No comments were received in response to the notice of filing.

The scientific data and other relevant material considered in support of this regulation are contained and discussed in a related document (PP 1F2575) that appears elsewhere in this issue of the **Federal Register.**

The insecticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the insecticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before August 13, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the requirements of section 3 of Executive Order 12291.

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 food or feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels 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 24945).

Effective on July 14, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346a(c)(1)))

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: July 6, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDE IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 561.98(a) is amended by adding the commodity citrus pulp to read as follows:

§ 561.98 Chlorpyrifos.

(a) * * *

Feeds	Parts per million
Citrus pulp, dried	5.0
* * * * *	

[FR Doc. 82-19027 Filed 7-13-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF STATE

22 CFR Part 2

[Dept. Reg. 108.821]

Duration of Protection for Secretary of State

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State, by this regulation, authorizes security officers designated under 22 CFR 2.1 to provide protection to the Secretary designate and the departing Secretary. The purpose of the regulation is to clarify the continuity of protection for individuals who serve as Secretary of State.

The regulation requires that the Under Secretary of State for Management determine that such protection is necessary and, in the case of a departing Secretary, limits authorization to a maximum of 30 days.

EFFECTIVE DATE: July 8, 1982.

ADDRESS: Send written comments to: The Assistant Legal Adviser for Management, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management (202) 632-2350.

SUPPLEMENTARY INFORMATION: A successor to the Secretary of State has been designated but confirmation hearings will not be held during the present recess of the Congress. This presents an immediate emergency situation to which this regulation responds, making it impracticable to follow the procedures of Executive Order 12291 (46 FR 34263) (exemption (8)(a)(1)). Similarly, on the basis of the present security emergency, the Department finds that notice and public procedure on this regulation are impracticable and contrary to the public interest. Because of the importance of the protection of the Secretary designate and departing Secretary to the conduct of foreign relations, the Department also finds that this regulation involves a foreign affairs function of the United States.

As required by 22 U.S.C. 2666, this regulation has been transmitted, prior to its effective date, to the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee.

List of Subjects in 22 CFR Part 2

Foreign officials, Security measures.

PART 2—PROTECTION OF FOREIGN DIGNITARIES AND OTHER OFFICIAL PERSONNEL

Accordingly, 22 CFR 2.1 is amended by designating the introductory paragraph as paragraph (a) and the present paragraphs (a) and (b) as paragraphs (a)(1) and (a)(2) respectively, and by adding at the end thereof the new paragraph (b) set forth below.

§ 2.1 [Amended]

* * * * *

(b) When the Under Secretary of State for Management determines that it is necessary, persons designated under paragraph (a) shall be authorized to provide protection to an individual who has been designated by the President to serve as Secretary of State, prior to his appointment, or to a departing Secretary of State. In providing such protection, they are authorized to exercise the authorities described in paragraphs (1) and (2) of paragraph (a). Such protection shall be for the period or periods determined necessary by the Under Secretary of State for Management, except that in the case of a departing Secretary of State, the period of protection under this paragraph shall in no event exceed 30 calendar days from the date of termination of that individual's incumbency as Secretary of State.

Dated: July 8, 1982.

Richard T. Kennedy,

Under Secretary for Management.

[FR Doc. 82-19114 Filed 7-13-82; 8:45 am]

BILLING CODE 4710-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2145-4]

Method 20—Determination of Nitrogen Oxides, Sulfur Dioxide, and Oxygen Emissions From Stationary Gas Turbines; Corrections; Appendix A—Reference Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Corrections.

SUMMARY: When the final version of Method 20, Appendix A of 40 CFR Part 60 was published in the September 10, 1979, **Federal Register** (45 FR 52801), certain inadvertent and typographical errors were made. The purpose of this action is to correct these errors and clarify some sections of the method.

EFFECTIVE DATE: July 14, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

The following changes and corrections to Appendix A should be made in the **Federal Register** document 79-27993, Monday, September 10, 1979, appearing on pages 52801, 52802, 52803, 52804, 52805, 52806, and 52807:

1. Page 52801:

a. First column, paragraph 1.2, seventh line: change "OO_2" to "O_2."

b. Second column, paragraph 2.5, second and third lines: change "before and" to "from zero."

c. Second column, paragraph 2.6, second and third lines: change "before and" to "from the known concentration of the calibration gas."

d. Second column, paragraph 2.7: delete all of paragraph 2.7.

e. Second column, paragraph 2.8, first line: change "2.8" to "2.7."

f. Second column, paragraph 2.9, first line: change "2.9" to "2.8."

g. Second column, paragraph 3.3: delete all of paragraph 3.3.

h. Second column, paragraph 3.4, first line: change "3.4" to "3.3," and change "20" to "40;" second line: change "minutes" to "seconds."

i. Second column, paragraph 3.5, first line: change "3.5" to "3.4;" second line: after "* * * span value," add "over the period of each test run." The specification for zero drift should read, "Less than ±2 percent of the span value over the period of each test run."

j. Second column, paragraph 3.6, first line: change "3.6" to "3.5;" second line: after "* * * span value," add "over the period of each test run." The specification for calibration drift should read, "Less than ±2 percent of the span value over the period of each test run."

k. Third column, paragraph 4.1.2, second line: the line should read "* * * stainless steel or Teflon tubing to transport * * *."

l. Third column, paragraph 4.1.5, second line: between the words "condenser" and "designed," add the words "* * * or other type device * * *;" fourth line: after the words "sample gas," add "* * * while maintaining minimal contact between any condensate and the sample gas." The first sentence of paragraph "4.1.5 Moisture Removal Trap." should read "A refrigerator-type condenser or other type device designed to continuously remove condensate from the sample gas while maintaining minimal contact between any condensate and the sample gas."

m. Third column, paragraph 4.1.5, last line: add a period at the end of the line.

n. Third column, paragraph 4.1.8, fourth line: delete the words "* * * type 316 * * *."

o. Third column, paragraph 4.3, first line: change "Caliberation" to "Calibration;" second line: change "may" to "shall;" third line: change the comma following "* * * NO in N_2" to a period and delete the rest of the line. Delete lines 4, 5, and 6 and "* * * in N_2." of line 7. Paragraph 4.3 should read "NO_x Calibration Gases. The calibration gases for the NO_x analyzer shall be NO in N_2. Use four calibration gas mixtures as specified below:"

2. Page 52802:

a. First column, paragraph 4.4, first line: change "ambient air" to "purified air;" second line: add "O_2" after "percent;" fourth line: add "in N_2" after "O_2."

b. First column, paragraph 4.5: delete all of paragraph 4.5.

3. Page 52803:

a. Second column, paragraphs 5.5 and 5.5.1: delete paragraph heading "5.5 Residence and Response Time" and delete all of paragraph 5.5.1.

b. Second column, paragraph 5.5.2, first line: change "5.5.2" to "5.5 Response Time." The first line should read "5.5 Response Time. To determine response time, first * * *."

4. Page 52804:

a. First column, paragraph 5.6, first line: change "NO_2 NO * * *" to "NO_2 to NO * * *."

b. First column, paragraph 5.6: delete all the text of paragraph 5.6 from "Introduce to the * * *" through "* * * approval of the Administrator." Replace this text with the following: "5.6.1 Add gas from the mid-level NO in N_2 calibration gas cylinder to a clean, evacuated, leak-tight Tedlar bag. Dilute this gas approximately 1:1 with 20.9 percent O_2, purified air. Immediately attach the bag outlet to the calibration valve assembly and begin operation of the sampling system. Operate the sampling system, recording the NO_x response, for at least 30 minutes. If the NO_2 to NO conversion is 100 percent, the instrument response will be stable at the highest peak valve observed. If the response at the end of 30 minutes decreases more than 2.0 percent of the highest peak valve, the system is not acceptable and corrections must be made before repeating the check.

"5.6.2 Alternatively, the NO_2 to NO converter check described in Title 40 Part 86: Certification and Test Procedures for Heavy-Duty Engines for 1979 and Later Model Years may be used. Other alternative procedures may be used with approval of the Administrator."

c. Third column, paragraph 6.1.2.1, fourth line: change "* * * one sample point * * * " to "* * * eight plus one additional sample point * * *;" lines seven and eight: change "* * * one sample point for each 0.4 m^2 (4.4 ft^2) of area, * * *" to "* * * 49 sample points (48 for circular stacks) * * *."

d. Third column, paragraph 6.1.2.2, third line: change "O^2" to "O_2."

e. Third column, paragraph 6.1.2.3, first line: change "O^2" to "O_2;" fourth line: change "O^2" to "O_2;" ninth line: change "O^2" to "O_2."

f. Third column, paragraph 6.1.2.4, third line: change "O^2" to "O_2."

5. Page 52807:

a. First column, paragraph 6.2.3, last five lines: delete "Alternatively, the test * * * rate are used." and replace with "Alternatively, recalibrate the measurement system and recalculate the measurement data. Report the test results based on both the initial calibration and the recalibration data."

b. Third column, paragraph 8, first line: change "Citations" to "Bibliography."

c. Third column, paragraph 8.1: following paragraph 8.1, add a new paragraph as follows:

8.2 Sigsby, John E., F. M. Black, T. A. Bellar, and D. L. Klosterman. Chemiluminescent Method for Analysis of Nitrogen Compounds in Mobile Source Emissions (NO, NO_2, and NH_3). "Environmental Science and Technology," 7:51-54. January 1973.

Dated: July 7, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-19028 Filed 7-13-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 85

[FRL-2127-3]

Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines; Exclusion and Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule simplifies the application requirements under which most manufacturers of new motor vehicles and new motor vehicle engines may obtain exemptions from the prohibitions of section 203(a) of the Clean Air Act. Section 203(a) prohibits, among other things, the introduction into commerce of new motor vehicles and new motor vehicle engines which are not covered by a certificate of conformity with Federal emission requirements. This section also prohibits manufacturers, dealers and others from removing or rendering inoperative emission controls installed on motor vehicles or motor vehicle engines either before or after sale to ultimate purchasers. Existing regulations allow any person to apply for a testing exemption from these prohibitions. In addition, manufacturers may obtain pre-certification exemptions to cover uncertified vehicles or engines that are not leased or sold. Much less information is required in an application for a pre-certification exemption than in an application for a testing exemption. Remarks from manufacturers have indicated that the existing application requirements for both types of exemptions are too burdensome. This final rule will eliminate much of that burden for most manufacturers and reduce the administrative cost for EPA.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: John Guy, Investigation/Imports Section, Manufacturers Operations Division (EN-340), Environmental Protection Agency, Washington, D.C. 20460, (202) 382-2504.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 2000-0226.

Under section 203(b)(1) of the Clean Air Act (Act), the Administrator of EPA is authorized to exempt motor vehicles and motor vehicle engines from the prohibitions of section 203(a) for purposes of "research, investigations, studies, demonstrations, or training, or for reasons of national security." The Administrator is given broad discretion to determine the "terms and conditions * * * necessary" to exempt vehicles and engines for these purposes. On September 10, 1974, 39 FR 32609, regulations were promulgated at 40 CFR Part 85, Subpart R, to provide for a program by which any manufacturer could apply for and receive exemptions to cover vehicles or engines used for the purposes mentioned above. These regulations were amended on March 3, 1980, 45 FR 13733, to extend the availability of exemptions under section 203(b)(1) to individuals and other non-manufacturers.

Manufacturers have typically been able to furnish all of the information required by the existing exemption regulations and to comply with the terms and conditions under which exemptions have been granted. However, some manufacturers have remarked that the existing regulations are excessively burdensome. It has also been stated that extensive procedures and controls are unnecessary in view of the civil penalties to which a manufacturer is subject for introducing into commerce uncertified vehicles or engines, or for removing emission controls from certified vehicles or engines.

This rule was discribed in the Notice of Intent published on April 13, 1981, 46 FR 21628, concerning EPA's efforts to reduce the regulatory burden on the motor vehicle industry.

EPA reviewed the exemption regulations in light of the manufacturers' remarks and determined that the amount of specific information required in an exemption application could be significantly reduced. As a result, an NPRM was published on July 15, 1981 (46 FR 36717) which proposed a number of revisions to reduce the information required of manufacturers desiring to obtain exemptions. This final rulemaking incorporates a number of comments that manufacturers submitted in response to the NPRM. These comments and EPA's responses are discussed later.

EPA believes that the changes implemented by this rulemaking will reduce the administrative burden of the exemption program on manufacturers by about two-thirds. This will save manufacturers, as a group, more than 1,000 work hours per year.

Amendments—Testing Exemptions

This rule greatly reduces the information that most manufacturers are required to submit to obtain testing exemptions. Manufacturers and other persons are currently required to provide substantial information about each planned testing activity in advance in order to obtain an exemption. A new provision, which is added at § 85.1705(f), will eliminate all of those requirements for most manufacturers except for those in paragraphs (a)(1) and (d)(2) which require information about the purpose of the test program and the maximum number of vehicles or engines involved. In lieu of providing the previously required information, most manufacturers will submit a brief description of the record-keeping and control procedures that will be employed to assure that the vehicles or engines are used for purposes consistent with section 203(b)(1) of the Act. EPA reserves the right to require additional information from some manufacturers, such as importers of uncertified vehicles for resale, when circumstances warrant such a request.

This rule does not change testing exemption requirements for non-manufacturers. Non-manufacturers have sought exemptions for purposes that are not consistent with those described in the Act, such as modifying engines to remove emission control components and systems for the sole purpose of improving performance and fuel economy. This has not been the case with requests received from manufacturers. Consequently, EPA believes it is reasonable to differentiate between manufacturers and non-manufacturers when establishing exemption requirements. Further, non-manufacturers typically operate one small test fleet and, therefore, can more easily provide the needed information than manufacturers who operate multiple fleets and frequently must exchange vehicles or engines from one fleet to another. No comments have been received concerning the burden of the existing regulations on non-manufacturers, although EPA's desire to receive and consider such comments was stated in the NPRM.

It is anticipated that under these new regulations, manufacturers will estimate the size of their test fleets for the next year and submit one testing exemption request each year. Testing exemptions for both manufacturers and non-manufacturers will continue to be granted subject to the terms and conditions of a Memorandum of Exemption as currently required under § 85.1708 (redesignated in this rulemaking as § 85.1710). Testing exemptions granted to manufacturers under the existing regulations will remain in effect until the expiration date listed in the applicable Memorandum of Exemption. However, manufacturers should include the number of vehicles or engines still on exempt status from those exemptions in their totals when they request their first comprehensive testing exemption under the amended requirements.

Amendments—Pre-Certification Exemption

The existing provision regarding pre-certification vehicle and engine exemptions (§ 85.1705(h)) is applicable only to manufacturers and requires the advance submittal of a minimal amount of information. Specifically, manufacturers must provide a statement containing the number of vehicles or engines to be exempted, the nature of the fleet activities and the recordkeeping and control procedures that will be employed.

This rule will allow vehicles or engines used for pre-certification purposes (as defined by § 85.1702(a) (3) and (4)) by most manufacturers to be exempted without application to EPA, if the manufacturer complies with certain record-keeping and labeling conditions which are found in the Memorandum of Exemption that is currently issued when a pre-certification exemption is granted to a manufacturer. However, as with testing exemptions, EPA retains the right to require manufacturers involved with importing uncertified vehicles or engines for modification and subsequent resale to meet the existing application requirements in order to obtain pre-certification exemptions. Under the new provision, most manufacturers will no longer be required to sign a Memorandum of Exemption to cover pre-certification vehicles or engines.

Amendments—Miscellaneous

A number of minor changes in numbering, organization and referencing are included in this rulemaking.

Changes From NPRM

This final rule permits EPA to require some manufacturers to submit all the information presently required by 40 CFR 85.1705 in order to obtain testing and pre-certification exemptions. This change is necessary in order to scrutinize test programs by parties included within the term "manufacturer" (as defined in section 216(l) of the Act) who have not historically applied for testing or pre-certification exemptions, e.g., those individuals and businesses who import uncertified vehicles for subsequent resale. Since publication of the NPRM, EPA has received inquiries from a number of these manufacturers concerning the procedures for obtaining a certificate of conformity for such vehicles, and it is anticipated that they may also express interest in obtaining exemptions. Since the Agency has little experience with the types of test programs conducted by these manufacturers, it will likely be necessary to have additional information when considering their exemption requests. EPA does not expect it will be necessary to exercise its discretion to request this additional information from those manufacturers who have traditionally applied for exemptions under this section.

Several minor changes have been made in this final rule beyond those that were described in the NPRM. These changes act to reduce the burden of the regulations even further and provide greater flexibility to the regulated parties without impairing EPA's monitoring capability. The most notable of these changes involves the requirement to label exempt vehicles. The final rule allows a manufacturer to propose alternative methods to identify exempt vehicles besides labeling and allows the substitution on the label of the name of a person or office to contact in lieu of certain specific required items of information. Most of the changes made to the NPRM were implemented as a result of manufacturers' comments and are described in the *Discussion of Comments* section.

Discussion of Comments

Comments on the NPRM were received from five manufacturers: Ford Motor Company (Ford), General Motors Corporation (GM), Cummins Engine Company, Inc. (Cummins), American Motors Corporation (AMC) and Mack Trucks, Inc. (Mack). GM's comment merely expressed its agreement with the changes proposed in the NPRM.

AMC expressed its agreement with the intent of the proposal, but suggested that testing exemptions be granted for two years instead of one, since some test programs actually last longer than one year. AMC indicated that this comment was made because it believed that the NPRM would limit test programs to a maximum length of one year. It is not necessary to adopt this change, since test vehicles subject to an exemption in one year can be the subject of an application for subsequent years, as well. Each manufacturer need only adopt procedures whereby it will submit one comprehensive exemption request at about the same time each year.

AMC also suggested that the requirements to maintain vehicle identification information, purpose, and disposition of vehicles removed from exempt status be eliminated from the proposed precertification exemption provision. EPA believes that such information is necessary to afford it monitoring capabilities and is consistent with good fleet management practices. The Agency does not believe that this requirement poses a significant burden for manfacturers since they typically maintain such information for inventory control purposes for vehicles that are retained under company ownership.

AMC further requested that labeling requirements be eliminated from pre-certification vehicles and Ford suggested that, in some cases, labeling may not be the best way to identify exempt vehicles and engines. To allow more flexibility, EPA has amended the proposed labeling requirement in § 85.1706(a)(2) to indicate that it will consider requests to waive the labeling requirement or accommodate alternative methods of identifying exempt vehicles. Ford also requested that the information required on the labels be minimized to facilitate the use of pre-printed labels. Ford suggested that specific information such as model year and engine displacement is readily obtainable from other markings that most manufacturers put on their vehicles or engines and do not need to be put on the labels. Mack also requested that the model year requirement be deleted from the label since Mack believes such a requirement would be misleading in the case of certain pre-production or prototype vehicles or engines. To accommodate these requests, the final amendments allow the manufacturer to list either the prescribed information or a person or office to contact if further information about the vehicle or engine is desired.

Ford concurred with EPA's efforts to simplify the exemption regulations, but suggested that the requirement to apply for a testing exemption be eliminated as well. Vehicles and engines covered under a manufacturer's testing exemption(s) are not under the direct control of the manufacturer and are typically located throughout the U.S. Although the final amendments greatly reduce the application requirements for a manufacturer to obtain a testing exemption, EPA believes that maintaining the requirement for a manufacturer to review and sign a memorandum of the terms and conditions under which a testing exemption is granted will help insure that uncertified vehicles not involved in a manufacturer's testing program are not introduced into commerce and that those vehicles which participate in such a program will be returned to a certified configuration upon completion of the program. Further, the single annual testing exemption request should not pose a significant burden for a manufacturer.

In addition to the changes proposed in the NPRM, Cummins requested that the definition of "pre-certification vehicle engine" at § 85.1702(a)(4) be modified so that an engine owned by an engine manufacturer may clearly be operated under a pre-certification exemption in a vehicle that is not owned by the engine manufacturer. This comment was accepted and the definition at § 85.1702(a)(4) was revised accordingly. Two other minor comments from Cummins which improve the clarity of the regulatory language were also incorporated into the final rule. Note: Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), requires EPA to determine whether any rule it intends to issue is a major rule and to prepare a Regulatory Impact Analysis (RIA) for every major rule. Section 1(b) of the Order defines a "major rule" as any "regulation" (as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action is not a "major rule" requiring preparation of an RIA. It will not have any detrimental effect on the economy, it will not cause any increase in prices and it will not have any adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign companies. The revision of exemption requirements as set forth in this rulemaking will reduce the affected industry's cost of compliance with Subpart R of 40 CFR Part 85 and significantly reduce the related paperwork.

Environmental Impact Statement

This regulation will have no adverse environmental effects. Accordingly, no environmental impact statement will be prepared.

Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The change implemented by this rulemaking will reduce the burden, including costs, of compliance with exemption requirements for small manufacturers. In any case, this rule will not affect a substantial number of small businesses because motor vehicle and motor vehicle engine manufacturers are nearly all large businesses. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Information collection requirements contained in this regulation (§ 85.1705 *et seq.*) have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980 U.S.C. 3501 *et. seq.* and have been assigned OMB control number 2000-0226.

Dated: July 7, 1982.

Anne M. Gorsuch,

Administrator.

List of Subjects in 40 CFR Part 85

Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Accordingly, 40 CFR Part 85, Subpart R is amended as follows:

PART 85—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

1. In § 85.1702, paragraph (a)(4) is revised to read as follows:

§ 85.1702 Definitions.

(a) * * *

(4) "Pre-certification vehicle engine" means an uncertified heavy-duty engine owned by a manufacturer and used in a manner not involving lease or sale in a vehicle employed from year to year in the ordinary course of business for product development, production method assessment and market promotion purposes.

* * * * *

§ 85.1704 [Amended]

2. In § 85.1704, paragraphs (b) and (c) are revised to read as follows:

* * * * *

(b) Any manufacturer may request a national security exemption under § 85.1708.

(c) For manufacturers, vehicles or engines for export purposes are exempt without application, subject to the provisions of § 85.1709. For eligible manufacturers, as determined by § 85.1706, vehicles or engines for pre-certification purposes are exempt without application, subject to the provisions of § 85.1706(a).

3. In § 85.1705, paragraphs (d)(3) and (h) are removed; paragraph (g) is redesignated as § 85.1707—Display exemption; and paragraph (f) is revised to read as follows:

§ 85.1705 Testing exemption.

* * * * *

(d) * * *

(3) [Removed] * * *

(f) A manufacturer of new motor vehicles or new motor vehicle engines may request a testing exemption to cover any vehicles and/or engines intended for use in test programs planned or anticipated over the course of a subsequent one-year period. Unless otherwise required by the Director, Manufacturers Operations Division, a manufacturer requesting such an exemption need only furnish the information required by paragraphs (a)(1) and (d)(2) of this section along with a description of the recordkeeping and control procedures that will be employed to assure that the vehicles and/or engines are used for purposes consistent with section 203(b)(1).

* * * * *

(h) [Removed]

§§ 85.1706 and 85.1707 [Redesignated as §§ 85.1708 and 85.1709]

4. The existing §§ 85.1706 and 85.1707 are redesignated as §§ 85.1708 and 85.1709, respectively.

5. A new § 85.1706 is added to read as follows:

§ 85.1706 Pre-certification exemption.

(a) Except as provided in paragraph (b) of this section, any pre-certification vehicle or pre-certification vehicle engine, as defined by § 85.1702(a)(3) or (4), is exempt from section 203(a), without application, if the manufacturer complies with the following terms and conditions:

(1) The manufacturer shall create, maintain, and make available at reasonable times for review or copying by appropriate EPA employees records which provide each vehicle identification or engine serial number, indicate the use of the vehicle or engine on exempt status and indicate the final disposition of any vehicle or engine removed from exempt status; and

(2) Unless the requirement is waived or an alternative procedure is approved by the Director, Manufacturers Operations Division, the manufacturer shall permanently affix to each vehicle or engine on exempt status in a readily visible portion of the engine compartment (on a readily visible portion of a heavy-duty engine or in a readily accessible position on a motorcycle) a label which cannot be removed without destruction or defacement and which states in the English language, in block letters and numerals of a color that contrasts with the background of the label, the following information:

(i) The label heading: Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement, engine family identification and model year of vehicle or engine; or person or office to be contacted for further information about the vehicle or engine;

(iv) The statement: THIS VEHICLE OR ENGINE IS EXEMPT FROM THE PROHIBITIONS OF SECTIONS 203(a)(1), (3) and (4) OF THE CLEAN AIR ACT, AS AMENDED.

(3) No provision of paragraph (a)(2) shall prevent a manufacturer from including any other information it desires on the label.

(b) Any manufacturer that desires a pre-certification exemption and is in the business of importing, modifying or testing uncertified vehicles for resale under the provisions of 40 CFR 85.1501, *et seq.*, must apply to the Director, Manufacturers Operations Division. The Director may require such manufacturers to submit information regarding the general nature of the fleet activities, the number of vehicles involved, and a demonstration that adequate record-keeping procedures for control purposes will be employed.

§ 85.1708 Redesignated as § 85.1710 and Amended.

6. § 85.1708 is redesignated as § 85.1710 and amended by inserting the words "as required by § 85.1705 and § 85.1708," after the word "request," in the first sentence.

§ 85.1709 Redesignated as § 85.1711 and Amended.

7. § 85.1709 is redesignated as § 85.1711 and amended by inserting the mail code "(EN-340)" at the end of the second line of the mailing address.

(Secs. 203(b)(1) and 301 of the Clean Air Act (42 U.S.C. 7522(b)(1) and 7601))

[FR Doc. 82-19072 Filed 7-13-82; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 1F2575/R460; PH-FRL 2169-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the insecticide chlorpyrifos and its metabolite in or on the raw agricultural commodity citrus fruits. This regulation to establish the maximum permissible level for the combined residues of chlorpyrifos and its metabolite was requested by The Dow Chemical Company.

EFFECTIVE DATE: Effective on July 14, 1982.

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

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of December 16, 1981 (46 FR 61326) which announced that The Dow Chemical Company, P.O. Box 1706, Midland, MI 48640 had filed a pesticide petition (PP 1F2575) with EPA proposing that 40 CFR 180.342 be amended by establishing a tolerance for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl,*O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity citrus fruits at 1.0 part per million (ppm).

No comments were received in response to the notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a 2-year rat feeding/oncogenicity study and a dog feeding study with a no-observed-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw) per day based on RBC cholinesterase activity; a mouse oncogenicity study which was negative at 15 ppm (highest dose); and a mouse teratology study which was negative at 25.0 mg/kg. Studies on delayed neurotoxicity and reproduction showed negative potential. Based on the 2-year chronic rat feeding study with a NOEL of 0.1 mg/kg of bw/day, and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.01 mg/kg of bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from this tolerance and previously established tolerances for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 3.0 ppm does not exceed the ADI.

The metabolism of chlorpyrifos is adequately understood for this use, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No regulatory actions are currently pending against continued registration of chlorpyrifos, nor are there any other relevant considerations involved in establishing this tolerance.

The existing meat and milk tolerances are adequate to cover any secondary residues resulting in these commodities from the proposed use.

Desirable data that are considered lacking from this petition include a 2-generation rat reproduction study and a teratology study in a second species. In a letter dated February 11, 1982, the petitioner indicated that these studies would be submitted to the Agency by June of 1983. The petitioner also agreed to voluntarily delete the use on citrus from the label should the studies be found to exceed the risk criteria for unreasonable adverse effects.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the establishment of this tolerance will protect the public health. Therefore, the tolerance is established as set forth below. Related documents (FAP 1H5322) establishing food and feed additive regulations for the combined residues of chlorpyrifos and its metabolite in citrus oil and dried citrus pulp at 25.0 ppm and 5.0 ppm, respectively, appears elsewhere in this issue of the **Federal Register.**

Any person adversely affected by this regulation may, on or before August 13, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulations deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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 the 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: July 14, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 34a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

Dated: July 6, 1982.

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 180.342 is amended by adding and alphabetically inserting the raw agricultural commodity citrus to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Citrus fruits	1.0
* * * * *	

[FR Doc. 82-19023 Filed 7-13-82; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2589/R458; PH-FRL-2163-6]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide fluchloralin in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for residues of fluchloralin in or on the commodities was requested by BASF Wyandotte Corporation.

EFFECTIVE DATE: Effective on July 14, 1982.

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: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 13, 1982 (47 FR 1408) that BASF Wyandotte Corporation, 100 Cherry Hill Road, Parsippany, New Jersey 07054, had filed a pesticide petition (PP 2F2589) with the EPA. This petition proposed the establishment of tolerances for residues of the herbicide fluchloralin [*N*-2-chloroethyl)-alpha, alpha, alpha-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine] in or on the raw agricultural commodities seed and pod vegetables (dry and succulent) at 0.05 part per million (ppm), sunflower seeds at 0.05 ppm, and forage and hay of seed and pod vegetables at 0.1 ppm.

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included an acute oral LD_{50} 1,550 milligrams/kilogram (mg/kg) in the rat; a 90-day feeding study (rat) with a no-observed-effect level (NOEL) of 500 mg/kg/day; a 90-day oral study (dog) with a NOEL of 5.25 mg/kg/day; a 2-year feeding study (rat) with a NOEL of 4,400 ppm (no oncogenicity); a 3-generation reproduction study (rat) with a NOEL of 10,144 ppm; a teratology study (rabbit) with no-observed effects at 3,000 mg/kg; a dominant lethal mutagenicity study (rat) with no-observed effects at 500 mg/kg; a cytogenicity study (rat), negative at 10,144 ppm; and an 18-month feeding study (mouse) with a NOEL of 4,400 ppm (no oncogenicity).

Data currently lacking include a 6-month or longer dog feeding study, a teratology study on a second species, and mutagenicity data (multi-test evidence). The petitioner has been notified of the data deficiencies and has agreed to perform the required studies and to remove the use from the label should the results of the studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for fluchloralin on cottonseed, soybeans, and peanuts at 0.05 ppm. The tolerances for seed and pod vegetables (0.05 pppm) and sunflower seeds (0.05 ppm) will contribute 0.00276 mg/day 1.5 kg to the current theoretical maximal residues contribution (TMRC) for a total of 0.0038 mg/day (1.5 kg). This will occupy 2.14 percent of the ADI (allowable daily intake). There are no other tolerances pending at this time.

There are no regulatory actions pending against continued registration of fluchloralin. The product contains a nitrosoamine at levels less than 1 ppm. Based on an Agency policy that was published in the **Federal Register** of June 15, 1980 (45 FR 42854), this level of nitrosoamine falls below the currently acceptable risk criteria. The metabolism of fluchloralin in plants and animals has been adequately delineated for the proposed uses. An adequate analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes. There is no reasonable expectation of residues occurring in eggs, milk, meat, and meat byproducts of poultry and livestock, therefore, § 180.6(a)(3) applies. There are no other considerations in establishment of these tolerances. The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before August 13, 1982, file written objections with the Hearing Clerk at the address given above. Such objections should be submitted in triplicate 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 legally sufficient to justify the relief sought.

The Office of Management and Budget (OMB) has exempted this regulation from the requirements of section 3 of Executive Order 12291.

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 July 14, 1982.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 34a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw Agricultural commodities, Pesticides and pests.