

Commodity	Parts per million	Expiration/Revocation date
Citrus dried pulp.....	0.3	Do.
Citrus oil .....	0.3	Do.
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[FR Doc. 97-12195 Filed 5-8-97; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR PART 180

[OPP-30113; FRL-5714-1]

#### Tolerance Processing Fees

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

**ACTION:** Final rule.

**SUMMARY:** This rule increases fees charged for processing tolerance petitions for pesticides under the Federal Food, Drug, and Cosmetic Act (FFDCA). The change in fees reflects a 3.33 percent increase in locality pay for civilian Federal General Schedule (GS) employees working in the Washington, DC/Baltimore, MD metropolitan area in 1997.

**EFFECTIVE DATE:** June 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this rule: By mail: Edward Setren, Immediate Office, Resources Management Staff (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 700-I, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-305-5927), e-mail: setren.edward@epamail.epa.gov. For further information concerning tolerance petitions and individual fees contact: Sonya Brooks at the same address, telephone (703) 308-6428, e-mail: brooks.sonya@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The EPA is charged with administration of section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA). Section 408 authorizes the Agency to establish tolerance levels and exemptions from the requirements for tolerances for food commodities. Section 408(o) requires that the Agency collect fees as will, in the aggregate, be sufficient to cover the costs of processing petitions for pesticide products, i.e., that the tolerance process be as self-supporting as possible.

The current fee schedule for tolerance petitions (40 CFR 180.33) was published

in the **Federal Register** on May 3, 1996 (61 FR 19850)(FRL-5365-2) and became effective on June 3, 1996. At that time the fees were increased 2.54 percent in accordance with a provision in the regulation that provides for automatic annual adjustments to the fees based on annual percentage changes in Federal salaries. The specific language in the regulation is contained in paragraph (o) of § 180.33 and reads in part as follows:

(o) This fee schedule will be changed annually by the same percentage as the percent change in the Federal General Schedule (GS) pay scale.... When automatic adjustments are made based on the GS pay scale, the new fee schedule will be published in the **Federal Register** as a final rule to become effective 30 days or more after publication, as specified in the rule.

The Federal Employees Pay Comparability Act of 1990 (FEPCA) initiated locality-based comparability pay, known as "locality pay". The intent of the legislation is to make Federal pay more responsive to local labor market conditions by adjusting General Schedule salaries on the basis of a comparison with non-Federal rates on a geographic, locality basis.

The processing and review of tolerance petitions is conducted by EPA employees working in the Washington, DC/ Baltimore, MD pay area. The pay raise in 1997 for Federal General Schedule employees working in the Washington, DC/Baltimore, MD metropolitan pay area is 3.33 percent; therefore, the tolerance petition fees are being increased 3.33 percent. The entire fee schedule, § 180.33, is presented for the reader's convenience. (All fees have been rounded to the nearest \$25.00.)

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

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements

Dated: April 30, 1997.

**Daniel M. Barolo,**

*Director, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

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

2. Section 180.33 is revised to read as follows:

#### § 180.33 Fees.

(a) Each petition or request for the establishment of a new tolerance or a tolerance higher than already established, shall be accompanied by a fee of \$64,025, plus \$1,600 for each food commodity more than nine on which

the establishment of a tolerance is requested, except as provided in paragraphs (b), (d), and (h) of this section.

(b) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional food commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a fee of \$14,650 plus \$975 for each food commodity on which a tolerance is requested.

(c) Each petition or request for an exemption from the requirement of a tolerance or repeal of an exemption shall be accompanied by a fee of \$11,800.

(d) Each petition or request for a temporary tolerance or a temporary exemption from the requirement of a tolerance shall be accompanied by a fee of \$25,575 except as provided in paragraph (e) of this section. A petition or request to renew or extend such temporary tolerance or temporary exemption shall be accompanied by a fee of \$3,625.

(e) A petition or request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level or a higher numerical level shall be accompanied by a fee of \$12,750 plus \$975 for each food commodity on which the temporary tolerance is sought.

(f) Each petition or request for repeal of a tolerance shall be accompanied by a fee of \$8,000. Such fee is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be repealed and a fee is paid as required by paragraph (a) of this section.

(g) If a petition or a request is not accepted for processing because it is technically incomplete, the fee, less \$1,600 for handling and initial review, shall be returned. If a petition is withdrawn by the petitioner after initial processing, but before significant Agency scientific review has begun, the fee, less \$1,600 for handling and initial review, shall be returned. If an unacceptable or withdrawn petition is resubmitted, it shall be accompanied by the fee that would be required if it were being submitted for the first time.

(h) Each petition or request for a crop group tolerance, regardless of the number of food commodities involved, shall be accompanied by a fee equal to

the fee required by the analogous category for a single tolerance that is not a crop group tolerance, i.e., paragraphs (a) through (f) of this section, without a charge for each commodity where that would otherwise apply.

(i) Objections under section 408(d)(5) of the Act shall be accompanied by a filing fee of \$3,200.

(j)(1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Costs of the advisory committee shall include compensation for experts as provided in § 180.11 and the expenses of the secretariat, including the costs of duplicating petitions and other related material referred to the committee.

(3) An advance deposit shall be made in the amount of \$31,975 to cover the costs of the advisory committee. Further advance deposits of \$31,975 each shall be made upon request of the Administrator when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(k) The person who files a petition for judicial review of an order under section 408(d)(5) or (e) of the Act shall pay the costs of preparing the record on which the order is based unless the person has no financial interest in the petition for judicial review.

(l) No fee under this section will be imposed on the Inter-Regional Research Project Number 4 (IR-4 Program).

(m) The Administrator may waive or refund part or all of any fee imposed by this section if the Administrator determines in his or her sole discretion that such a waiver or refund will promote the public interest or that payment of the fee would work an unreasonable hardship on the person on whom the fee is imposed. A request for waiver or refund of a fee shall be submitted in writing to the Environmental Protection Agency, Office of Pesticide Programs, Registration Division (7505C), Washington, DC 20460. A fee of \$1,600 shall accompany every request for a waiver or refund, except that the fee shall not be imposed on any person who has no financial interest in any action requested by such person under paragraphs (a) through (k) of this section. The fee for requesting a waiver or refund shall be refunded if the request is granted.

(n) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified

check drawn to the order of the Environmental Protection Agency. All deposits and fees shall be forwarded to the Environmental Protection Agency, Headquarters Accounting Operations Branch, Office of Pesticide Programs (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. The payments should be specifically labeled "Tolerance Petition Fees" and should be accompanied only by a copy of the letter or petition requesting the tolerance. The actual letter or petition, along with supporting data, shall be forwarded within 30 days of payment to the Environmental Protection Agency, Office of Pesticide Programs, Registration Division, (7504C) Washington, DC 20460. A petition will not be accepted for processing until the required fees have been submitted. A petition for which a waiver of fees has been requested will not be accepted for processing until the fee has been waived or, if the waiver has been denied, the proper fee is submitted after notice of denial. A request for waiver or refund will not be accepted after scientific review has begun on a petition.

(o) This fee schedule will be changed annually by the same percentage as the percent change in the Federal General Schedule (GS) pay scale. In addition, processing costs and fees will periodically be reviewed and changes will be made to the schedule as necessary. When automatic adjustments are made based on the GS pay scale, the new fee schedule will be published in the **Federal Register** as a Final Rule to become effective 30 days or more after publication, as specified in the rule. When changes are made based on periodic reviews, the changes will be subject to public comment.

[FR Doc. 97-12194 Filed 5-8-97; 8:45 am]

BILLING CODE 6560-50-F

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Parts 159, 160, and 199

[CGD 85-205]

RIN 2115-AC51

#### Inflatable Liferafts

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is revising its regulations for the approval and servicing of inflatable liferafts, and adding provisions for the approval of inflatable buoyant apparatuses. This final rule implements the 1983

Amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), adds provisions for approval of a new "Coastal Service" liferaft for use on certain uninspected fishing vessels, introduces requirements for the stability of liferafts, and reduces direct Coast Guard involvement in inspections of liferaft production and servicing. This final rule will bring liferafts approved by the Coast Guard into compliance with SOLAS, improve the seaworthiness of approved liferafts, and increase manufacturers' flexibility in scheduling liferaft inspections while reducing the associated burden on the Coast Guard.

**DATES:** This final rule is effective June 9, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on June 9, 1997.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-267-1477.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kurt J. Heinz, Lifesaving and Fire Safety Standards Division (G-MSE-4), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone 202-267-1444, fax 202-267-1069, E-mail "kheinz@comdt.uscg.mil".

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On October 18, 1994, the Coast Guard published a notice of proposed rulemaking entitled *Inflatable Liferafts in the Federal Register* (59 FR 52590). The Coast Guard received 51 letters commenting on the proposed rulemaking. These comprised 12 letters from commercial fishermen and a commercial fishermen's association, 17 form letters also apparently from commercial fishermen, 9 letters from liferaft servicing facilities, 4 letters from marine inspection and District offices of the Coast Guard, 2 letters from marine suppliers, a letter from the National Transportation Safety Board (NTSB), letters from an association representing U.S. liferaft manufacturers and servicing facilities and an association representing European lifesaving appliance manufacturers, a letter from a liferaft manufacturer, a letter from a vessel classification society, and a letter from the Icelandic maritime