

55565, October 16, 1998. This generic certification has been provided to the Chief Counsel for Advocacy of the Small Business Administration.

G. Does this Action Involve Technical Standards?

No. This tolerance action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Section 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

H. Are There Any International Trade Issues Raised by this Action?

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs. The U.S. EPA has developed guidance concerning submissions for import tolerance support. This guidance will be made available to interested persons.

I. Is this Action Subject to Review under the Congressional Review Act?

Yes. The Congressional Review Act, 5 U.S.C. Sec. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,

generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

Dated: July 13, 1999.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR parts 180 and 185 are amended to read 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. 321(q), 346a and 371.

§ 180.259 [Amended]

b. Section 180.259, is amended as follows:

i. By adding a heading to paragraph (a).

ii. By redesignating the text after the heading as paragraph (a)(1).

iii. By removing from the table in newly designated paragraph (a)(1), the entries for Apples; Apricots; Beans, succulent; Cranberries; Figs; Peaches; Pears; Plums (fresh prunes); and Strawberries.

iv. By adding paragraph (a)(2).

v. By redesignating paragraph (b) as paragraph (c) and revising newly designated paragraph (c).

vi. By adding and reserving with headings paragraphs (b) and (d).

§180.259 Propargite; tolerances for residues.

(a) *General.* (1) * * *

(2) Tolerances are established for residues of the insecticide propargite (2-

(*p*-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite) in or on the following processed foods when present therein as a result of the application of this insecticide to growing crops:

Food	Parts per million
Hops, dried	30
Tea, dried	10

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* Tolerances with regional registration, as defined in §180.1(n), are established for residues of propargite in or on the following raw agricultural commodities:

Commodity	Parts per million
Corn, sweet, kernel plus cob with husks removed	0.1

(d) *Indirect or inadvertent residues.* [Reserved]

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 348.

§185.5000 [Removed]

b. By removing §185.5000.

[FR Doc. 99-18610 Filed 7-20-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185 and 186

[OPP-300841A; FRL-6093-6]

RIN 2070-AB78

Dalapon, Fluchloralin, et al.; Various Tolerance Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule announces the revocation of tolerances for residues of the pesticides listed in the regulatory text for the herbicides dalapon, fluchloralin, metobromuron, paraquat,

and sesone; the fungicides zinc sulfate, glyodin, and manganous dimethyldithiocarbamate (manam); the insecticides coumaphos, hydrogen cyanide and *O*-Ethyl *S*-phenyl ethylphosphonodithioate (fonofos); the plant growth regulator *N,N*-dimethylpiperidinium chloride (mepiquat chloride); and the food additive ethyl formate. Also, this rule revokes the tolerance for residues of the nematocide and insecticide ethoprop in or on mushrooms; and the food additive tolerance for residues of the fungicide paraformaldehyde in maple syrup. The regulatory actions in this rule are part of the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA). By law, EPA is required to reassess 33% of the tolerances in existence on August 2, 1996, by August 1999, or about 3,200 tolerances. This document revokes 202 tolerances and/or exemptions. Since 18 tolerances were previously reassessed, 184 are counted as reassessments made toward the August 1999 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This final rule becomes effective October 19, 1999. Objections and requests for hearings, identified by docket control number [OPP-300841A] must be received by EPA on or before September 20, 1999.

ADDRESSES: Objections and hearing requests can be submitted by mail or in person. Please follow the detailed instructions provided in Unit V of the "SUPPLEMENTARY INFORMATION" section of this document. To ensure proper identification of your objection or hearing request, you must identify the docket control number [OPP-300841A] in the subject line on the first page of your request.

FOR FURTHER INFORMATION CONTACT: Amy Caicedo, Special Review Branch (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Mall #2, 6th floor, 1921 Jefferson Davis Highway, Arlington, Virginia. Telephone: (703) 308-9399; email: caicedo.amy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially

affected categories and entities may include but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production
.....	112	Animal production
.....	311	Food manufacturing
.....	32532	Pesticide manufacturing

This listing is not exhaustive, but is a guide to entities likely to be regulated by this action. The North American Industrial Classification System (NAICS) codes will assist you in determining whether this action applies to you. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information or Copies of this or Other Support Documents?

A. Electronically

You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under "Federal Register - Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

B. In Person or by Phone

If you have any questions or need additional information about this action, please contact the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section. In addition, the official record for this final rule, including the public version, has been established under docket control number [OPP-300841A], (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Room 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington VA, from 8:30 am to 4 pm, Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is 703-305-5805.

III. What Action is Being Taken?

This final rule announces the revocation of tolerances for residues of

the pesticides listed in the regulatory text for the herbicides dalapon, fluchloralin, metobromuron, paraquat, and sesone; the fungicides zinc sulfate, glyodin, and manganous dimethyldithiocarbamate (manam); the insecticides coumaphos, hydrogen cyanide and *O*-Ethyl *S*-phenyl ethylphosphonodithioate (fonofos); the plant growth regulator *N,N*-dimethylpiperidinium chloride (mepiquat chloride); and the food additive ethyl formate. Also, this rule revokes the tolerance for residues of the nematocide and insecticide ethoprop in or on mushrooms; and the food additive tolerance for residues of the fungicide paraformaldehyde in maple syrup.

EPA is revoking these tolerances because they are not necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but imported into the United States. These pesticides are no longer used on commodities within the United States and no person has provided comment identifying a need for EPA to retain the tolerances to cover residues in or on imported foods. EPA has historically expressed a concern that retention of tolerances that are not necessary to cover residues in or on legally treated foods has the potential to encourage misuse of pesticides within the United States. Thus it is EPA's policy to issue a final rule revoking those tolerances for residues of pesticide chemicals for which there are no active registrations under FIFRA, unless any person commenting on the proposal demonstrates a need for the tolerance to cover residues in or on imported commodities or domestic commodities legally treated.

EPA is not issuing today a final rule to revoke those tolerances for which EPA received comments demonstrating a need for the tolerance to be retained. Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed above only if, (1) prior to EPA's issuance of a section 408(f) order requesting additional data or issuance of a section 408(d) or (e) order revoking the tolerances on other grounds, commenters retract the comment identifying a need for the tolerance to be retained, (2) EPA independently verifies that the tolerance is no longer needed, (3) the tolerance is not supported by data, or (4) the tolerance does not meet the requirements under FQPA.

In the **Federal Register** of April 7, 1999 (64 FR 16874) (FRL 6075-1), EPA issued a proposed rule for specific pesticides announcing the proposed revocation of tolerances for canceled

food uses inviting public comment for consideration and for support of tolerance retention under FFDCA standards. The following comments were received by the Agency in response to the document published in the **Federal Register** of April 7, 1999:

A. Coumaphos

No comments were received concerning this chemical. The tolerances in 40 CFR 180.189 for residues of coumaphos on eggs; poultry, fat; poultry, mby; and poultry, meat are revoked because these uses were voluntarily canceled by the registrant.

B. Dalapon

Comment from Dow AgroSciences. A comment was received by the Agency from Dow AgroSciences requesting that the tolerances for dalapon in 40 CFR 180.150(a) and (b) not be revoked for the following commodities: apples; apricots; bananas; citrus pulp, dehydrated (ct feed); cottonseed; fruits, stone; fruits, pome; grain crops (exc wheat); grapefruit; grapes; lemons; limes; oranges; peaches; pears; plums; sorghum, forage; sorghum; sugarcane; tangerines; and from § 186.1500 citrus pulp, dehydrated (ct feed). The company requested that these tolerances be maintained as import tolerances because dalapon is still used in a number of countries such as Jamaica, Kazakhstan, Azerbaijan, and Zimbabwe, suggesting that the United States could potentially import products that contain residues of dalapon from these countries. DowAgro felt that the revocation of these tolerances could have a negative economic impact on these countries.

Agency response. Dow AgroSciences presented information suggesting that some countries use Dalapon on the commodities cited in Unit III.B.1. above for international trade. No information was provided which indicated any likely import of dalapon-treated commodities into the United States. Dow did not indicate any interest in supporting these tolerances for import purposes. Moreover, EPA has not received any comments from the countries cited by Dow in support of these tolerances. Thus a need for retention of the dalapon tolerances has not been demonstrated. Therefore, all of the tolerances for dalapon are revoked from §§ 180.105, 185.1500 and 186.1500.

C. Ethoprop

No comments were received concerning this chemical. The tolerance for residues in 40 CFR 180.262(a) on mushrooms is revoked for Ethoprop

because this chemical is no longer registered for use on mushrooms.

D. O-Ethyl S-phenyl ethylphosphonodithioate (Fonofos)

1. *Comment from the Mint Industry Research Council.* A comment was received by the Agency from the Mint Industry Research Council requesting that the Agency retain the tolerance for residues of fonofos on the commodities: peppermint; peppermint, hay; spearmint; and spearmint, hay. The Mint Industry Research Council indicated that there is a 3-year supply of Fonofos available to growers. The Council also believes that these tolerances are necessary to cover Fonofos residues in mint oil, which can have up to a 20-year shelf life. The Mint Industry Research Council also believes the peppermint, hay and spearmint, hay tolerances are necessary for use of these commodities in tea.

2. *Comment from Zeneca.* A comment was received by the Agency from Zeneca requesting that the Agency retain the tolerance for residues of fonofos on all commodities listed in 40 CFR 180.221 for a period of 2 years in order to allow existing stocks to be used and to allow the treated commodity to clear the channels of trade.

3. *Comment from J. DeFrancesco, on behalf of the Oregon Strawberry Commission.* A comment was received by the Agency requesting that the Agency retain the tolerance for residues of fonofos on strawberries for a period of 2 to 3 years in order to control symphyllans.

Agency response. Although EPA will still revoke 30 of these tolerances, the tolerances for residues of O-Ethyl S-phenyl ethylphosphonodithioate (fonofos) on the commodities in 40 CFR 180.221 will not expire until December 31, 2002, with the exception of the 4 commodities listed in the following paragraph, in order to allow for the exhaustion of the existing stocks and to allow the fresh commodity to pass through the channels of trade. EPA acknowledges that processed commodities such as mint oil may not have cleared the channels of trade within that time frame. However, the provisions of FFDCA section 408(l)(5) provide for the legal movement of those commodities through the channels of trade provided that they are treated prior to the expiration of the appropriate tolerance and that the actual residues on the commodities are within those allowed by the appropriate tolerance. It is fairly easy to identify the date the commodity was processed. If the commodity was processed before the effective date of the tolerance

revocation, the presumption will be that any residue of fonofos is the result of legal application.

The tolerances for residues of fonofos on peppermint, hay; spearmint, hay; beans, forage; beans, vine hay; corn, pop, forage; and peanuts, forage, however, are revoked effective 90 days following publication of this rule because they are no longer considered significant feed items. The parts of the peppermint and spearmint used in tea are covered by the peppermint, tops and spearmint, tops tolerances.

The agency also revises commodity terminology to conform to current practice: bananas to banana; beets, sugar, tops to beet, sugar, tops; corn field fodder to corn, field, stover; corn fresh (incl sweet) (K + CWHR) to corn sweet, kernel plus cob with husks removed; corn, grain (including pop) to corn, field grain and to corn, pop, grain; corn, pop, fodder to corn, pop, stover; corn, sweet, fodder to corn sweet, stover; peas, forage to pea, field, vine; peas, vines hay to pea, field, hay; peanuts to peanut; peanuts, hay to peanut, hay; plantains to plantain; sorghum, fodder to sorghum, grain, stover; sorghum, forage to sorghum, grain, forage; sorghum, grain to sorghum, grain, grain; soybeans, forage to soybean, forage; soybeans, hay to soybean, hay; strawberries to strawberry; sugarcane to sugarcane, cane; vegetables, fruiting to vegetable, fruiting group; vegetables, root crop to vegetable, root crop; vegetables, seed and pod to vegetable, seed and pod; peppermint to peppermint, tops; and spearmint to spearmint, tops.

E. Hydrogen Cyanide

Comments from the Arizona Department of Agriculture and various growers. Comments were received by the Agency requesting that the tolerance on citrus fruits, § 180.130, be retained. This request is due to the use of sodium cyanide as a fumigant on citrus products which results in residues of hydrogen cyanide in or on citrus fruits. The pesticide is used to control California red scale *Aonidiella auranti* on citrus fruits that are imported to the state of Arizona.

Agency response. As a result of the need for retaining this tolerance, the tolerance for residues of hydrogen cyanide on citrus fruits will remain in effect. All other tolerances for residues of hydrogen cyanide are revoked from § 180.130.

F. N,N-dimethylpiperidinium chloride

Comment received from BASF Products. A comment was received by the Agency that cottonseed should not

be revoked because there are still registered uses of *N,N*-dimethylpiperidinium chloride which could lead to residues on this commodity.

Agency response. Cottonseed was inadvertently listed in the **Federal Register** proposed rule, April 7, 1999 (64 FR 16874) (FRL 6075-1) in the codification section as being proposed for removal. The tolerance for cottonseed is not revoked from 40 CFR 180.384. However, the tolerance in 40 CFR 180.384 for cottonseed meal is revoked because it is now covered by the tolerance for cottonseed. This rule also revokes FFDCA tolerances in 40 CFR 180.384 for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride (mepiquat chloride) in or on cotton, forage because it is no longer considered a significant livestock feed item. Tolerances on eggs; milk; poultry, fat; poultry, mby; poultry, meat are revoked because EPA has determined there is no reasonable expectation of finite residues and therefore a tolerance is unnecessary (See 40 CFR 180.6(b)).

G. Paraformaldehyde

No comments were received regarding this chemical. The paraformaldehyde tolerance in 40 CFR 185.4650 for residues in maple syrup is revoked because the use was voluntarily canceled by the registrant.

H. Paraquat

No comments were received regarding this chemical. This final rule revokes FFDCA tolerances for residues of the herbicide paraquat in or on the commodities listed below under 40 CFR 180.205(a). Rye grain and oat grain are revoked because there are presently no registered uses of paraquat for these commodities. The following tolerances are revoked because data indicate that no residues are expected, and in such cases the Agency revokes the existing tolerances because they are unnecessary: bean, straw; hops, fresh; hop vines; lentil hay; peanut vines; poultry fat; poultry meat; poultry meat byproducts; and sunflower seed hulls.

I. Fluchloralin, Metobromuron, Sesone, Basic Zinc Sulfate, Glyodin, Manganous Dimethyldithiocarbamate, and Ethyl Formate

No comments were received concerning these chemicals. This final rule revokes all FFDCA tolerances for residues of the herbicides fluchloralin, § 180.363; metobromuron § 180.250; and sesone, § 180.102; the fungicides basic zinc sulfate, § 180.244; glyodin, § 180.124; and manganous

dimethyldithiocarbamate, § 180.161; and the food additive ethyl formate, § 180.520, because no registered uses exist. The registrations for these pesticide chemicals were canceled because the registrant either failed to pay the required maintenance fee and/or the registrant voluntarily canceled all registered uses of the pesticide.

IV. When do These Actions Become Effective?

These actions become effective 90 days following publication in the **Federal Register**. All tolerances will expire once the rule becomes effective, with the exception of the fonofos tolerances which will not expire until December 31, 2002. EPA has delayed the effectiveness of these revocations for 90 days following publication to ensure that all affected parties receive notice of EPA's action. Consequently, the effective date is October 19, 1999. For this particular final rule, the actions will affect uses which have been canceled for more than a year. Therefore, commodities should have cleared the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by the Food Quality Protection Act (FQPA). Under this section, any residue of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of FDA that (1) the residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and (2) the residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from a tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

V. Can I Submit Objections or Hearing Requests?

Yes. Any person can file written objections to any aspect of this regulation and can also request a hearing on those objections. Objections and hearing requests are currently governed by the procedures in 40 CFR part 178, modified as needed to reflect the requirements of FFDCA section 408(g).

A. When and Where to Submit

Objections and hearing requests must be mailed or delivered to the Hearing

Clerk no later than September 20, 1999. The address of the Hearing Clerk is Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St. SW, Washington, DC 20460.

B. Fees for Submission

1. Each objection must be accompanied by a fee of \$3,275 or a request for waiver of fees. Fees accompanying objections and hearing requests must be labeled "Tolerance Petition Fees" and forwarded to EPA Headquarters Accounting, Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, Pennsylvania 15251.

2. EPA may waive any fee when a waiver or refund is equitable and not contrary to the purposes of the Act. A request for a waiver of objection fees should be submitted to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. The request for a waiver must be accompanied by a fee of \$1,650 unless the objector has no financial interest in the matter. The fee, if required, must be submitted to the address in Unit B.1. For additional information on tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), at the same mailing address, or by phone at (703) 305-5697 or e-mail at tompkins.jim@epa.gov.

C. Information to be Submitted

Objections must specify the provisions of the regulation considered objectionable and the grounds for the objections. 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 such issues, and a summary of any evidence relied upon by the objector. You may claim information that you submit in response to this document as confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

D. Granting a Hearing Request

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following:

1. There is a genuine and substantial issue of fact.

2. 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.

3. Resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

VI. How do the Regulatory Assessment Requirements Apply to this Action?

A. Is this a "Significant Regulatory Action"?

No. Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action." The Office of Management and Budget (OMB) has determined that tolerance actions, in general, are not "significant" unless the action involves the revocation of a tolerance that may result in a substantial adverse and material affect on the economy. In addition, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this action is not an economically significant regulatory action as defined by Executive Order 12866. Nonetheless, environmental health and safety risks to children are considered by the Agency when determining appropriate tolerances. Under FQPA, EPA is required to apply an additional 10-fold safety factor to risk assessments in order to ensure the protection of infants and children unless reliable data supports a different safety factor.

B. Does this Final Action Contain any Reporting or Recordkeeping Requirements?

No. This final action does not impose any information collection requirements subject to OMB review or approval pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

C. Does this Final Action Involve any "Unfunded Mandates"?

No. This final action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

D. Do Executive Orders 12875 and 13084 Require EPA to Consult with States and Indian Tribal Governments Prior to Taking the Action in this Document?

No. Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides

the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Does this Action Involve any Environmental Justice Issues?

No. This action is not expected to have any potential impacts on minorities and low income communities. Special consideration of environmental justice issues is not required under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

F. Does this Action have a Potentially Significant Impact on a Substantial Number of Small Entities?

No. The Agency has certified that tolerance actions, including the tolerance actions in this document, are not likely to result in a significant adverse economic impact on a substantial number of small entities. The factual basis for the Agency's determination, along with its generic certification under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), appears at 63 FR 55565, October 16, 1998 (FRL-6035-7). This generic certification has been provided to the Chief Counsel for Advocacy of the Small Business Administration.

G. Does this Action Involve Technical Standards?

No. This tolerance action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Section 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

H. Are there Any International Trade Issues Raised by this Action?

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them.

MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs. The U.S. EPA has developed a guidance concerning submissions for import tolerance support. This guidance will be made available to interested stakeholders.

I. Is this Action Subject to Review under the Congressional Review Act?

Yes. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental Protection, Food additives, Pesticide and pest.

40 CFR Part 186

Environmental Protection, Animal feeds, Pesticide and pest.

Dated: July 14, 1999.

Jack E. Housenger,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR parts 180, 185 and 186 are amended to read 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. 321(q), 346a and 371.

§§ 180.102, 180.124, 180.150, and 180.161 [Removed]

b. By removing §§ 180.102, 180.124, 180.150, and 180.161.

c. Section 180.130 is revised to read as follows:

§ 180.130 Hydrogen Cyanide; tolerances for residues.

(a) *General.* A tolerance for residues of the insecticide hydrogen cyanide from postharvest fumigation as a result of application of sodium cyanide is established as follows: 50 parts per million in or on citrus fruits.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

d. Section 180.189 is revised to read as follows:

§ 180.189 Coumaphos; tolerances for residues.

(a) *General.* Tolerances for residues of the insecticide coumaphos (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate and its oxygen analog (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphate) in or on food commodities as follows:

Commodity	Parts per million
Cattle, fat	1.0
Cattle, meat	1.0
Cattle, mbyb	1.0
Goat, fat	1.0
Goat, meat	1.0
Goat, mbyb	1.0
Hog, fat	1.0
Hog, meat	1.0
Hog, mbyb	1.0
Horse, fat	1.0
Horse, meat	1.0
Horse, mbyb	1.0
Milk, fat (=n in whole milk)	0.5
Sheep, fat	1.0
Sheep, meat	1.0
Sheep, mbyb	1.0

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 180.205 [Amended]

e. By removing from § 180.205(a), *Paraquat*, the entries for bean straw; hops, fresh; hop, vines; lentil, hay; oat grain; peanut, vines; poultry, fat;

poultry, meat; poultry, mbyb; rye grain, and sunflower seed hulls.

f. Section 180.221 is revised to read as follows:

§ 180.221 O-Ethyl S-phenyl ethylphosphonodithioate; tolerances for residues.

(a) *General.* Time limited tolerances are established for residues of the insecticide *O*-Ethyl *S*-phenylethylphosphonodithioate, including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothioate, in or on the following food commodities:

Commodities	Parts per million	Expiration/Revocation date
Asparagus	0.5	12/31/02
Banana	0.1	Do.
Beet, sugar, tops	0.1	Do.
Corn, field, stover	0.1	Do.
Corn, field, forage	0.1	Do.
Corn, sweet kernel plus cob with husks removed	0.1	Do.
Corn field, grain	0.1	Do.
Corn, pop, grain	0.1	Do.
Corn, pop, stover	0.1	Do.
Corn, sweet, stover	0.1	Do.
Corn, sweet, forage	0.1	Do.
Peanut	0.1	Do.
Peanut, hay	0.1	Do.
Pea, field, hay	0.1	Do.
Pea, field, vines	0.1	Do.
Peppermint, tops	0.1	Do.
Plantain	0.1	Do.
Sorghum, grain, stover	0.1	Do.
Sorghum, grain, forage	0.1	Do.
Sorghum, grain, grain	0.1	Do.
Soybean, forage	0.1	Do.
Soybean, hay	0.1	Do.
Spearmint, tops	0.1	Do.
Strawberry	0.1	Do.
Sugarcane, cane	0.1	Do.
Vegetable, leafy	0.1	Do.
Vegetable, fruiting group	0.1	Do.
Vegetable, root crop	0.1	Do.
Vegetable, seed and pod	0.1	Do.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 180.244, and § 180.250 [Removed]

g. By removing § 180.244, and § 180.250.

§ 180.262 [Amended]

h. By removing, from § 180.262(a), *Ethoprop*; *tolerances for residues*, the entry for mushrooms.

§ 180.363 [Removed]

i. By removing § 180.363.

§ 180.384 [Amended]

j. By removing from § 180.384, *N,N-dimethylpiperidinium chloride*, the entries for cotton forage; cottonseed meal; eggs; milk; poultry, fat; poultry, mbypp; and poultry, meat.

§ 180.520 [Removed]

k. By removing § 180.520.

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.1500 and § 185.4650 [Removed]

b. By removing § 185.1500 and § 185.4650.

PART 186—[AMENDED]

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348 and 371.

§ 186.1500 [Removed]

b. By removing § 186.1500.

[FR Doc. 99-18609 Filed 7-20-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 180, 185, and 186**

[OPP-300847A; FRL-6093-9]

RIN 2070-AB78

Bentazon, Cyanazine, Dicrotophos, Diquat, Ethephon, Oryzalin, Oxadiazon, Picloram, Prometryn, and Trifluralin; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule revokes specific tolerances for the herbicides bentazon, diquat, oxadiazon, picloram, prometryn, and trifluralin; the plant

growth regulator ethephon; and the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide [Dicrotophos]. EPA is revoking these tolerances because EPA has canceled the food uses associated with them. In addition, EPA is revising commodity terminology for oryzalin, bentazon, diquat, ethephon, picloram, and trifluralin to conform to current Agency practice. Due to a comment, EPA will not finalize an action on 2-[[4-chloro-6-(ethylamino)-*s*-triazin-2-yl]amino]-2-methylpropionitrile [Cyanazine], at this time. The regulatory actions in this final rule are part of the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA). By law, EPA is required to reassess 33% of the tolerances in existence on August 2, 1996, by August 1999, or about 3,200 tolerances. This document revokes 17 tolerances and/or exemptions. Since three tolerances were previously reassessed, 14 of the 17 revocations are counted here as reassessments made toward the August 1999 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This final rule becomes effective October 19, 1999. Objections and requests for hearings, identified by docket control number [OPP-300847A], must be received by EPA on or before September 20, 1999.

ADDRESSES: Objections and hearing requests can be submitted by mail or in person. Please follow the detailed instructions provided in Unit V. of the SUPPLEMENTARY INFORMATION section of this document. To ensure proper identification of your objection or hearing request, you must identify the docket control number [OPP-300847A] in the subject line on the first page of your request.

FOR FURTHER INFORMATION CONTACT:

Joseph Nevola, Special Review Branch (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: CM #2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308-8037; e-mail: nevola.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Does this Action Apply to Me?**

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially

affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production Animal production Food manufacturing Pesticide manufacturing
	112	
	311	
	32532	

This listing is not exhaustive, but is a guide to entities likely to be regulated by this action. The North American Industrial Classification System (NAICS) codes will assist you in determining whether this action applies to you. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the FOR FURTHER INFORMATION CONTACT section.

II. How Can I Get Additional Information or Copies of this or Other Support Documents?**A. Electronically**

You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," and then look up the entry for this document under "Federal Register--Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

B. In Person or by Phone

If you have any questions or need additional information about this action, please contact the person identified in the "FOR FURTHER INFORMATION CONTACT" section. In addition, the official record for this notice, including the public version, has been established under docket control number [OPP-300847A] including comments and data submitted electronically as described below. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Room 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is (703) 305-5805.