

III. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act ¹⁶ generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. The Commission certifies that promulgating this rule does not represent a major Federal action having a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis is required.

IV. Paperwork Reduction Act

The Paperwork Reduction Act ¹⁷ and the Office of Management and Budget's (OMB) regulations ¹⁸ require that OMB approve certain information collection requirements imposed by agency rule. This rule does not contain any information collection and recordkeeping requirements requiring OMB's approval. Therefore, this rule will not be submitted to OMB.

V. The National Environmental Policy Act Statement

The Commission concludes that promulgating this rule does not represent a major Federal action having significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act.¹⁹ The Commission believes this rule is procedural in nature and therefore falls within the categorical exemptions provided in the Commission's regulations.²⁰ Consequently, neither an environmental impact statement nor an environmental assessment are required.

VI. Effective Date

This final rule is a matter of general policy and interpretation of the Commission's regulations. Since this rule does not itself alter the substantive rights or interests of any interested persons, prior notice and comment are unnecessary under section 4 of the Administrative Procedure Act (APA).²¹ Since the purpose of this final rule is to delete certain sections from Part 2 of the Commission's regulations that are no longer pertinent, the Commission finds good cause to make this rule effective immediately upon issuance.

List of Subjects in 18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural gas, Pipelines, Reporting and recordkeeping requirements.

Accordingly, the Commission is amending Part 2, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission,
Lois D. Cashell,
Acting Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. No. 12009, 3 1978 Comp., p. 142; Federal Power Act, 16 U.S.C. 792-825r (1982) as amended by Electric Consumers Act of 1986, Pub. L. No. 99-495; Natural Gas Act, 15 U.S.C. 3301-3432 (1982); Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645 (1982); and National Environmental Policy Act, 42 U.S.C. 4321-4361 (1982).

§§ 2.51, 2.100 and 2.101 [Removed]

2. Sections 2.51, 2.100 and 2.101 are removed.

[FR Doc. 88-15700 Filed 7-12-88; 8:45 am]
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18 CFR Part 380

[Docket No. RM87-15-000; Order No. 486-B]

Regulations Implementing the National Environmental Policy Act of 1969; Order Making Technical Correction

Issued July 8, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order making technical correction.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is making a technical correction to its rule that adopted and supplemented the regulations of the Council on Environmental Quality implementing the National Environmental Policy Act of 1969 (Order No. 486, 53 FR 47897 (Dec. 17, 1987), Order No. 486-A, 53 FR 8176 (Mar. 14, 1988)).

EFFECTIVE DATE: This order is effective July 8, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street

NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. The full text of this document is available on CIPS for 10 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon and Charles A. Trabandt.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is making a technical correction to its final rule ¹ that adopted and supplemented the regulations of the Council on Environmental Quality implementing the National Environmental Policy Act of 1969.²

II. Background and Discussion

On rehearing of the final rule the Commission addressed the type of environmental review necessary for Commission approval of natural gas import or export sites. The order on rehearing, however, contained an incorrect legal citation. The Commission approves natural gas import/export sites pursuant only to DOE Delegation Order No. 0204-112,³ not both DOE Delegation Order Nos. 0204-26⁴ and 0204-112 as stated in the order on rehearing. The Commission, therefore, is amending those regulations promulgated in the rehearing order that relate to

¹ Order No. 486, 52 FR 47897 (Dec. 17, 1987). III FERC Stats. & Regs. ¶ 30,783 (1988), Order No. 486-A, 53 FR 8176 (Mar. 14, 1988). III FERC Stats. & Regs. ¶ 30,799 (Mar. 9, 1988).

² 42 U.S.C. 4321-4370a (1982).

³ 49 FR 6684 (Feb. 22, 1984), I FERC Stats. & Regs. ¶ 9913 (1988).

⁴ 43 FR 47769 (Oct. 17, 1978), I FERC Stats. & Regs. ¶ 9906 (1988).

¹⁶ 5 U.S.C. 601-612 (1982).

¹⁷ 44 U.S.C. 3501-3520 (1982).

¹⁸ 5 CFR Part 1320 (1987).

¹⁹ 52 FR 47897 (Dec. 17, 1987), III FERC Stats. & Regs. ¶ 30,783 (Dec. 10, 1987).

²⁰ 18 CFR 380.4(a)(2)(ii) (1987).

²¹ 5 U.S.C. 553(b) (1982).

Commission approval of gas import/export sites to delete the references to DOE Delegation Order No. 0204-26.

The Commission is also deleting § 380.4(a)(31) of its regulations as added in the order on rehearing. That paragraph categorizes Commission approval of a natural gas import or export site as a type of action that does not require an environmental impact statement if the site does not involve the construction of facilities. Under DOE Delegation Order Nos. 0204-111 and 0204-112,⁵ however, the Economic Regulatory Administration, not the Commission, approves import/export sites that require no construction.

III. Effective Date

The changes to the Commission's regulations contained in this order are effective immediately.

List of Subjects in 18 CFR Part 380

Environment, National Environmental Policy Act, Natural gas, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 380 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Lois D. Cashell,
Acting Secretary.

PART 380—REGULATIONS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

1. The authority citation for Part 380 continues to read as follows:

Authority: National Environmental Policy Act of 1969, 42 U.S.C. 4321-4307a (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

§ 380.4 [Amended]

2. In § 380.4, paragraph (a)(31) is removed.

3. In § 380.5, paragraph (b)(1) is revised to read as follows:

§ 380.5 Actions that require an environmental assessment.

* * * * *

(b) * * *

(1) Except as identified in §§ 380.4, 380.6 and 2.55 of this chapter, authorization for the site of new gas import/export facilities under DOE Delegation Order No. 0204-112 and authorization under section 7 of the Natural Gas Act for the construction,

replacement, or abandonment of compression, processing, or interconnecting facilities, onshore and offshore pipelines, metering facilities, LNG peak-shaving facilities, or other facilities necessary for the sale, exchange, storage, or transportation of natural gas;

* * * * *

4. In § 380.6, paragraph (a)(1) is revised to read as follows:

§ 380.6 Actions that require an environmental impact statement.

(a) * * *

(1) Authorization under sections 3 or 7 of the Natural Gas Act and DOE Delegation Order No. 0204-112 for the siting, construction, and operation of jurisdictional liquefied natural gas import/export facilities used wholly or in part to liquefy, store, or regasify liquefied natural gas transported by water;

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[FR Doc. 88-15699 Filed 7-12-88; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-011F]

Occupational Noise Exposure Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.
ACTION: Notice.

SUMMARY: Notice is hereby given that OSHA has reviewed the comments received in response to the Federal Register request for information on the occupational noise exposure standard. On the basis of the comments received, OSHA intends to maintain the present requirements of the standard. OMB has renewed the information collection clearance for the standard for three years.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Room N-3649, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

Background

The Office of Management and Budget (OMB) reviewed and approved the information collection requirements of the occupational noise exposure

standard (29 CFR 1910.95) when the hearing conservation amendment was issued in March 1983 (OMB Control No. 1218-0048). When OSHA sought renewal of its clearance for this standard in July 1986, however, OMB suggested that the Agency "reexamine, in conjunction with OMB, potential alternatives for reducing the [standard's] information collection burden." As a result of OMB's suggestion, OSHA agreed to seek public comment on the possibility of reducing the information collection burdens resulting from the noise standard.

On November 4, 1987, OSHA published a notice in the *Federal Register* (52 FR 42321) requesting comments concerning the current information collection burden of the OSHA noise standard. Comments were sought on whether and to what extent information collection requirements could be reduced without reducing the effectiveness of the standard in preventing employee hearing loss. Specifically, OSHA requested information on the practical utility of the information required to be collected by the existing regulation; on the appropriate frequency for collecting the information; and on possible alternatives for reducing the information collection burden.

In response to the Federal Register notice, 31 comments representing 29 organizations were received. With the exception of NIOSH, the respondents fell into two fairly well-defined categories:

1. Professional noise and audiologic consultants and related professional associations (21 comments).
2. Representatives of industrial and public utility organizations (9 comments).

Summary of Submitted Comments

1. Professional Noise and Audiologic Consultants and Related Professional Associations

Of the 21 comments received, 20 stated emphatically that no changes should be made in the present requirements of the standard. In 11 of these comments, it was pointed out that most consultants (who service smaller employers) and most large companies who perform their own audiometric testing make extensive use of computerized systems which keeps paperwork burden to a minimum. Sixteen of the 21 commenters in this group maintained that any changes, particularly in the frequency of audiometric testing, would diminish the effectiveness of the standard. Eight pointed out explicitly that they had

⁵ DOE Delegation Order No. 0204-26 was superseded by DOE Delegation Order No. 0204-55, which in turn was superseded by DOE Delegation Order No. 0204-112.

received no complaints from any of their clients on any recordkeeping requirements of the standard and no commenter in this group suggested that any client had raised any complaints about any provisions of the standard.

With regard to the frequency of audiometric testing, one commenter (Ex. 513-12) pointed out that, in one case, when audiometric testing was postponed for one year, upon resumption of testing, an STS was found in 24% of the 204 employees involved. The rate of STS fell to 3% when testing was resumed on an annual basis. Another commenter (Ex. 513-27) cited an Air Force study indicating that if audiometric tests were not performed annually, hearing loss due to noise exposure would not be discovered in time to avoid hearing impairment. The same commenter also cited an International Standards Organization standard (ISO-1999.2) which predicted that changes in hearing basis necessitates annual audiograms.

One commenter (Ex. 513-21) suggested that, under certain conditions and after 6 to 8 audiograms have been done annually, it might be possible to allow audiometric testing to be performed at two year intervals. However, all others opposed such a practice.

The subject of monitoring frequency was raised in one comment (Ex. 513-2) in which the commenter stated that noise monitoring need not be repeated annually. However, OSHA does not require annual monitoring and does, in fact, require exactly the provisions which the commenter recommends.

Overall, the comments from this group denied that there was any undue paperwork burden in the noise standard, maintained that none of their clients had any difficulties in complying with the standard, and stated that any changes in the provisions would weaken the standard's ability to provide adequate protection to employees.

2. Representatives of Industrial and Public Utility Organizations

Of the 9 comments in this group, two perceived problems with the present standard. Another (Ex. 513-24) submitted a detailed comment requiring the OSHA Form 200 issue of recordable hearing loss. However, the recordability of hearing loss on OSHA Form 200 is not a requirement of the noise standard. (It is required under 29 CFR Part 1904). Thus the comment is irrelevant to the issues addressed here. The remaining six comments expressed no knowledge of any reason why the paperwork requirements of the standard are too

burdensome and urged that they not be changed.

The first of the two commenters who perceived problems with the standard (Ex. 513-14) raised only one point. He felt the provision requiring the posting of the standard in an accessible location to be unnecessary. Since OSHA does not regard this requirement to be "paperwork" or "information collection", it is not considered relevant to the issue.

The second commenter (Ex. 513-15) who expressed problems with the requirements of the standard did not provide any explicit information. He felt that the scope of information collection was too broad. However, the only specifics mentioned related to schedules, bulletins, telephonic or telegraphic requests, etc. None of these are required by the noise standard. It seems apparent from the wording of the comment that the commenter was looking at the OMB definition of "Information Collection" which was included in the Federal Register notice, and assumed that these elements were part of the noise standard.

The other six commenters in this category opposed making any changes. Most of them explicitly stated that there was nothing excessively burdensome in the present requirements.

On the basis of the 9 comments in this category, no information has been presented which justifies making any change in the present noise standard.

3. NIOSH

NIOSH was the only government agency to submit a comment. They stated that present requirements are necessary to ensure the effectiveness of the standard and that any reduction in the present information collection requirements may result in a significant increase in the risk of hearing impairment among exposed workers.

Action To Be Taken

In the Federal Register notice of November 4, 1987, OSHA requested information "on the practical utility of the information required to be collected by the existing regulation, on the appropriate frequency for collecting the information and on possible alternatives for reducing the burden without reducing the effectiveness of the standard in protecting employee hearing." OSHA believes that, based on the comments received, no case has been made that would support any action to change any provision of the existing noise standard. OSHA therefore has prepared this Federal Register notice to announce that, as a result, no further action will be taken.

OMB has cleared the information collection requirements of the Occupational Noise Exposure Standard for three years until June 30, 1991, the maximum period allowed under the Paperwork Reduction Act.

List of Subjects in 29 CFR Part 1910

Occupational health standards, Noise.

Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 6(b) and 8(d) of the Occupational Safety and Health Act (29 U.S.C. 655, 659).

Signed at Washington, DC, this 8th day of July, 1988.

John A. Pendergrass,
Assistant Secretary of Labor.

[FR Doc. 88-15713 Filed 7-12-88; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300188A; FRL 3412-8]

Definitions and Interpretations; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds a commodity definition for marjoram that defines marjoram for tolerance purposes and clarifies and updates the relationship between the general commodity term "marjoram" and the specific raw agricultural commodities classified as "*Origanum* spp." This regulation was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: July 13, 1988.

ADDRESS: Written objections, identified by the document control number, [OPP-300188A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Hoyt Jamerson, Emergency Response and Minor Use Section (TS-767C), Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis