

(f) Artifacts.

**§ 1400.5 Requirement that assassination records be released in their entirety.**

An assassination record shall be disclosed in its entirety except for portions specifically postponed pursuant to the grounds for postponement of public disclosure of records established in section 6 of the ARCA, and no portions of any assassination records shall be withheld from public disclosure solely on grounds of non-relevance.

**§ 1400.6 Originals and copies.**

(a) For purposes of determining whether originals or copies of assassination records may be made part of the President John F. Kennedy Assassination Records Collection (the JFK Records Collection) to be established under the ARCA:

(1) In the case of papers, maps, and other documentary material, the Assassination Records Review Board (the Board) may determine that a true and accurate copy of the original is sufficient;

(2) In the case of photographs, the term record means the original negative if available, otherwise, the earliest generation print;

(3) In the case of motion pictures, the term record means the camera original if available, otherwise, the earliest generation print;

(4) In the case of sound and video recordings, the term record means the original recording, if available, otherwise, the earliest generation copy;

(5) In the case of machine-readable information, the Board may determine that a true and accurate copy of the original is sufficient; and

(6) Artifacts means the original object itself.

(b) In cases where a copy, as defined in paragraph (a) of this section is authorized by the Board to be included in the JFK Records Collection the Board may, at its discretion, require a certified copy. In cases where an original, as defined in paragraph (a) of this section, is required for inclusion in the JFK Records Collection the Board may, at its discretion, accept the best available copy.

**§ 1400.7 Additional guidance.**

(a) A government *agency, office, or entity* includes, for purposes of interpreting and implementing the ARCA, all departments, agencies, offices, divisions, foreign offices, bureaus, and deliberative bodies of any federal, state, or local government and includes all inter- or intra-agency working groups, committees, and

meetings that possess or created records relating to the assassination of President John F. Kennedy.

(b) The inclusion of artifacts in the scope of the term assassination record is understood to apply solely for purposes of establishing the President John F. Kennedy Assassination Records Collection and for fully implementing the terms of the ARCA and has no direct or indirect bearing on the interpretation or implementation of any other statute or regulation.

(c) In the case of artifacts deemed to be assassination records and included in the John F. Kennedy Assassination Records Collection, provision to the public of photographs, drawings, or similar materials depicting the artifacts shall be sufficient to comply with the ARCA's requirement that copies of assassination records be provided to the public upon request. Other display to or examination by the public of artifacts in the John F. Kennedy Assassination Records Collection shall occur under terms and conditions established by the National Archives and Records Administration that are adequate to preserve and protect the artifacts for posterity.

(d) The terms *and, or, any, all,* and the plural and singular forms of nouns shall be understood in their broadcast and most inclusive sense and shall not be understood to be terms of limitation. Any records identified with respect to a particular person also includes any records for that person by any other name, pseudonym, codeword, symbol, number, cryptonym or alias. Any record described with respect to an operation or program includes any record pertaining to that program by any other name, pseudonym, codeword, symbol, number or cryptonym.

**§ 1400.8 Implementing the ARCA—Catalog of Assassination Records.**

(a) A Catalog of Assassination Records (COAR) shall be created as the official listing of all records determined by the Board to meet the definition of assassination record.

(b) Notice of all decisions to include records in the COAR will be published in the **Federal Register** within 30 days of the decision.

(c) In listing records or groups of records in the COAR, the Board must determine that the record or group of records will more likely than not enhance, enrich, and broaden the historical record of the assassination.

Dated: February 3, 1995.

**David G. Marwell,**

*Executive Director, Assassination Records Review Board.*

[FR Doc. 95-3112 Filed 2-7-95; 8:45 am]

BILLING CODE 6820-TD-M

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 51 and 93**

[FRL-5149-9]

**Transportation Conformity Rule Amendments: Transition to the Control Strategy Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

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**SUMMARY:** This action proposes to permanently align the timing of certain transportation conformity consequences with the imposition of Clean Air Act highway sanctions. For ozone nonattainment areas with an incomplete 15% emissions-reduction state implementation plan with a protective finding; incomplete ozone attainment/3% rate-of-progress plan; or finding of failure to submit an ozone attainment/3% rate-of-progress plan, and areas whose control strategy implementation plan for ozone, carbon monoxide, particulate matter, or nitrogen dioxide is disapproved with a protective finding, the conformity status of the transportation plan and program would not lapse as a result of such failure until highway sanctions for such failure are effective under other Clean Air Act sections.

This action would delay the lapse in conformity status, which would otherwise prevent approval of new highway and transit projects, and allow States more time to prevent the lapse by submitting complete ozone implementation plans.

EPA has published in the final rule section of this **Federal Register** a similar interim final rule which takes effect immediately and applies for six months. This proposal would apply the provisions of the interim final rule permanently.

**DATES:** Comments on this action must be received by March 10, 1995. A public hearing will be held at 10:30 a.m. on February 22, 1995 in Washington, DC.

**ADDRESSES:** Interested parties may submit written comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Attention: Docket No. A-95-02, 401 M Street, SW., Washington, DC 20460.

A public hearing will be held at the Ramada Inn, 10 Thomas Circle NW, Washington DC.

Materials relevant to this proposal have been placed in Air and Radiation Docket A-95-02 by EPA. The docket is located at the above address in room M-1500 Waterside Mall (ground floor) and may be inspected from 8 a.m. to 4 p.m., Monday through Friday, including all non-government holidays.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Sargeant, Emission Control Strategies Branch, Emission Planning and Strategies Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. (313) 668-4441.

**SUPPLEMENTARY INFORMATION:** The terms and substance of the rule changes proposed in this document, and a description of the subjects and issues involved, are included in the document announcing the interim final rule published in the Final Rules Section of this **Federal Register**. This proposal is identical in substance to the interim final rule, except that the proposal would not limit the application of the proposed rule changes to a six-month period.

Dated: January 31, 1995.

**Carol M. Browner,**  
Administrator.

[FR Doc. 95-3002 Filed 2-7-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 180

[PP 5F4427/P606; FRL-4936-6]

RIN 2070-AC18

#### Pesticide Tolerance for Chlorpyrifos

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to establish a time-limited tolerance for residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] in or on the raw agricultural commodities oats and barley when blended together in a mixture containing 97% oats and 3% barley. The proposal to establish maximum permissible levels for residues of the insecticide was requested in a petition submitted by General Mills.

**DATES:** Comments, identified by the document control number, [PP 5F4427/P606], must be received on or before March 10, 1995.

**ADDRESSES:** By mail, submit written comments to: Public Response and

Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Dennis H. Edwards, Jr., Product Manager (PM) 19, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6386.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, published in the **Federal Register** of November 21, 1994 (59 FR 60013), which announced that General Mills had submitted pesticide petition (PP) 5F4427 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, amend 40 CFR 180.342 by establishing a tolerance for residues of the insecticide chlorpyrifos in or on the raw agricultural commodity oats at 15 ppm, provided that such tolerance applies only to oats that were treated post-harvest with chlorpyrifos on or before June 15, 1994; that such tolerance applies only to oats to be used as animal feed or as a constituent of animal feed; that, notwithstanding any other provision of law or regulation, this tolerance does not authorize the presence of residues of chlorpyrifos in any human food item made from such treated oats, other than residues resulting from the use of the oats for animal feed purposes; and that such tolerance expires on December 31, 1996.

Chlorpyrifos is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for application to many growing crops; associated

tolerance regulations have been established under the FFDCA. It is not, however, registered for use on oats or for treatment of stored grain. A pest control operator under contract to General Mills improperly treated stored oats and fraudulently claimed to have used a different pesticide, chlorpyrifos-methyl, that is registered for use on stored grains such as oats. The illegal residues were discovered by a routine FDA inspection. Processed food products manufactured from improperly treated oats were determined by the Agency not to be a human health hazard and those that had entered commerce were not recalled. Processed products that had not yet entered commerce were retained by General Mills and subsequently destroyed. Approximately 18 million bushels of stored unmilled oats treated with chlorpyrifos are at present controlled by General Mills or its customers. Although the Agency has determined that the use of the stored oats for the production of food does not constitute a human health hazard, no approval has been sought by General Mills to use the treated oats for human food purposes.

Chlorpyrifos is registered for use on other crops that are used for livestock or poultry feed purposes. General Mills has submitted data to demonstrate that the use of treated oats for livestock or poultry feed will not yield residues in meat, milk, or eggs that exceed existing tolerances for chlorpyrifos in these commodities. To ensure that the oats will be unacceptable for human food production, General Mills has stated that they will be blended to include not less than 3% barley and 97% oats. Accordingly, the definition of the raw agricultural commodity in the petition has been amended to "oats and barley when blended together in a mixture containing 97% oats and 3% barley."

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

The data submitted in the petition and other relevant material have been evaluated. Toxicological data considered in support of the proposed tolerance include:

1. A 2-year dog feeding study with a no-observed-effect-level (NOEL) for systemic effects of 1.0 milligram (mg)/kilogram (kg)/day and lowest-effect-level (LEL) (increased liver weight) of 3.0 mg/kg/day. The NOELs for cholinesterase (ChE) inhibition were as follows: 0.01 mg/kg/day for plasma, 0.1 mg/kg/day for red blood cells, and 1.0 mg/kg/day for brain cells. Levels tested were 0, 0.01, 0.03, 0.1, 1.0, and 3 mg/kg/day.