

§ 114.4 (a) through (d)) may not be duplicated in other strength reporting systems. Additionally, to support the accuracy of strength data in the system, DoD Components shall ensure that:

(1) All strength-affecting changes are processed and reported without delay.

(2) All master and transaction files are edited before submission according to the editing procedures.

(f) Requests to provide specifically tailored reports and inquiries to system users shall be directed to the address shown at § 114.4(j)(2). A reserve component may not be provided data relative to another reserve component without prior approval of that component.

(g) Any information available to RCCPDS required by the Director, Selective Service System, shall be provided by magnetic tape extracts of data submitted in compliance with this Part.

(h) Information from RCCPDS shall be provided annually to federal agencies to screen employees who are also members of the Ready Reserve, as required by 32 CFR Part 44.

(i) RCCPDS data accuracy shall be ensured as follows:

(1) The following data items shall be "critical data items" for all Reserve categories, and shall be 100 percent accurate to ensure acceptability in the system.

Record field	Data item	Record position
1	Reserve Component	1
2	Social Security Number	2-10
4	Reserve Category	29
4	Training/Pay/Retired Category	30

(2) The following data items (as applicable within each Reserve category) shall be at least 98 percent accurate:

Record field	Data item	Record position
3	Name of Individual	11-28
5	Pay Grade	31-32
6	Date of Current Pay Grade/Date of Retirement	33-36
7	Date of Birth	39-44
8	Date of Commission/Date of ETS/ECS	45-50
11	Pay Entry Base Date	58-63
17	Sex	81
18	Marital Status	82
20	Civilian Education	84
26	Unit Identification Code	99-105
27	Unit State Code	106-107
28	Unit ZIP Code	108-112
32	20-Year Letter Indicator	117
34	Incentive Termination Status	122-123
39	Mental Group	138

(3) All remaining data items (as applicable within each Reserve category) shall be:

(i) Ninety-five percent accurate for the Ready and Standby Reserve.

(ii) Ninety percent accurate for the Retired Reserve.

(4) The above data reliability rates (§ 114.4(i)(1) through (3)) shall be used as standards for judging the accuracy of this data base, and provided to any audit and inspection agency reviewing their accuracy.

(j) Magnetic tape files and the quality control edit reports shall be forwarded as follows:

(1) Magnetic tape files shall be delivered by the 20th of the month following the reported month to: Defense Manpower Data Center, Attn: Records File Manager, 550 Camino El Estero, Suite 200, Monterey, CA 93940.

(2) The quality control edit reports for the monthly tape submission shall be mailed to: Defense Manpower Data Center (DMDC), Attn: Special Assistant (Reserve Affairs), 300 North Washington Street, Alexandria, VA 22314.

§ 114.5 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), or designee, the Deputy Assistant Secretary of Defense (Reserve Affairs) shall:

(1) Collect, summarize, and publish periodically the "Official Guard and Reserve Manpower Strengths and Statistics" report for the reserve components of the Department of Defense, and, through the Office of the ASD(PA), for release to the public.

(2) Approve and control all access to the data contained in the system.

(3) Provide policy guidance to the Defense Manpower Data Center on the content, use, and plans for the system.

(b) The Director, Defense Manpower Data Center (DMDC), shall:

(1) Operate and maintain the system, to include computer support, software development, quality control, time sharing, inquiry capability, and administrative support.

(2) Develop, produce, and distribute all current reports.

(3) Modify the system to reflect the changing nature of the Reserve forces.

(c) The Secretaries of the Military Departments shall:

(1) Provide their respective National Guard and reserve components with the necessary support to establish personnel data systems that fully support readiness requirements in addition to this reporting requirement.

(2) Prepare, at the end of each month, a Master Officer and Master Enlisted File reflecting the status of each member of the Guard and Reserve as of the last day of each month.

(3) Prepare, at the end of each month, an Officer Transaction File and an Enlisted Transaction File reflecting the gains, losses, reenlistments, and extensions of Selected Reserve personnel that occurred during the reporting month.

(4) Edit monthly submissions according to the editing concept.

(5) Perform a quality control validation of the data before submission to OSD.

§ 114.6 Information requirements.

The reporting requirements for this Part are assigned the following Report Control Symbols:

Master File..... DD-M(M) 1147
Transaction File..... DD-M(M) 1148

Existing standard data elements from DoD 5000.12-M, "DoD Manual for Standard Data Elements," December 1980 are being used in these reporting requirements where applicable.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

November 6, 1981.

[FR Doc. 81-32678 Filed 11-10-81; 8:45 am]

BILLING CODE 3610-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1956-2]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency (EPA) of revisions to the New York State Implementation Plan (SIP). It serves the purpose of: incorporating into the SIP modifications to certain New York State regulations which are already a part of the plan in unmodified form; deleting from the SIP certain other regulations no longer in effect; and adding to the SIP a new regulation concerning sulfuric and nitric acid plants. Furthermore, it adds a new section to the Code of Federal Regulations which clearly identifies those New York State regulations which are a part of the SIP.

EFFECTIVE DATE: This action becomes effective on November 12, 1981.

ADDRESSES: Copies of the SIP revision submitted by New York State, public comments, and EPA's technical support document are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency,
Region II, Air Programs Branch—
Room 1005, 26 Federal Plaza, New
York, New York 10278

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street SW., Washington, D.C. 20460

A copy of the New York SIP revision is also available for inspection during normal business hours at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT:
William S. Baker, Chief, Air Programs
Branch, Environmental Protection
Agency, Region II, 26 Federal Plaza,
New York, New York 10278, (212) 264-
2517.

SUPPLEMENTARY INFORMATION:

I. Background

On August 10, 1979, the New York State Department of Environmental Conservation (NYSDEC) submitted to the Environmental Protection Agency (EPA) proposed revisions to the New York State Implementation Plan (SIP). This package consisted of numerous revisions to the State's regulations, which are codified under Title 6 of the Codes, Rules and Regulations of the State of New York (6 NYCRR). These proposed revisions, developed either in fulfillment of the provisions of Part D, "Plan Requirements for Nonattainment Areas," of the Clean Air Act, or as a result of the on-going State regulatory revision process, were fully described in a Federal Register notice of proposed rulemaking on April 1, 1981 (46 FR 19829).

Today's action reflects EPA's final determinations regarding the approvability of revisions to 6 NYCRR Parts 201, 202, 203, 207, 211, 212, "old" 216, 220, 221, 224, 225, "old" 226, 227, and 230. EPA's final determination on the removal of Parts 217 and 218 from the SIP will be dealt with in a future notice. As discussed in EPA's April 1, 1981 proposal, no action was required on 6 NYCRR Parts 200, 204, 205, 213, 214, 215, 216, 219, 222, 223, 226, 228, 229, and 231, which were also included in the State's August 10, 1979 submittal. Comments on the April 1, 1981 proposal were received from the NYSDEC, Connecticut Department of Environmental Protection, Rochester Gas & Electric Corporation, and the Eastman Kodak Company. A detailed discussion of these comments and EPA's response is

provided in a "Technical Support Document" to this rulemaking action. The issues raised by the commentators and EPA's responses are summarized below.

II. Public Comments

No comments were submitted with regard to EPA's proposed rulemaking action on Parts 202, 207, 211, 212, "old" 216, 220, 221, 224, "old" 226, and 230.

Comments submitted by the NYSDEC addressed EPA's proposed actions on Parts 201, 203, 217, 218, 225, and 227. With the exception of comments regarding Part 225, the arguments raised were a reiteration of the previous position taken by the State as discussed in EPA's April 1, 1981 proposal. On this basis, with two exceptions, EPA's proposed findings remain unchanged. As will be discussed, the two exceptions concern EPA's final action on the State's request to remove Part 203, Indirect Sources of Air Contamination, from the SIP and EPA's final action regarding approvability of revision to § 225.1(b) of Part 225, Fuel Composition and Use. In addition, EPA has reevaluated the State's request to remove Part 217, Emissions From Motor Vehicles Propelled by Gasoline Engines, and Part 218, Emissions From Vehicles Propelled By Diesel Engines, from its SIP. On August 4, 1981 (46 FR 39612) EPA proposed to delete numerous provisions of the State's 1973 mobile source pollution control plan from its SIP. Since these two regulations are a part of that plan, they also can be deleted for the same reasons described in the August 4, 1981 proposal. Therefore, EPA intends to take action to delete Parts 217 and 218 from the New York SIP when EPA finalizes its August 4, 1981 proposal. At this time, however, these regulations must continue to be considered applicable.

EPA has proposed only partial approval of the State's request to delete Part 203 from its SIP. EPA was unable to approve deletion of this regulation for the New York City metropolitan area on the basis that the SIP for this area had not been approved (and had, in fact, been proposed to be disapproved) with regard to the Part D requirements of the Clean Air Act. Since the Part D SIP revisions for the New York City metropolitan area have subsequently been approved (September 9, 1981; 46 FR 44979), EPA is now approving the State's proposed revision and is deleting Part 203 in its entirety from the SIP.

With regard to the proposed § 227.3(a) revisions, which concern a relaxation of the particulate matter limitation for fuel burning sources from 0.1 to 0.2 pounds per million BTU heat input, the

Connecticut Department of Environmental Protection questioned the absence of an air quality impact evaluation and conformity of the proposal with "reasonably available control technology." These comments basically reiterate EPA's reasons for proposed disapproval of Section 227.3(a)(2). EPA's final action, to disapprove this section, is consistent with its proposal and Connecticut's comments.

The proposed revision to § 225.1(b) restricts to non-attainment areas exclusively the requirement that the sulfur content of coal used by a source converting from fuel oil (or gas) to coal shall not exceed 0.55 times the applicable sulfur content limitation for oil. This requirement previously applied to both nonattainment and attainment areas. EPA has proposed disapproval of this provision on the basis that the SIP would not provide adequate assurance that prevention of significant deterioration (PSD) increments in attainment areas would not be contravened.

NYSDEC has provided a more detailed discussion of its permit review requirements which adequately demonstrate that this revision will not have a significant air quality impact. On this basis, EPA has reevaluated its proposed findings and is approving the proposed revision to § 225.1(b).

Rochester Gas & Electric Company also addressed EPA's proposed disapproval of § 225.1(b) revisions. The commentator indicates that adequate mechanisms are available to EPA to ensure that PSD increments are protected. In addition, the State has the ability to assess the impact of any conversion from fuel oil or gas to coal, under the provisions of Part 201.

As discussed in response to comments received from NYSDEC, EPA has reevaluated its proposed findings and is approving the revision to § 225.1(b). This reevaluation is based on the persuasive argument that the State's permit review requirements, which provide a broad definition of "modifications" including coal conversions and installation of control equipment, provide adequate protection to PSD increments. EPA also agrees with Rochester Gas & Electric's comment that the mechanisms of EPA certification are adequate to deal with sources which have been subject to a federal coal conversion order.

Eastman Kodak Company commented on EPA's proposed action to disapprove § 227.6(f) because it is inconsistent with 40 CFR 51.19(e). The commentator indicates that § 227.6(f) is consistent with the exemption allowed in 40 CFR

51.19(e)(5) and paragraph 6.0 of Appendix P to 40 CFR Part 51 (referenced by 40 CFR 51.19(e)). EPA believes that the first point is not relevant to the issue since 40 CFR 51.19(e)(5) deals with time extensions necessary for equipment installation. The authority for such extensions is present in § 227.6(e), which EPA is approving. With regard to the second point, EPA must emphasize that paragraph 6 of 40 CFR 51 Appendix P requires specific criteria to be set for determining physical limitations or extreme economic situations, as a result of which alternative emission monitoring requirements would be allowed. Such specific criteria have not been incorporated in the State's submission. Consequently, EPA is taking final action to disapprove § 227.6(f), as proposed.

III. Summary of EPA's Final Action

The following table summarizes the final action being taken today on EPA's proposed action of April 1, 1981 (46 FR 19829).

Rule	Action
Part 201, Permits and Certificates.	Approval of revisions.
Part 202, Emissions Testing, Sampling and Analytical Determinations.	Approval of revisions.
Part 203, Indirect Sources of Air Contamination.	Approval of request to remove from SIP.
Part 207, Control Measures For An Air Pollution Episode.	Approval of revisions.
Part 211, General Prohibitions.	Approval of revisions.
Part 212, Process and Exhaust and/or Ventilation Systems.	Approval of revisions.
"Old" Part 216, Smoke.	Approval of request to revoke.
Part 217, Emissions From Motor Vehicles Propelled By Gasoline Engines.	Request to remove from SIP to be dealt with in a future action.
Part 218, Emissions From Vehicles Propelled By Diesel Engines.	Request to remove from SIP to be dealt with in a future action.
Part 220, Portland Cement Plants.	Approval of revisions.
Part 221, Asbestos-Containing Surface Coating Materials.	Approval of request to remove from SIP.
Part 224, Sulfuric and Nitric Acid Plants.	Approval of new rule.
Part 225, Fuel Composition and Use.	Approval of revisions.
"Old" Part 226, Fuel Composition and Use—Stationary Air Contaminant Sources.	Approval of request to remove from SIP.
Part 227, Stationary Combustion Installations.	Approval of revisions, with the exception of 227.3(a)(2), 227.5(b), 227.6(a), and 227.6(f).
Part 230, Fuel Composition and Use—Nagara Frontier.	Approval of request to remove from SIP.

Additionally, a new § 52.1679, "EPA-approved New York State regulations," is being promulgated in the regulatory section at the end of this notice. This new section identifies all New York State regulations approved by EPA as part of the New York SIP, the dates when the regulations were made effective by the State, and the dates (and Federal Register citations) when they were last approved by EPA for incorporation into the New York SIP.

Today's action is being made effective immediately since those SIP provisions being approved are already in effect under New York State law; no additional regulatory burdens are being imposed, and no purpose would be served by delaying its effective date.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action generally approves state actions. While action on a few regulatory provisions is being deferred, this has the effect of preserving status quo, leaving in effect similar provisions that are currently part of the applicable State Implementation Plan. No new requirements are being imposed.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because generally it only approves regulations presently applying under New York State law. A few regulatory provisions are being disapproved. This

§ 52.1679 EPA-approved New York State regulations

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 200, General Provisions.	8/23/79		
Part 201, Permits and Certificates.	3/24/79	11/12/81, 46 FR 55690	
Part 202, Emissions Testing, Sampling, and Analytical Determinations.	3/24/79	11/12/81, 46 FR 55690	
Part 204, Hydrocarbon Emissions from Storage and Loading Facilities—New York City Metropolitan Area.	8/12/72	9/22/72, 37 FR 19814	
Part 205, Photochemically Reactive Solvents and Solvents from Certain Processes—New York City Metropolitan Area.	8/23/79	5/21/80, 45 FR 33981	
Part 207, Control Measures for an Air Pollution Episode.	3/24/79	11/12/81, 46 FR 55690	
Part 211, General Prohibitions.	8/23/79	11/12/81, 46 FR 55690	
Part 212, Process and Exhaust and/or Ventilation Systems.	3/24/79	11/12/81, 46 FR 55690	
Part 213, Contaminant Emissions from Ferrous Jobbing Foundries.	8/23/72	9/22/72, 37 FR 19814	
Part 214, By-Product Coke Oven Batteries.	8/12/72	9/22/72, 37 FR 19814	
Part 214, By-Product Coke Oven Batteries (with provisions as noted).	8/23/79		
			Sections 214.2(a) and 214.2(b)(1) are only incorporated provisionally pending additional RACT evaluation (40 CFR 52.1678 (b)(1) and (b)(2)).

has the effect of preserving the status quo, leaving in effect similar provisions that are currently part of the applicable State Implementation Plan.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: November 3, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670, is amended by revising paragraph (c)(4)(v) as follows:

§ 52.1670 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(44) * * *

(v) August 10, 1979, providing a comprehensive set of adopted regulations.

2. A new § 52.1679 is added to read as follows:

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 216, Iron and/or Steel Processes (with provisions as noted).	8/23/79		Sections 216.1(a), 216.1(b), 216.1(c) and 216.2(c) are only incorporated provisionally pending additional RACT evaluations (40 CFR 52.1678 (b)(3) and (c)).
Part 217, Emissions from Motor Vehicles Propelled by Gasoline Engines.	8/12/72	9/22/72, 37 FR 19814	
Part 218, Emissions from Vehicles Propelled by Diesel Engines.	5/1/72	9/22/72, 37 FR 19814	
Part 219, Incinerators.	5/1/82	9/22/72, 37 FR 19814	
Part 220, Portland Cement Plants.	3/14/73	11/12/81, 46 FR 55690	
Part 222, Incinerators—New York City, Nassau and Westchester Counties.	7/17/72	9/22/72, 37 FR 19814	
Part 223, Petroleum Refineries.	8/23/79	11/10/80, 45 FR 74472	
Part 224, Sulfuric and Nitric Acid Plants.	3/15/73	11/12/81, 46 FR 55690	
Part 225, Fuel Composition and Use (except as noted).	3/24/79	11/12/81, 46 FR 55690	Section 225.3(e) is disapproved (40 CFR 52.1675(d). Variances adopted by the State pursuant to Sections 225.2 (b) and (c), 225.3, and 225.5(c) become applicable only if approved by EPA as SIP revisions (40 CFR 52.1675(e)).
Part 226, Solvent Metal Cleaning.	8/23/79	11/10/80, 45 FR 74472	
Part 227, Stationary Combustion Installations (except as noted).	3/24/79	11/12/81, 46 FR 55690	Sections 227.3(a)(2), 227.5(b), 227.6(a) and 227.6(f) are disapproved (40 CFR 52.1676(b), 52.1678(d), and 52.1680(a)).
Part 227, Stationary Combustion Installations/Section 227.2(b)(1).	5/1/72	9/22/72, 37 FR 19814	
Part 228, Surface Coating Processes.	8/23/79	11/10/80, 45 FR 74472	
Part 229, Petroleum Liquids Storage and Transfer.	6/21/80	7/1/80, 45 FR 44273	
Part 231, Major Facilities.	6/21/80	7/1/80, 45 FR 44273	

in or on certain raw agricultural commodities.

EFFECTIVE DATE: November 12, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of October 2, 1981 (46 FR 48720) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petitions numbers 6E1760; 6E1874; 9E2136; OE2309; and OE2361 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida (6E1760); Florida, Louisiana, Wisconsin, Michigan, New York, and Washington (6E1874); California, Maryland, New Jersey, and Virginia (9E2136); Arkansas, California, Oregon, Texas, and Washington (OE2309); and New Jersey (OE2361). These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the fungicide benomyl [methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] and its metabolites containing the benzimidazole moiety (calculated as benomyl) at 0.2 ppm in or on the following raw agricultural commodities resulting from seed treatments: corn, fresh (including sweet, K + CWHR) and sweet corn, fodder and forage ((6E1760); broccoli, brussels sprouts, cabbage, cauliflower, Chinese cabbage, collards, kale, kohlrabi, mustard greens, rutabagas, and turnips (tops and roots) (6E1874); and spinach (OE2309); 0.2 ppm in or on sweet potatoes resulting from transplant root dip treatment (9E2136); and 0.2 ppm in or on eggplants and peppers resulting from greenhouse application to bedding plants prior to transplant but not later than the 8-leaf stage (OE2361).

The California Department of Food and Agriculture, 1220 N St., Sacramento, CA 95814, has submitted pesticide petition 7E1929 requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the

3. A new paragraph (d) is added to § 52.1678 to read as follows:

§ 52.1678 Control strategy and regulations: Particulate Matter.

(d) Section 227.3(a)(2) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR 51.13, Control strategy: Sulfur oxides and particulate matter.

4. A new paragraph (b) is added to § 52.1676 to read as follows:

§ 52.1676 Control strategy: Nitrogen dioxide.

(b) Section 227.5(b) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR 51.14, Control strategy: Carbon monoxide, hydrocarbons, ozone, and nitrogen dioxide.

5. Section 52.1680 is added to read as follows:

§ 52.1680 Control strategy: Monitoring and Reporting.

(a) Sections 227.6 (a) and (f) are disapproved because they are not consistent with the continuous

monitoring and reporting requirements of 40 CFR 51.19(e).

[FR Doc. 81-32512 Filed 11-10-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP 6E1760/6E1874/7E1929/9E2136/OE2309/OE2361/R364; PH-FRL-1983-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Benomyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl). This regulation was requested by the Interregional Research Project No. 4 (IR-4) and by the California Department of Food and Agriculture. This regulation will establish a maximum permissible level for the combined residues of benomyl and its metabolites at 0.2 part per million (ppm)

establishment of a tolerance for the combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity garlic at 0.2 ppm from treatment of garlic seed (cloves).

A comprehensive review of the data available for the chemical was conducted in connection with the Rebuttable Presumption Against Registration (RPAR) for benomyl which was published in the Federal Register of December 6, 1977 (42 FR 61788).

This presumption was based on information indicating that benomyl posed the risks of mutagenicity (point mutation and non-disjunction), spermatogenic depression and teratogenic effects, acute toxicity to aquatic organisms and significant population reduction in nontarget organisms. In the Federal Register of August 30, 1979 (44 FR 51166), the agency issued a Preliminary Notice of Determination, which concluded that benomyl continued to pose the risks noted above with the exception of point mutations and significant population reductions in nontarget organisms. In this Notice and the accompanying Position Document 2/3, the agency weighed the risks and benefits of use together, and determined that certain modifications to the terms and conditions of use were necessary to reduce the risks of use to applicators.

Subsequent to these findings, data have been made available indicating that benomyl is oncogenic and additional teratogenic tests have been submitted. A reexamination of the presently registered uses of benomyl in light of the oncogenic and teratogenic adverse effects is currently being performed.

Food residue studies on the crops for which tolerances are being proposed were submitted and evaluated for the petitions. These studies demonstrated that residues of benomyl in the crops will be less than the limits of sensitivity of analytical methodology, or less than 0.2 ppm. Thus, there will be minimal potential health risk to the general public. These and all currently existing tolerances and registered uses will be reevaluated in a future RPAR position document.

The nature of the residues is adequately understood and adequate analytical methods (fluorometric or colorimetric) are available for enforcement purposes. Since no detectable residues have been found in treated crops, there will be no problem of secondary residues in meat, milk, poultry, and eggs. Even if small

quantities of residues were to be found in feed items, the established meat, milk, poultry, and egg tolerances would be adequate to cover residues from these uses.

No comments or requests for referral to an advisory committee were received in response to the notice of proposed rulemaking.

Based on the above information considered by the agency, it is concluded that the amount of benomyl added to the diet from the seed uses is too small to substantially increase the risk to humans. Thus, the tolerances are considered to pose a negligible increment in risk and it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the Federal Register, file written objections with the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed 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.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: November 12, 1981.

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

Dated: November 3, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.294 is revised to read as follows:

§ 180.294 Benomyl; tolerances for residues.

Tolerances are established for the combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almond hulls.....	1
Apples (pre- and post-H).....	7
Apricots (pre- and post-H).....	15
Avocados.....	1
Bananas (pre- and post-H) (NMT 0.2 ppm (N) shall be present in the pulp after peel is removed and discarded).....	1
Beans.....	2
Bean vine forage.....	50
Beets, sugar, roots.....	0.2
Beets, sugar, tops.....	15
Blackberries.....	7
Blueberries.....	7
Boysenberries.....	7
Broccoli.....	0.2
Brussels sprouts.....	0.2
Cabbage.....	0.1
Cattle, fat.....	0.1
Cattle, meat.....	0.1
Cattle, mbyop.....	0.1
Cauliflower.....	0.2
Celery.....	3
Cherries (pre- and post-H).....	15
Chinese cabbage.....	0.2
Citrus fruit (pre- and post-H).....	10
Collards.....	0.2
Corn, fresh (inc. sweet K + CWHF).....	0.2
Corn, sweet, fodder and forage.....	0.2
Cucumbers.....	1
Dewberries.....	7
Eggplants.....	0.2
Eggs.....	0.1
Garlic.....	0.2
Goats, fat.....	0.1
Goats, meat.....	0.1
Goats, mbyop.....	0.1
Grapes.....	10
Hogs, fat.....	0.1
Hogs, meat.....	0.1
Hogs, mbyop.....	0.1
Horses, fat.....	0.1
Horses, meat.....	0.1
Horses, mbyop.....	0.1
Kale.....	0.2
Kohlrabi.....	0.2
Loganberries.....	7
Mangoes.....	3
Melons.....	1
Milk.....	0.1
Mushrooms (pre- and post-H).....	10
Mustard greens.....	0.2
Nectarines (pre- and post-H).....	15
Nuts.....	0.2(N)
Peaches (pre- and post-H).....	15
Peanuts.....	0.2
Peanut forage.....	15
Peanut hay.....	15
Peanut hulls.....	2
Pears (pre- and post-H).....	7
Peppers.....	0.2
Pineapples (post-H).....	35
Plums (inc. fresh prunes) (pre- and post-H).....	15

Commodities	Perts per million
Poultry, fat	0.1
Poultry, liver	0.2
Poultry, meat	0.1
Poultry, mibyp	0.1
Pumpkins	1
Raspberries	7
Rice	5
Rice straw	15
Rutabagas	0.
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mibyp	0.1
Soybeans	0.2
Spinach	0.2
Squash, summer	1
Squash, winter	1
Strawberries	5
Sweet potatoes	0.2
Tomatoes	5
Turnips, roots	0.2
Turnips, tops	0.2

[FR Doc. 81-32614 Filed 11-10-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Parts 54 and 54a

Changes in Requirements for Programs Replaced by Block Grants; Correction

AGENCY: Department of Health and Human Services.

ACTION: Interim final rule with request for comments; Correction.

SUMMARY: This document corrects an interim final rule with request for comments on changes in requirements for programs replaced by block grants that appeared at page 48593 in the Federal Register of Thursday, October 1, 1981, (46 FR 48593). This action is necessary to correct a typographical error in a citation.

DATES: The rule is effective October 1, 1981. Comments must be received on or before November 30, 1981. Any amendments suggested in those comments will be considered and any appropriate revisions will be made promptly.

ADDRESS: Comments on this rule should be submitted to: Executive Secretariat, Attn: Charlotte Lewis, Department of Health and Human Services, Room 632-H, Humphrey Building, 200 Independence Avenue, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Robert L. Spencer, Regulations Officer, Public Health Service, Parklawn Building, Room 17B-08, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-6330.

Dated: November 4, 1981.

Approved:

Robert F. Sermier,
Deputy Assistant Secretary for Management Analysis and Systems.

Accordingly, the Department of Health and Human Services is correcting FR Doc. 81-28343 appearing on 48593 in the issue of October 1, 1981 as follows:

On page 48596 in the middle of column three, "[§ 54.204 [Removed] 6. Section 54.204 is removed.]" is corrected to read:

§ 54a.204 [Removed]

6. Section 54a.204 is removed.

[FR Doc. 81-32610 Filed 11-10-81; 8:45 am]

BILLING CODE 4110-12-M

Health Care Financing Administration

42 CFR Part 401

Medicare Program; Availability of Information and Records to the Public

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: We are changing the Code of Federal Regulations (CFR) location of certain regulations applicable to the Medicare program that concern the availability of information and records to the public. Currently, HCFA shares regulations on that subject with the Social Security Administration (SSA) in Title 20 of the CFR.

This change in location is one of a series intended to consolidate HCFA regulations in one place, Title 42 of the CFR, for the convenience of providers of services, intermediaries and others who use our regulations. This move will combine these regulations on the general availability of information with others in Title 42 on disclosure of official records and information about individuals.

We do not intend any substantive changes. We have merely inserted updated addresses for requesting records, changed certain references to make them applicable to HCFA rather than SSA, and deleted obsolete items from the list of publications. Substantive changes will be proposed at a later date when we publish regulations on the availability of information and records for both the Medicare and Medicaid programs.

EFFECTIVE DATE: November 12, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley Katz, Health Care Financing Administration, Dogwood West, Second Floor, 1848 Gwynn Oak Avenue, Baltimore, Maryland 21207, (301) 594-9595.

SUPPLEMENTARY INFORMATION: Background

From its inception in 1965 until March 1977, the Medicare program was the responsibility of the Social Security Administration (SSA). Regulations applicable to SSA programs are located in Titles 20 and 45 of the Code of Federal Regulations (20 CFR and 45 CFR).

In 1977, under a Departmental reorganization, responsibility for the Medicare program was transferred to HCFA. Most of the regulations applicable to HCFA programs are located in 42 CFR.

On November 13, 1980, HHS issued final regulations separating SSA rules from HCFA rules on the disclosure of official records and information about individuals to the public (45 FR 74906). These regulations implement the Privacy Act (5 U.S.C. 552b) and section 1106 of the Social Security Act. SSA recodified its portion of the regulations in 20 CFR Part 401, and transferred certain sections applicable to HCFA to a new 42 CFR Part 401, Subpart B, Confidentiality and Disclosure.

SSA's regulations that implement the Freedom of Information Act (FOIA) (5 U.S.C. 552) are located in 20 CFR Part 422, Subpart E, Availability of Information and Records to the Public. The regulations are generally applicable to the various programs administered by SSA (e.g. the Old Age, Survivors and Disability Insurance program) and also to Medicare. SSA's regulations in this area provide the sole source of guidance on HCFA's policies implementing the FOIA.

As the second step in our effort to consolidate HCFA's regulations in the general area of confidentiality and disclosure of information into 42 CFR, we are adopting those provisions of SSA's regulations that apply to Medicare and placing them in 42 CFR Part 401, Subpart B, following the regulations transferred by SSA in the November 13, 1980 Federal Register. In doing so, we have updated addresses and references to HCFA offices and personnel, and deleted obsolete items from the list of publications we make available for public inspection. No substantive changes have been made.

Briefly, the regulations contain an explanation of how HCFA implements the requirements of the FOIA. We present in the regulation a description of material that HCFA makes available for public inspection and copying, the addresses where the information may be obtained, and a description of the procedures the public must follow when requesting information.