| Inert Ingredients | Limits | Uses |
|---|---|---|
| * * * * * * * | | |
| Acrylic acid-sodium acrylate-sodium-2-methylpropanesulfonate copolymer (minimum average molecular weight 4,500); CAS No. 97953-25-8. | | Dispersing agent |
| * * * * * * * | | |

* * * * *

[FR Doc. 93-9816 Filed 4-27-93; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180
[PP 2F4040/R1178; FRL-4185-2]
RIN 2070-AB78

## Spod-X Bioinsecticide; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of the microbial pest control agent *Spodoptera exigua* nuclear polyhedrosis virus in or on all raw agricultural commodities. The product Spod-X is an insecticidal virus product containing the polyhedral inclusion bodies of *Spodoptera exigua* nuclear polyhedrosis virus (Family: Baculoviridae). This exemption was requested by Crop Genetics International. This rule eliminates the need to establish a maximum permissible level for residues of *Spodoptera exigua* nuclear polyhedrosis virus.

EFFECTIVE DATE: Effective on April 28, 1993.

ADDRESSES: Written objections, identified by the document control number [PP 2F4040/R1178], may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708M, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Philip O. Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 213, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 11, 1992 (57 FR 8658), EPA issued a notice that announced Espro, Inc., (subsequently acquired by Crop Genetics International, 7170 Standard Drive, Hanover, MD 21076), had submitted pesticide petition (PP) 2F4040 to EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), proposing that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the insecticide Spod-X containing the polyhedral inclusion bodies of *S. exigua* nuclear polyhedrosis virus in or on all raw agricultural commodities when used to control the beet armyworm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

### Residue Chemistry Data and Toxicology Data

Although Spod-X bioinsecticide will be applied on a variety of vegetable and floriculture crops at rates varying from 2 to 50 grams per acre, residue chemistry data were not required. Such data were determined to be necessary only if the submitted toxicology studies indicated that additional Tier II or III toxicology data would be required as specified in 40 CFR 158.165(e). The submitted toxicology data for this use indicated that the product is of low mammalian toxicity; therefore, Tier II or III data were not required.

The toxicological data considered in support of this exemption from the requirements of a tolerance included an acute oral toxicity/pathogenicity study in the rat, an acute pulmonary toxicity/pathogenicity study in the rat, an acute intraperitoneal toxicity/pathogenicity study in the rat, and a primary eye irritation study in the rabbit. A dermal toxicty study was submitted and considered supplemental data. The results of the toxicity/pathogenicity studies showed no toxic, pathogenic, or adverse effects.

Reference Dose (RfD) and maximum permissible intake (MPI) considerations are not relevant to this petition because of the low toxicity and lack of pathogenicity or infectivity observed in the submitted studies.

Based on the information cited above, the Agency has determined that the potential acute toxicity/pathogenicity of *Spodoptera exigua* nuclear polyhedrosis virus is sufficiently low to support the proposed exemption from the requirements of a tolerance on all raw agricultural commodities. Thus, a tolerance for the active ingredient *Spodoptera exigua* nuclear polyhedrosis virus is not necessary to protect the public health. Therefore, 40 CFR part 180 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the Hearing Clerk at the address given above. 40 CFR 178.20. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: there is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

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. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or raising tolerance levels or food additive regulations 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).

**List of Subjects in 40 CFR Part 180**

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: April 8, 1993.

**Douglas D. Campt,**

*Director, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is amended as follows:

## PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

b. In subpart D, by adding new § 180.1118, to read as follows:

**§ 180.1118 Spodoptera exigua nuclear polyhedrosis virus; exemption from the requirement of a tolerance.**

An exemption from the requirement of a tolerance is established for the microbial pest control agent *Spodoptera exigua* nuclear polyhedrosis virus when used as a pesticide control agent on all raw agricultural commodities.

[FR Doc. 93–9810 Filed 4–27–93; 8:45 am]

BILLING CODE 6560–50–F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

### 42 CFR Parts 431, 483

[BPD–661–CN]

RIN 0938–AE49

## Medicare and Medicaid Programs; Preadmission Screening and Annual Resident Review

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

**ACTION:** Final rule; correction.

**SUMMARY:** In the November 30, 1992 issue of the **Federal Register**, we established requirements for preadmission and annual review of individuals with mental illness or mental retardation who are applicants to or residents of nursing facilities that are certified for Medicaid. We also established an appeals system for individuals who may be transferred or discharged from facilities or who wish to dispute a determination made in the preadmission screening and annual review process. This notice corrects typographical errors made in that document.

**EFFECTIVE DATE:** This correction notice is effective on January 29, 1993.

**FOR FURTHER INFORMATION CONTACT:** Jan Earle, (410) 966–0103.

**SUPPLEMENTARY INFORMATION:** The final rule, Preadmission Screening and Annual Resident Review, published in the **Federal Register** on November 30, 1992 at 57 FR 56450, contained several typographical errors, as indicated below:

**§ 431.206 [Corrected]**

1. On page 56505, in column two, § 431.206(c)(2), line three, "his" is corrected to read "his or her".

**§ 431.213 [Corrected]**

2. On page 56505, in column three, § 431.213(h), line three, the cross-reference to "§ 483.12(a)(4)(ii)" is revised to read "§ 483.12(a)(5)(ii)", and the cross-reference to "§ 483.12(a)(4)(i)." in line five is corrected to read "§ 483.12(a)(5)(i)."

**§ 431.621 [Corrected]**

3. On page 56506, in column two, § 431.621(c)(4), the cross-reference to "§§ 431.112(c) and 483.114(c)" in the fourth line of the subparagraph is corrected to read, "§§ 483.112(c) and 483.114(c)".

**§ 483.102 [Corrected]**

4. We make the following corrections to § 483.102:

a. On page 56507, in column one, § 483.102(a) is corrected by removing the phrase "and regardless of the source of payment for the NF services," in lines seven and eight of that paragraph.

b. On page 56507, in column two, § 483.102(b)(2), line five, "Revised" is corrected to read "revised".

**§ 483.106 [Corrected]**

5. We make the following corrections to § 483.106:

a. On page 56508, in column one, § 483.106(d) introductory text, line four, "requires," is corrected to read "requires".

b. On page 56508, in column two, § 483.106(e)(3), line two, "MR" is corrected to read "MI".

c. On page 56508, in column two, § 483,106(e)(3), line twelve, a period is added at the end of the sentence.

**§ 483.110 [Corrected]**

6. On page 56508, in column three, § 483.110(a), line eight, the cross-reference to "§ 431.52(b)(1)." is corrected to read "§ 431.52(b)."

**§ 483.128 [Corrected]**

7. On page 56510, in column three, § 483.128(i)(3), line five, the cross-reference to "paragraph (g)(4)" is corrected to read "paragraph (i)(5)".

**§ 483.130 [Corrected]**

8. We make the following corrections to § 483.130:

a. On page 56511, in column two, § 483.130(d)(3), line eleven, "active treatment;" is corrected to read "specialized services;".

b. On page 56511, in column three, § 483.130(f), line seven, the cross-reference to "§ 483.120(d)(4)–(6)." is corrected to read "§ 483.130(d)(4)–(6)."

**§ 483.136 [Corrected]**

9. On page 56513, in column three, § 483.136(c)(2) introductory text, lines ten and eleven, "State mental health authority" is corrected to read "State mental retardation authority".

**§ 483.204 [Corrected]**

10. On page 56514, column two, § 483.204(b), line four, "subchapter." is corrected to read "chapter."

**Authority:** Sections 1819(e) and 1919(e) of the Social Security Act (42 U.S.C. 1395i–3(e) and 1396r(e))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; Medicare—Supplementary Medical Insurance Program)

Dated: April 20, 1993.

**Neil J. Stillman,**

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 93–9858 Filed 4–27–93; 8:45 am]

BILLING CODE 4120–01–P

# Proposed Rules

Federal Register
Vol. 58, No. 80
Wednesday, April 28, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## GENERAL ACCOUNTING OFFICE

### Personnel Appeals Board

### 4 CFR Parts 27 and 28

### Procedural Regulations

**AGENCY:** General Accounting Office Personnel Appeals Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The General Accounting Office Personnel Appeals Board is proposing to revise its procedural regulations. The changes are intended to clarify the meaning of some sections, to fine-tune certain procedures, to correct a few errors in the prior regulations and to bring the regulations into conformity with the Civil Rights Act of 1991.

**DATES:** Comments must be submitted on or before June 30, 1993.

**ADDRESSES:** All comments concerning these regulations should be addressed to Dora Patton, Clerk of the Board, Personnel Appeals Board, U.S. General Accounting Office, Union Center Plaza II, suite 830, 441 G St., NW., Washington, DC 20548.

**FOR FURTHER INFORMATION CONTACT:** Dora Patton, Clerk of the Board, 202–512–6137.

**SUPPLEMENTARY INFORMATION:** The General Accounting Office Personnel Appeals Board hears and decides cases brought by GAO employees concerning various personnel matters including adverse or performance-based actions, claims of discrimination, alleged prohibited personnel practices and labor-management relations. The Board's current procedural regulations appear at 4 CFR parts 27 and 28. The Board is proposing to revise and reissue these regulations. The changes are intended to clarify the meaning of some sections, to fine-tune certain procedures, to correct a few errors in the prior regulations and to bring the regulations into conformity with the Civil Rights Act of 1991. Since the Board's jurisdiction is confined to personnel practices at the General Accounting Office (GAO), the Board is distributing copies of its proposed regulations, along with an explanation of the proposed changes, directly to employee groups and management officials within GAO. The text of the proposed regulations is not being published in the **Federal Register** because it is not likely to be of interest outside of the GAO community. However, any individual or group interested in receiving a copy of the Board's proposed regulations, along with an explanation of the proposed changes, may do so by contacting the Clerk of the Board at the address and telephone number listed above. All comments on the proposed regulations must be received by the Clerk of the Board (address above) on or before June 30, 1993. The full text of the final revised regulations will be published in the **Federal Register** prior to the effective date of the new regulations.

**List of Subjects**

*4 CFR Part 27*

Government employees, organization and functions (government agencies).

*4 CFR Part 28*

Administrative practice and procedure, equal employment opportunity, government employees, labor-management relations.

**Authority:** 31 U.S.C. 753(d).

**Alan S. Rosenthal,**

*Chairman, Personnel Appeals Board, U.S. General Accounting Office.*

[FR Doc. 93–9872 Filed 4–27–93; 8:45 am]

BILLING CODE 1610–01–M

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1150

**[DA–93–09]**

### Dairy Promotion Program; Notice of Referendum

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of referendum.

**SUMMARY:** This document announces that a referendum will be held to determine whether milk producers favor the continuation of the National Dairy Promotion Program, which was established by the Dairy and Tobacco Adjustment Act of 1983. This action is in response to a request by a large number of producers for the opportunity to vote on the producer-funded program. In order for it to be continued, the Promotion Program must be approved by a majority of the producers who vote in the referendum.

**DATES:** The referendum will be held during August 1993.

**FOR FURTHER INFORMATION CONTACT:** Eugene Krueger, Referendum Agent, USDA/AMS/Dairy Division, room 2968 South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–4128.

**SUPPLEMENTARY INFORMATION:** This document announces that a referendum will be conducted among producers for the purpose of determining whether the Dairy Promotion and Research Order should be continued. Pursuant to section 116(b) of the Dairy and Tobacco Adjustment Act of 1983, such order shall remain in effect if the Secretary determines that continuance of the order is favored by a majority of the producers voting in a referendum who during a representative period (as determined by the Secretary) were engaged in the production of milk for commercial use.

The month of April 1993 is hereby determined to be the representative period for the conduct of such referendum.

Eugene Krueger is hereby designated as the agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda in connection with the Dairy Promotion and Research Order (7 CFR 1150.200 *et seq.*).

Such referendum shall be held during the month of August 1993.

**List of Subjects in 7 CFR Part 1150**

Dairy products, Reporting and recordkeeping requirements, Research.

(Pub. L. 98–180, 97 Stat. 1128)

Dated: April 22, 1993.

**L.P. Massaro,**

*Acting Administrator.*

FR Doc. 93–9866 Filed 4–27–93; 8:45 am]

BILLING CODE 3410–02–M

## Rural Electrification Administration

### 7 CFR Part 1788

### REA Fidelity and Insurance Requirements for Electric and Telephone Borrowers

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** As part of its ongoing program of updating and streamlining its regulations, the Rural Electrification Administration (REA) is considering revising its regulation concerning the fidelity and insurance requirements for electric and telephone borrowers. To assist the Agency in this endeavor, comments are requested concerning any aspect covered by the regulation.

**DATES:** Written comments and recommendations must be received by REA by June 28, 1993.

**ADDRESSES:** Written comments should be addressed to F. Lamont Heppe, Jr., Deputy Director, Program Support Staff, Rural Electrification Administration, room 2234, 14th and Independence Avenue, SW., Washington, DC 20250–1500. REA requires a signed original and three copies of all comments (7 CFR 1700.30(e)). All comments received will be made available for public inspection at room 2234-S (address as above) during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** F. Lamont Heppe, Jr., Deputy Director, Program Support Staff, room 2234-S, at the above address. Telephone: (202) 720–0736.

**SUPPLEMENTARY INFORMATION:** Advance notice is given that REA is considering the revision of 7 CFR part 1788, REA Fidelity And Insurance Requirements For Electric And Telephone Borrowers. Interested parties are invited to submit written comments concerning this advance notice. The submittal of comments from other lenders which have made loans to REA borrowers is particularly desired.

#### Background

Part 1788 was published in 1986 and has never been amended or revised. REA is interested in ensuring that the regulation remains current and compatible with industry practice. Consequently, comments will be considered on any issue covered by the regulation. REA is particularly interested in information on the insurance requirements of other lenders serving electric and telephone utilities.

**Authority:** 7 U.S.C. 901 *et seq.*, 7 U.S.C. 1921 *et seq.*

Dated: April 22, 1993.

**Robert Peters,**

*Acting Under Secretary, Small Community and Rural Development.*

[FR Doc 93–9943 Filed 4–27–93; 8:45 am]

BILLING CODE 3410–15–F

## Animal and Plant Health Inspection Service

### 9 CFR Part 112

**[Docket No. 92–098–1]**

### Viruses, Serums, and Toxins and Analogous Products; Packaging and Labeling

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the regulations pertaining to packaging and labeling of veterinary biological products by prohibiting final containers of product packaged at licensed establishments in cartons or other containers from being repackaged for sale or distribution. The proposed rule also clarifies that, unless otherwise authorized, labeling may only be performed at a licensed establishment and amends the "Applicability" statement to clarify its intent.

The proposed action is necessary in order to assure that, because of incomplete, unclear, misleading, or inappropriate labeling, veterinary biological products are not rendered worthless, contaminated, dangerous, or harmful. The effect of the proposed rule would be to prohibit the repackaging, for sale or distribution, of final containers of veterinary biological products that are packaged in multiple container cartons or other containers.

**DATES:** Consideration will be given only to comments received on or before June 28, 1993.

**ADDRESSES:** Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development Staff, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92–098–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, telephone number (301)–436–8245.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Virus-Serum-Toxin Act (21 U.S.C. 151–159; hereinafter the Act), as amended by 1985 Food Security Act, prohibits the shipment of veterinary biological products anywhere in or from the United States that are worthless, contaminated, dangerous or harmful. It also prohibits such shipment of products unless they are prepared pursuant to USDA regulations in an establishment licensed by USDA. The term "preparation", as it is defined in the regulations, includes packaging and labeling. The 1985 amendments granted additional rulemaking authority to implement the requirements of the Act. Under the Act and regulations, the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture grants licenses for veterinary biological products which are pure, safe, potent, and efficacious when used according to label instructions. Complete labeling (either on the product or accompanying the product) must be reviewed and approved by APHIS in accordance with 9 CFR 112.5 prior to their use.

Recently, it has come to APHIS' attention that certain licensed veterinary biological products have been repackaged and sold after they had been removed from the licensed establishment where they were produced. This repackaging has resulted in products being sold without accompanying USDA approved labeling which was applied or included as part of product preparation. Such repackaging raises the issue of the safety and efficacy of the licensed product and of its use. It is also contrary to the statutory requirement that veterinary biological products must be "prepared" in a USDA licensed establishment.

There has been at least one recent case of the death and injury of dogs as a result of the use of such repackaged veterinary biological products.

Recent examples of repackaging which has resulted in false and misleading labeling which rendered the licensed product worthless and harmful are (1) the use of product labels for a product that were intended or approved for another licensed product; (2) the deletion or omission of approved directions for use, indications, warnings, or cautions from repackaged labels; (3) the alteration of directions for use on repackaged labels which