

controlling paperwork burdens imposed by Federal agencies on the public. Section 1320.6(c) of OMB's general information collection guidelines, which are codified as part of its final rule, provides that an agency should not require submission to it of more than one original and two copies of any document, unless the agency demonstrates that the requirement is necessary to satisfy a statutory requirement or some other substantial need.

FDA has reexamined § 1010.5(c) and has concluded that its existing requirement that a manufacturer applying for an exemption, or an amendment, or an extension of an existing exemption submit five copies of the application is not necessary to satisfy any requirement of the RCHSA. Furthermore, there is not any substantial need for the agency to receive more than three copies of such documents.

Therefore, FDA is changing its procedure to conform to OMB's guidelines by requiring an applicant to submit only an original and two copies of any application for exemption or for amendments or extensions of an existing exemption.

In accordance with the Administrative Procedures Act (5 U.S.C. 553(b)(B)), the Commissioner of Food and Drugs finds for good cause that notice and public procedure are unnecessary. This is because reducing the number of copies required to be submitted to FDA of an application for exemption or for amendments or extensions thereof will not affect the public health and will be less burdensome on, and less costly for, applicants. The agency, nevertheless, providing a 30-day period during which it will accept comments on this procedural change. If FDA decides on the basis of comments received that the change should be modified or revoked, it will provide further notice in the *Federal Register*.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this final rule and has determined that the final rule will not be a major rule as defined by the Order. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because it was not subject to a notice of proposed rulemaking under 5 U.S.C. 553.

List of Subjects in 21 CFR Part 1010

Administrative practice and procedure, Electronic products, Exemptions, Exports, Radiation protection, Standards, Variances.

Therefore, under the Radiation Control for Health and Safety Act of

1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 1010 is amended in § 1010.5 by revising the first sentence of paragraph (c), to read as follows:

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

§ 1010.5 Exemptions for products intended for United States Government use.

(c) *Application for exemption.* An original and two copies of any application for exemption, or for amendment or extension thereof, shall be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. * * *

Interested persons may, on or before May 6, 1985, submit to the Dockets Management Branch (address above) written comments on this final rule. Such comments will be considered in determining whether further amendments, modifications, or revisions to the final rule are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 4, 1985.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f))

Dated: March 12, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-8143 Filed 4-4-85; 8:45 am]

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21 CFR Part 1010

[Docket No. 85N-0013]

Performance Standards for Electronic Products; Number of Copies of an Application for Variance

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is reducing the required number of copies of applications that must be submitted in order to obtain variances from provisions of performance standards for electronic products. FDA has

determined that it currently is receiving more copies of such applications than the agency needs.

DATES: Comments by May 6, 1985. The final rule is effective June 4, 1985.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Tracy Summers, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under section 358 of the Radiation Control for Health and Safety Act of 1968 (the RCHSA) (42 U.S.C. 263f), FDA is required to establish performance standards for electronic products to control the emission of radiation from such products. Section 1010.4 of the regulations governing establishment of performance standards (21 CFR 1010.4) under the RCHSA provides the basis on which a manufacturer of an electronic product may apply for a variance or for amendments or extension of an existing variance from one or more provisions of a standard. Section 1010.4(b) requires that applications for variances or for amendments or extensions thereof be submitted in quintuplicate (OMB approval number 0910-0025).

In the *Federal Register* of March 31, 1983 (48 FR 13666), the Office of Management and Budget (OMB) published a final rule (5 CFR Part 1320) implementing the Paperwork Reduction Act of 1980 (Pub. L. 96-511), which established policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public. Section 1320.6(c) of OMB's general information collection guidelines, which are codified as part of its final rule, provides that an agency should not require submission to it of more than one original and two copies of any document, unless the agency demonstrates that the requirement is necessary to satisfy a statutory requirement or some other substantial need.

FDA has reexamined § 1010.4(b) and has concluded that its existing requirement that a manufacturer applying for a variance or an amendment or extension of an existing variance must submit five copies of the application is not necessary to satisfy any requirement of the RCHSA. Furthermore, there is not any substantial need for the agency to receive more than three copies of variance requests.

Therefore, FDA is changing its procedure to conform to OMB's guidelines by requiring an applicant to submit only an original and two copies of any application for variance or for amendments or extensions of an existing variance.

In accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the Commissioner of Food and Drugs finds for good cause that notice and public procedure are unnecessary. This is because reducing the number of copies required to be submitted to FDA of an application for variance or for amendments or extensions thereof will not affect the public health and will be less burdensome on, and less costly for, applicants. The agency, nevertheless, is providing a 30-day period during which it will accept comments on this procedural change. If FDA decides on the basis of comments received that the change should be modified or revoked, it will provide further notice in the *Federal Register*.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this final rule and has determined that the final rule will not be a major rule as defined by the Order. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because it was not subject to a notice of proposed rulemaking under 5 U.S.C. 553.

Lists of Subjects in 21 CFR Part 1010

Administrative practice and procedure, Electronic products, Exemptions, Exports, Radiation protection, Standards, Variances.

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

Therefore, under the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 1010 is amended in § 1010.4 by revising the introductory text of paragraph (b), to read as follows:

§ 1010.4 Variances.

(b) *Applications for variances.* Applications for variances or for amendments or extensions thereof shall be submitted in an original and two copies to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, Parklawn

Building, 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may, on or before May 6, 1985, submit to the Dockets Management Branch (address above) written comments on this final rule. Such comments will be considered in determining whether further amendments, modifications, or revisions to the final rule are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 4, 1985.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)).

Dated: March 12, 1985

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-8145 Filed 4-4-85; 8:45 am]

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21 CFR Part 1030

[Docket No. 85N-0005]

Performance Standards for Microwave and Radio Frequency Emitting Products; Number of Copies of an Exemption Application

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is reducing the required number of copies of applications that must be submitted to obtain exemptions from one or more of the requirements to post radiation safety warnings on microwave ovens. FDA has determined that it currently is receiving more copies of such applications than the agency needs.

DATES: Comments by May 6, 1985. The final rule is effective June 4, 1985.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under section 358 of the Radiation Control for Health and Safety Act of 1968 (the RCHSA) (42 U.S.C. 263f), FDA is

required to establish performance standards for electronic products to control the emission of radiation from such products. The performance standard for microwave and radio frequency emitting products is found in Part 1030 of the regulations governing establishment of performance standards under the RCHSA (21 CFR Part 1030). Section 1030.10(c)(6)(iv) of the standard provides the basis on which a manufacturer of a microwave oven may apply for exemption from one or more of the microwave oven radiation safety warnings specified in § 1030.10(c)(6)(i). Section 1030.10(c)(6)(iv) requires that applications for exemption be submitted in quintuplicate (OMB approval number 0910-0025).

In the *Federal Register* of March 31, 1983 (48 FR 13666), the Office of Management and Budget (OMB) published a final rule (5 CFR Part 1320) implementing the Paperwork Reduction Act of 1980 (Pub. L. 96-511), which established policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public. Section 1320.6(c) of OMB's general information collection guidelines, which are codified as part of its final rule, provides that an agency should not require submission to it of more than one original and two copies of any document, unless the agency demonstrates that the requirement is necessary to satisfy a statutory requirement or some other substantial need.

FDA has reexamined § 1030.10(c)(6)(iv) and has concluded that its existing requirement that a manufacturer applying for an exemption submit five copies of the exemption application is not necessary to satisfy any requirement of the RCHSA. Furthermore, there is not any substantial need for the agency to receive more than three copies of such documents.

Therefore, FDA is changing its procedure to conform to OMB's guidelines by requiring an applicant to submit only an original and two copies of any application for exemption from one or more of the radiation safety warnings specified in § 1030.10(c)(6)(i).

In accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(B)), the Commissioner of Food and Drugs finds for good cause that notice and public procedure are unnecessary. This is because reducing the number of copies required to be submitted to FDA of an application for exemption from one or more provisions of the radiation safety warnings will not affect the public health and will be less burdensome on, and less costly for, applicants. The

agency, nevertheless, is providing a 30-day period during which it will accept comments on this procedural change. If FDA decides on the basis of comments received that the change should be modified or revoked, it will provide further notice in the Federal Register.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this final rule and has determined that the final rule will not be a major rule as defined by the Order. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because it was not subject to a notice of proposed rulemaking under 5 U.S.C. 553.

List of Subjects in 21 CFR Part 1030

Electronic products, Microwave ovens, Radiation protection, Standards.

Therefore, under the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263(f))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 1030 is amended in § 1030.10 by revising the third sentence of paragraph (c)(6)(iv), to read as follows:

PART 1030—PERFORMANCE STANDARDS FOR MICROWAVE AND RADIO FREQUENCY EMITTING PRODUCTS

§ 1030.10 Microwave ovens.

(c) * * *

(6) * * *

(iv) * * * An original and two copies of applications shall be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. * * *

Interested persons may, on or before May 6, 1985, submit to the Dockets Management Branch (address above) written comments on this final rule. Such comments will be considered in determining whether further amendments, modifications, or revisions to the final rule are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 4, 1985.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263(f)))

Dated: March 12, 1985.

Joseph P. Hille,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-8144 Filed 4-4-85; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Availability of Final Draft Technical Report—Special Study Report, Texas Topsoil Substitution Practice

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability.

SUMMARY: The Office of Surface Mining (OSM) is making available to the public upon request a copy of the final draft technical report which pertains to the adequacy of information available to the Texas Railroad Commission (TRC), Surface Mining and Reclamation Division (SMRD) when it evaluates topsoil substitution practices permitted by Texas under the approved State program. A thorough evaluation of the information prepared for mining and reclamation plans under the Texas State program is completed, and OSM anticipated that it will be presented in the form of a final report in May 1985.

ADDRESSES: Technical reports are available at the following OSM offices:

Office of Surface Mining, U.S.

Department of the Interior, Interior South Building, Technical Information Branch, Room 139, 1951 Constitution Avenue NW., Washington, D.C. 20240 (telephone: 202-343-5587)

Office of Surface Mining, Tulsa Field Office, 333 West Fourth St., Room 3014, Tulsa, Oklahoma 74103 (telephone: 918-581-7927)

Office of Surface Mining, Western Technical Service Center, Administrator's Office, Brooks Towers, 1020 15th Street, Denver, CO. 80202 (telephone: 303-844-5421).

FOR FURTHER INFORMATION CONTACT:

Donald F. Smith, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240 (telephone: 202-343-1510) or Kenneth Wangerud, Office of Surface Mining, 1020 15th Street, Denver, Colorado 80202 (telephone: 303-844-2451)

SUPPLEMENTARY INFORMATION: A special study report has been prepared to evaluate the adequacy of information available to the Texas Railroad Commission (TRC) in approving mining

and reclamation plans under the approved Texas State program. The primary focus of the study is to determine whether or not the information available to the TRC is adequate to make a finding that the applicant has demonstrated that surface coal mining and reclamation operations can be feasibly accomplished utilizing the topsoil substitution practice.

OSM previously released drafts of the study on December 18, 1984, 49 FR 49113. The study is entitled *Special Study Report: Technical Evaluation of Topsoil Substitution Practices and Handling of Potential Acid/Toxic-forming Materials in Texas*. Since release of these previous draft reports, OSM has completed a final draft report which is now being made available to the public. The final report is expected to be available on May 31, 1985. OSM is releasing this final draft report in response to requests from the public for this material, and because OSM believes that it is appropriate to make the material available to the public at large.

Dated: April 1, 1985.

Brent Wahlquist,

Assistant Director, Technical Services and Research.

[FR Doc. 85-8207 Filed 4-4-85; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 914

Extension of Deadline for Submission of Program Amendments to the Indiana Permanent Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to extend the deadline for Indiana to (1) promulgate rules governing the training, examination and certification of blasters and (2) develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation.

On March 6, 1984, Indiana requested an extension of time for the development of a blaster certification program. On May 14, 1984, OSM announced its decision to extend Indiana's deadline to March 4, 1985 (49 FR 20285). On January 10, 1985, Indiana requested an additional six-month extension to submit a blaster training program and examination. All States with regulatory programs approved under the Surface Mining Control and