

statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. (Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))).

List of Subjects in 40 CFR Part 180

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

Dated: May 16, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.378(b) is amended by adding and alphabetically inserting the following commodities to read as follows:

§ 180.378 Permethrin; tolerances for residues.

(b) * * *

Commodities	Parts per million
Almonds	0.05
Almond hulls	20.0
Apples	0.05
Soybeans	0.05

[FR Doc. 83-13776 Filed 5-24-83; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 180

PP 3F2810/R564; PH-FRL 2366-1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methylethyl)-N-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide], and its metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide] in or on the raw agricultural commodities apricots, plums, and prunes. This regulation to establish maximum permissible levels for residues of the pesticide was requested, pursuant to a petition, by Rhone-Polenc, Inc.

EFFECTIVE DATE: Effective on May 25, 1983.

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

FOR FURTHER INFORMATION CONTACT:

Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 229, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTAL INFORMATION: EPA

issued a notice published in the **Federal Register** of February 9, 1983 (48 FR 6018) which announced that Rhone-Polenc, Inc., PO Box 125, Monmouth Junction, NJ 08852, had submitted pesticide petition 3F2810 proposing to amend 40 CFR 180.399 by establishing tolerances for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methylethyl)-N-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide], and its metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide] in or on the raw agricultural commodities stone fruits at 20 parts per million (ppm).

The petition was subsequently amended to propose tolerances on apricots, plums, and prunes at 20 ppm vice "stone fruits" as a result of application of the fungicide to the commodities apricots, plums, and prunes.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerances include a 2-year rat feeding study with a no-observed-effect level (NOEL) of 1,000 ppm (50 mg/kg/day); a 90-day dog feeding study with a NOEL of 2,400 ppm (60 mg/kg/day); an 18-month mouse oncogenic study, negative for oncogenic potential at 1,250 ppm (187.5 mg/kg/day); a 3-generation rat reproduction study with a NOEL of 500 ppm (25 mg/kg/day); and a mutagenicity study in the mouse with no evidence of mutagenicity or adverse effect on fertility at 1,500 and 6,000 ppm.

Data current lacking include a teratology study in a second species, and mutagenicity studies including at least the following: (1) DNA repair, (2) gene mutation, mammalian, preferably in vitro, and (3) chromosomal aberration, mammalian, preferably in vitro.

The acceptable daily intake (ADI) based on the 3-generation rat reproduction study (NOEL of 25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.2500 mg/kg or bw/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 15.00 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0045 mg/day. The current action will utilize 2.49 percent of the ADI. Published tolerances utilize 5.67 percent of the ADI.

The nature of the residues is adequately understood and an analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes. Since no feed items are associated with apricots, plums, and prunes, there will be no secondary residues anticipated in eggs, meat, milk or poultry. There are presently no actions pending against the continued registration of the chemical.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should 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 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 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). (Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e))).

List of Subjects in 40 CFR Part 180

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

Dated: May 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.399 is amended by adding and alphabetically inserting the following commodities to read as follows:

§ 180.399 Iprodione; tolerances for residues.

* * *

Commodities	Parts per million
Apricots	20.0
* * *	
Plums	20.0
Prunes (fresh)	20.0

[FR Doc. 83-13777 Filed 5-24-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 704

[OPTS-82008; FRL 2370-70]

Recordkeeping and Reporting Requirements; Recodification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Redesignation.

SUMMARY: EPA established 40 CFR Part 704 to consolidate the regulations for reporting of chemical information. In the interest of making the Code of Federal Regulations easier to use, EPA is now recodifying Part 704 to create a simpler and more comprehensive organization.

EFFECTIVE DATE: May 25, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: For the convenience of the user, the following redesignation table shows where the recodified materials may be found.

Old Section	New Section
704.95(a)	704.1(a)
704.95(b)	704.3(b)
704.95(c) (1) through (9), (11) and (14)	704.3
704.95(c)(10)	704.195(a)
704.95(c)(12)	704.195(c)(2) and 704.205(c)(2)

704.95(c)(13)
704.95(d)

704.95(e)(1)

704.95(e) (2) through (4)
704.95(f) (1) and (2)

704.95(f)(1)

704.95(f)(3)

704.95(g)

704.95(h)

704.205(a)

704.195(b) and

704.205(b)

704.195(c)(2) and

704.205(c)(2)

704.5 (a) through (c)

704.195(d) and

704.205(d)

704.195(e) and

704.205(e)

704.195(f) and 704.205(f)

704.7

704.195(g) and 704.205(g)

At this time EPA is also adding language to the definition of "Manufacture for commercial purposes" in the new § 704.3(j)(2). The language had been omitted inadvertently when the definition was first published as § 713.11(h)(2) in the Federal Register of October 24, 1980 (45 FR 70728). This error was not corrected when the definition was first recodified as § 704.95(c)(8)(ii) in the Federal Register of June 30, 1981 (46 FR 33525). The corrected definition now reads as EPA originally intended it to read in 1980.

This regulation is a nonsubstantive redesignation and reorganization and as such requires no opportunity for comment or public participation.

List of Subjects in 40 CFR Part 704

Environmental protection, Hazardous materials, Imports, Recordkeeping and reporting requirements.

Dated: May 17, 1983

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, Chapter 1 of 40 CFR is amended by revising Part 704 to read as follows:

PART 704—REPORTING AND RECORDKEEPING REQUIREMENTS**Subpart A—General Provisions**

Sec.

704.1 Scope and compliance.

704.3 Definitions.

704.5 Exemptions.

704.7 Confidentiality claims.

Subparts B-D—[Reserved]**Subpart E—Specific Chemical Reporting Requirements**

Sec.

704.195 Polybrominated Biphenyls (PBBs).

704.205 Tris (2,3-dibromopropyl).

Authority: Sec. 8(a), Pub. L. 94-169, 90 Stat. 2027, (15 U.S.C. 2607(a)).

Subpart A—General Provisions**§ 704.1 Scope and compliance.**

(a) *Scope.* This part establishes procedures governing reporting by persons who manufacture or import or who propose to manufacture or import chemicals listed in Subpart E.

(b) *Compliance.* Violation of the requirements of this part may result in civil penalty or criminal prosecution, as provided in sections 15 and 16 of TSCA. In addition, under section 17, the Government may seek judicial relief to compel submission of required information.

§ 704.3 Definitions.

All definitions as set forth in the Toxic Substances Control Act (TSCA) section 3 apply for this part. In addition, the following definitions are provided for the purposes of this part.

(a) [Reserved]

(b) "Article" means a manufactured item (i) which is formed to a specific shape or design during manufacture, (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (iii) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

(c) "Byproduct" means a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture(s).

(d) [Reserved]

(e) "EPA" means the United States Environmental Protection Agency.

(f) "Importer" means (1) any person who imports any chemical substance or any chemical substance as part of a mixture or article into the customs territory of the United States, and includes:

(i) The person primarily liable for the payment of any duties on the merchandise, or

(ii) An authorized agent acting on his behalf (as defined in 19 CFR 1.11).

(2) Importer also includes, as appropriate:

(i) The consignee.

(ii) The importer of record.

(iii) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(iv) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the United States consists of

the 50 states, Puerto Rico, and the District of Columbia.

(g) "Import in bulk form" means to import a chemical substance (other than as part of a mixture or article) in any quantity, in cans, bottles, drums, barrels, packages, tanks, bags, or other containers, if the chemical substance is intended to be removed from the container and the substance has an end use or commercial purpose separate from the container.

(h) "Impurity" means a chemical substance which is unintentionally present with another chemical substance.

(i) "Manufacture" means to manufacture for commercial purposes.

(j) "Manufacture for commercial purposes" means (1) to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes, among other things, such "manufacture" of any amount of a chemical substance or mixture:

(i) For commercial distribution, including for test marketing, and

(ii) For use by the manufacturer, including use for product research and development, or as an intermediate.

(2) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(k) [Reserved]

(l) [Reserved]

(m) [Reserved]

(n) "Person" includes any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.

(o) [Reserved]

(p) "Propose to manufacture or import" means that a person has made a firm management decision to commit financial resources for the manufacture or import of the specified chemical.

(q) [Reserved]

(r) [Reserved]

(s) [Reserved]

(t) "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*

§ 704.5 Exemptions.

Unless otherwise indicated, the following persons are not subject to this part.

(a) Research and development.

Persons who manufacture or import and persons who propose to manufacture or import the specified chemical solely for research and development.

(b) Byproducts and impurities.

Persons who manufacture or import and persons who propose to manufacture or import the specified chemical as a byproduct or impurity.

(c) Import as part of an article.

Persons who import or propose to import the specified chemical as part of an article.

§ 704.7 Confidentiality claims.

(a) Any person submitting a notice under this rule may assert a business confidentiality claim covering all or any part of the notice. Any information covered by a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Part 2 of this title.

(b) If no claim accompanies the notice at the time it is submitted to EPA, the notice will be placed in an open file available to the public without further notice to the respondent.

(c) To assert a claim of confidentiality for data contained in a notice, the respondent must submit two copies of the notice.

(1) One copy of the notice must be complete. In that copy the respondent must indicate what data, if any, are claimed as confidential by marking the specific information on each page with a label such as "confidential", "proprietary", or "trade secret".

(2) If some data in the notice are claimed as confidential, the respondent must submit a second copy. The second copy must be complete except that all information claimed as confidential in the first copy must be deleted.

(3) The first copy of the notice will be for internal use by EPA. The second copy will be placed in an open file to be available to the public.

(4) Failure to furnish a second copy of the notice when information is claimed as confidential in the first copy will be considered a presumptive waiver of the claim of confidentiality. EPA will notify the respondent by certified mail that a finding of a presumptive waiver of the claim of confidentiality has been made. The respondent has 15 days from the date of receipt of notification to submit

the required second copy. Failure to submit the second copy will cause EPA to place the first copy in the public file.

(d) In submitting a claim of confidentiality, a person attests to the truth of the following four statements concerning all information which is claimed confidential:

(1) My company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

(2) The information is not, and has not been, reasonably obtainable without our consent by other persons (other than government bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding).

(3) The information is not publicly available elsewhere.

(4) Disclosure of the information would cause substantial harm to our competitive position.

Subpart E—Specific Chemical Reporting Requirements

§ 704.195 Polybrominated Biphenyls (PBBs).

(a) *Definitions.* "PBBs" (polybrominated biphenyls) means chemical substances the compositions of which, without regard to impurities, consist of brominated biphenyl molecules having the molecular formula $C_{12}H_xBr_y$, where $x+y=10$ and y ranges from 1 to 10.

(b) *Persons who must report.* Except as provided in paragraph (c) of this section, the following persons are subject to the rule:

(1) Persons who manufacture or propose to manufacture PBBs which have been reported for the Inventory.

(2) Persons who import (importers) or propose to import PBBs which have been reported for the Inventory as a chemical substance in bulk or as part of a mixture.

(c) *Persons not subject to this rule.* The following persons are not subject to this rule:

(1) Persons described at § 704.5 (a) through (c).

(2) Persons who are small manufacturers or importers, as described in this paragraph.

A small manufacturer or importer is a manufacturer or importer whose total annual sales are less than \$500,000, based upon the manufacturer's or importer's latest complete fiscal year, except that no manufacturer or importer is a small manufacturer or importer with respect to PBBs which such person manufactured at one site or imported in quantities greater than 10,000 pounds

during the latest calendar year. In the case of a company which is owned or controlled by another company, total annual sales shall be based on the total annual sales of the owned or controlled company, the parent company, and all companies owned or controlled by the parent company taken together.

(d) *What information to report.* Persons subject to this rule as described in paragraph (b) of this section must notify EPA of current or proposed manufacture or import of PBBs. The notice must include, to the extent that it is known to the person making the report or is reasonably ascertainable, the following information:

- (1) Company name and address.
- (2) Principal technical contact.
- (3) A description of the use or intended use for the PBBs.
- (4) Estimated number of persons exposed to the PBBs during manufacture or importation, processing, distribution, use, and disposal.
- (5) Quantity (by weight) manufactured or imported within twelve months prior to the effective date of the rule and/or estimated quantity (by weight) to be manufactured or imported in the foreseeable future.

(6) The proposed date for the initiation of manufacturing or importation of PBBs, if appropriate.

(e) *When to report.* Persons who are manufacturing or importing PBBs on the effective date of the rule must notify EPA within 30 days of the effective date of the rule. Persons who propose to manufacture or import PBBs must notify EPA within 15 days when they propose to manufacture or import the substance.

(f) *Where to send reports.* Notices shall be submitted by certified mail to the Document Control Officer, for TSCA, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Washington, DC 20460. ATTN: PBB notification.

(g) *Sunset provision.* The reporting requirements of paragraph (d) of this section will terminate on May 1, 1985.

§ 704.205 Tris (2,3-dibromopropyl) phosphate.

(a) *Definitions.* "Tris" means tris (2,3-dibromopropyl) phosphate (also commonly named DBPP, TBPP, and Tris-BP).

(b) *Persons who must report.* Except as provided in paragraph (c) of this section, the following persons are subject to the rule:

- (1) Persons who manufacture or propose to manufacture Tris.
- (2) Persons who import (importers) or propose to import Tris as a chemical substance in bulk or as part of a mixture.

(c) *Persons not subject to this rule.* The following persons are not subject to this rule:

(1) Persons described at § 704.5 (a) through (c).

(2) Persons who are small manufacturers or importers, as described in this paragraph.

A small manufacturer or importer is a manufacturer or importer whose total annual sales are less than \$500,000, based upon the manufacturer's or importer's latest complete fiscal year, except that no manufacturer or importer is a small manufacturer or importer with respect to Tris which such person manufactured at one site or imported in quantities greater than 10,000 pounds during the latest calendar year. In the case of a company which is owned or controlled by another company, total annual sales shall be based on the total annual sales of the owned or controlled company, the parent company, and all companies owned or controlled by the parent company taken together.

(d) *What information to report.* Persons subject to this rule as described in paragraph (b) of this section must notify EPA of current or proposed manufacture or import of Tris. The notice must include, to the extent that it is known to the person making the report or is reasonably ascertainable, the following information:

- (1) Company name and address.
- (2) Principal technical contact.
- (3) A description of the use or intended use for Tris.
- (4) Estimated number of persons exposed to the Tris during manufacture or importation, processing, distribution, use, and disposal.
- (5) Quantity (by weight) manufactured or imported within twelve months prior to the effective date of the rule and/or estimated quantity (by weight) to be manufactured or imported in the foreseeable future.

(6) The proposed date for the initiation of manufacturing or importation of Tris, if appropriate.

(e) *When to report.* Persons who are manufacturing or importing Tris on the effective date of the rule must notify EPA within 30 days of the effective date of the rule. Persons who propose to manufacture or import Tris must notify EPA within 15 days when they propose to manufacture or import the substance.

(f) *Where to send reports.* Notices shall be submitted by certified mail to the Document Control Officer for TSCA, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Washington, DC 20460. ATTN: Tris notification.

(g) *Sunset provision.* The reporting requirements of paragraph (d) of this section will terminate on May 1, 1985.

(46 FR 33525, June 30, 1981)

[FR Doc. 83-14006 Filed 5-24-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-634; FCC 83-121]

Changes in the Corporate Structure and Operations of the Communications Satellite System

AGENCY: Federal Communications Commission.

ACTION: Denial of petitions for reconsideration of policy statement.

SUMMARY: This order disposes of two petitions for reconsideration or clarification of the Commission's Memorandum Opinion and Order, *In the Matter of changes in the corporate structure and operations of the Communications Satellite Corporation*, 90 FCC 2d 1159 (1982); 47 FR 41116, Sept. 17, 1982. The order denies the petitions filed by Western Union International, Inc. and RCA Global Communications, Inc., except to the extent that the order clarifies the degree of separation required between the Comsat parent corporation and its subsidiaries.

FOR FURTHER INFORMATION CONTACT: Joel Pearlman, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-4047.

Memorandum Opinion and Order

In the matter of changes in the corporate structure and operations of the Communications Satellite System; CC Docket No. 80-634, (11-2-82; 47 FR 49744).

Adopted: March 31, 1983.

Released: April 20, 1983.

By the Commission: Commissioner Jones concurring in part and dissenting in part and issuing a statement; Commissioner Dawson concurring and issuing a statement.

I. Background

1. On August 5, 1982, we adopted our Memorandum Opinion and Order in the above-captioned proceeding, *Communications Satellite Corporation*, 90 FCC 2d 1159 (1982) (hereinafter *Structure*). We now have before us a Petition for Reconsideration or Clarification of this order filed on October 20, 1982, by Western Union International, Inc. (WUI) and a Petition