forth in T.D. 80-2.

It should be noted that the ITC's negative injury decision also applies to dextrines and soluble or chemically treated starches derived from corn starch from European Community, which product was the subject of a separate affirmative "Final Countervailing Duty Determination" by the Department on March 21, 1980 (45 FR 18414).

Consistent with section 705(c)(2) of the Tariff Act of 1930 the Department terminated the corn starch investigation at the time the ITC published notice of its negative injury determination.

The table in section 355, Annex III, Commerce Regulations (19 CFR Part 355, Annex III, 45 FR 4949), is amended under the country heading "European Communities" by deleting from the column headed "Commodity," the words "Dextrines and soluble or chemically treated starches derived from potato starch"; from the column headed "Treasury Decision," the number "80-2"; and from the column headed "Action," the words "Bounty declared-rate."

This revocation and notice publication are in accordance with section 104(a)(3)(B) of the TAA (93 Stat. 191, 19 U.S.C. 1671 note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

August 11, 1980.

[FR Doc. 80-24598 Filed 8-13-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FRL 1569-6; FAP 9H5222/R63]

Cyano(3-Phenoxyphenyl)Methyl-4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the pesticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on dried apple pomace at 0.2 part per million (ppm). The regulation was requested by Shell Chemical Co. This rule establishes a maximum permissible level for residues of cyano in dried apple pomace.

EFFECTIVE DATE: Effective on August 14, 1980.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/426-9417.

SUPPLEMENTARY INFORMATION: Notice was published in the Federal Register of July 20, 1979 (44 FR 42773) that Shell Chemical Co. had filed a food additive petition (FAP 9H5222) with EPA. This petition proposed that 40 CFR Part 193 be amended to establish tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the food commodity dried apple pomace at 0.2 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rat acute oral toxicity study with a median lethal dose (LD_{50}) of 1-3 grams (gm)/kilogram (kg) of body weight (bw) in water and 450 milligrams (mg)/kg of bw in dimethylsulfoxide (DMSO); a 90-day dog feeding study with a no-observable-effect level (NOEL) of 500 ppm; and an 18-month mouse feeding study with a NOEL of 100 ppm with no oncogenic effects at the highest level fed (3,000 ppm); a 24-month rat feeding study with a NOEL of 250 ppm (the highest level fed) with no oncogenic effects; a threegeneration rat reproduction study with a NOEL of 250 ppm (the highest level fed); teratology studies in mice and rabbits (both negative at the highest dose of 50 mg/kg of bw/day); and the following mutagenicity studies: Mouse dominant lethal (negative at 100 mg/kg of bw, which was the highest level fed), mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); AMES test in vitro (negative), and a bone marrow cytogenic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: A hen study negative at 1g/mg/kg of bw for 5 days, repeated again at 21 days; a rat acute study with an NOEL of 200 mg/kg of bw; a 15 month rat feeding study resulted in a systemic NOEL of 500 ppm and a NOEL of 1500 ppm with respect to nerve damage.

The pesticide is considered useful for the purpose for which the tolerance is sought. Establishment of the tolerance will protect the public health. Therefore, the regulation amending 21 CFR Part 193 by adding § 193.86 is set forth below.

Any person adversely affected by this regulation may, on or before September 15, 1980, file written objections with the Hearing Clerk, EPA, Room M-3708 (A-110), 401 M Street, SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must be supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" procedures. This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: August 14, 1980.

(Sec. 408(d)(2), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: August 8, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by adding § 193.86 to read as follows:

§ 193.86 Cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate.

A tolerance is established for residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the following food additive commodity:

Commodity	Parts per million
Dried apple pomace	0.2

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DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research, and Statistics

28 CFR Part 42

Nondiscrimination in Federally Assisted Programs

AGENCY: Office of Justice Assistance, Research, and Statistics (OJARS), Law Enforcement Assistance Administration (LEAA), National Institute of Justice (NIJ), Bureau of Justice Statistics (BJS), Justice.

ACTION: Final rules.

SUMMARY: OJARS is adopting, as final, two amendments to its Nondiscrimination Regulations originally proposed for comment on May 20, 1980. 45 FR 33652. New 28 CFR 42.203(b)(8) specifically prohibits recipients of financial assistance under the Justice System Improvement Act (JSIA) or Juvenile Justice (JJ) Act from depriving any person of his or her constitutional rights on the basis of race, color, religion, national origin, or sex. New 28 CFR 42.204(b) prohibits certain awards of assistance under the JSIA or the JJ Act until the applicant's Equal Employment Opportunity Program (EEOP) has been approved by OJARS.

OJARS is also making technical and typographical corrections to its previously published final rules.

EFFECTIVE DATE: August 14, 1980.

FOR FURTHER INFORMATION CONTACT: David I. Tevelin, Attorney-Advisor, OJARS, Office of General Counsel, (202) 724-6235.

SUPPLEMENTARY INFORMATION: OJARS received only four comments on the proposed amendments, two on the constitutional rights issue and two on the EEOP issue.

On the constitutional rights issue, one commenter asked why a deprivation of rights on the basis of handicap was not prohibited. The OJARS Nondiscrimination Regulations implement section 815(c) of the Justice System Improvement Act of 1979, which proscribes discrimination on only the grounds of race, color, religion, national origin, or sex. Accordingly, these regulations are not the appropriate vehicle to enjoin conduct discriminating against the handicapped. Discrimination against the handicapped in IEAA-, NIJ-, and BJS-financed programs is addressed in the Department of Justice's regulations, "Nondiscrimination Based on Handicap in Federally Assisted Programs," 45 FR 37620 (June 3, 1980).

The other commenter on this issue commended the amendment for its application of the constitutional rights accorded juveniles in *In Re Gault* to JSIA agencies' recipients. To the extent that a recipient denies juveniles the rights accorded by that case on the basis of race, color, religion, national origin, or sex, such conduct is prohibited by section 42.203(b)(8).

With respect to the EEOP review issue, one commenter suggested that OJARS conduct a pre-award review of all grants for $250,000 or more, rather than $500,000 or more. Prior to proposing this amendment, OJARS reviewed all announced grant programs, and the size of the grants likely to be awarded under them in FY 1980, and concluded that it could conduct a thorough and timely review of only the (approximately) 35 awards that would exceed $500,000. Our conclusion has not changed in this regard.

The other commenter suggested doing pre-award reviews of non-governmental applicants' EEOP's as well. OJARS' present EEOP regulations do not, however, require non-governmental applicants to prepare EEOP's. This issue is being examined during the agency's present efforts to revise the EEOP regulations, and will be highlighted for comment when those revisions are proposed in the **Federal Register** in the near future.

Accordingly, 28 CFR Part 42 is amended in the following paragraphs. Paragraph (b)(8) is added to § 42.203; paragraph (a) is published for clarity:

§ 42.203 Discrimination prohibited.

(a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under the JSIA or the Juvenile Justice Act.

(b) A recipient may not, directly or through contractual or other arrangements, on the grounds set forth in paragraph (a) of this section:

* * * * *

(8) Subject any individual to physical abuse or summary punishment, or deny any individual the rights guaranteed by the Constitution to all persons;

* * * * *

Section 42.204 is amended to add paragraph (b) as follows:

* * * * *

§ 42.204. Applicant's Obligations.

* * * * *

(b) Every unit of State or local government and every agency of such unit that applies for a grant of $500,000 or more under the JSIA or the Juvenile Justice Act, must submit a copy of its current Equal Employment Opportunity Program (if required to develop one under 28 CFR 42.301, et. seq.) to OJARS at the same time it submits its grant application. No application for $500,000 or more will be approved until OJARS has approved the applicant's EEOP.

* * * * *

In addition, the following technical and typographical corrections are being made, as final, in the OJARS Nondiscrimination Regulations otherwise adopted as final on April 30, 1980. 45 FR 28704.

1. The last sentence of paragraph 9 in the "Supplementary Information" portion of the preamble to the regulations, 45 FR 28705, is deleted as incorrect and inconsistent with the commentary on section 42.205(c)(1). OJARS does not have "jurisdiction" to investigate a complaint, if the agency complained against is not receiving OJARS, LEAA, NIJ, or BJS assistance at the time the complaint is received.

§ 42.202 [Amended]

2. In 28 CFR 42.202(r), "criminal justice control" is corrected to read "criminal justice council."

§ 42.205 [Amended]

3. 28 CFR 42.205(c)(4) is corrected to read: "If, within 30 days, the Office's recommendations for compliance are not met, or voluntary compliance is not secured, the matter will be forwarded to the Director of OJARS for a determination of compliance or non-compliance. The determination shall be made no later than 14 days after the conclusion of the 30-day period. If the Director makes a determination of non-compliance with section 815(c)(1) of the JSIA, the Office shall institute administrative proceedings pursuant to § 42.208 et seq."

§ 42.206 [Amended]

4. In 28 CFR 42.206(a) (1) and (2), "IEAA" is corrected to read "LEAA."

Robert F. Diegelman,
Assistant Adminstrator, Office of Planning and Management.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 79-148]

Electronic Relative Motion Analyzer

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule requires self-propelled vessels of 10,000 gross tons or more that are U.S. vessels or call at a U.S. port, and that carry oil or liquid hazardous materials in bulk as cargo or in residue, to have an electronic relative motion analyzer (ERMA) installed by July 1, 1982. This requirement is mandated by Section 5 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474). It is intended to help minimize the occurrence of collisions involving those vessels which may have the potential of creating environmental harm. Because of the confusion concerning applicability that was made evident by comments on the notice of proposed rulemaking, additional comments on applicability, as clarified by this final rule, are invited.

DATES: 1. This amendment is effective on July 1, 1982. 2. Comments must be received by September 29, 1980.

ADDRESSES: Comments on the applicability and definitions should be submitted to the Commandant (G-CMC/24) (CGD 79-148), U.S. Coast Guard, Washington, DC, 20593. All comments and copies of the final evaluation are available for examination at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems (G-WWM-2/11), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: In response to the President's message to Congress of March 17, 1977, a notice of proposed rulemaking on this subject was published on May 16, 1977 (42 FR 24871). Public hearings were held in San Diego, California, on June 16, 1977, and in Washington, DC, on June 21, 1977. The proposal was withdrawn on July 24, 1978 (43 FR 32112) in order to allow the U.S. to encourage and participate in a parallel international action conducted by the Intergovernmental Maritime Consultative Organization (IMCO).

The U.S. Congress, in October 1978, enacted the Port and Tanker Safety Act (the Act) (Pub. L. 95-474). Section 5(7)(J) of the Act requires certain vessels of 10,000 gross tons or more to be equipped with, among other things, an "electronic relative motion analyzer" by July 1, 1982. In response both to the Presidential directive and to the Act, a second notice of proposed rulemaking was published by the Coast Guard on February 21, 1980 (45 FR 11790).

DRAFTING INFORMATION: The principal persons involved in drafting this document are Mr. Fred Schwer, Office of Marine Environment and Systems, Project Manager, and Lieutenant Commander Jack Orchard, Office of Chief Counsel, Project Attorney.

DISCUSSION: Fourteen letters of comment on the docket were received. Six of the letters, plus numerous telephone calls to the Project Manager, made it evident that the applicability of the proposed rule was unclear. The rule is intended to implement Section 5(7)(J)(ii) of the Port and Tanker Safety Act of 1978 and derives its applicability from the Act. In summary, this rule applies to any self-propelled vessel of 10,000 gross tons or more that is a U.S. vessel or calls at a U.S. port, and carries:

1. Oil in bulk as cargo or in cargo residue; or

2. Liquid hazardous material in bulk as cargo or in cargo residue. Some definitions have been added to this final rule to clarify the scope of its applicability.

Note particularly that the term "self-propelled vessel" includes those combinations of a pushing vessel and a vessel being pushed ahead which are rigidly connected in a composite unit and are required by Rule 24(b) of the "International Regulations for Preventing Collisions at Sea," 1972 ('72 COLREGS) (App. A to 33 CFR Part 87), to exhibit the lights prescribed in Rule 23 for "Power Driven Vessels Underway". This language also is consistent with IMCO's proposed amendment to Regulation 12 of Chapter V of the "International Convention on Safety of Lifé at Sea, 1974" (SOLAS '74), which will require these composite units to carry navigation equipment prescribed for ships of comparable aggregate tonnage.