

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

1. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 74 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

**Appendix B to Part 4044—Interest Rates Used To Value Annuities and Lump Sums**

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by  $i_1, i_2, \dots$ , and referred to generally as  $i_t$ ) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—			The values of $i_t$ are:					
			$i_1$	for $t =$	$i_1$	for $t =$	$i_1$	for $t =$
*	*	*	*	*	*	*	*	*
December 1999	.....	.....	.0650	1–20	.0525	>20	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is  $y$  years (where  $y$  is an integer and  $0 < y \leq n_1$ ), interest rate  $i_1$  shall apply from the valuation date for a period of  $y$  years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is  $y$  years (where  $y$  is an integer and  $n_1 < y \leq n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is  $y$  years (where  $y$  is an integer and  $y > n_1 + n_2$ ), interest rate  $i_3$  shall apply from the valuation date for a period of  $y - n_1 - n_2$  years, interest rate  $i_2$  shall apply for the following  $n_2$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)					
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
*	*	*	*	*	*	*	*	*	*
74	12–1–99	1–1–00	5.25	4.50	4.00	4.00	7	8	

Issued in Washington, DC, on this 8th day of November 1999.

**David M. Strauss,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 99–29756 Filed 11–12–99; 8:45 am]

BILLING CODE 7708–01–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[OPP–300943; FRL–6389–9]

RIN 2070–AB78]

**Zinc phosphide; Extension of Tolerance for Emergency Exemptions**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation extends time-limited tolerances for residues of the phosphine resulting from the use of the rodenticide zinc phosphide in or on potatoes and sugar beet (roots) at 0.05 part per million (ppm), and sugar beet

(tops) at 0.1 ppm for an additional 1½ year period. These tolerances will expire and are revoked on December 31, 2001. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on potatoes and sugar beets. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

**DATES:** This regulation is effective November 15, 1999. Objections and requests for hearings, identified by docket control number OPP–300943, must be received by EPA on or before January 14, 2000.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please

follow the detailed instructions for each method as provided in Unit III. of the “SUPPLEMENTARY INFORMATION.” To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300943 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–9364; and e-mail address: pemberton.libby@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

**A. Does this Action Apply to Me?**

You may be 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:

Cat-egories	NAICS codes	Examples of poten-tially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufac-turing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

**B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?**

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register--Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-300943. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 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 PIRIB telephone number is (703) 305-5805.

**II. Background and Statutory Findings**

EPA issued a final rule, published in the **Federal Register** of December 9, 1998 (63 FR 66794) (FRL-6046-1), which announced that on its own initiative under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) it established time-limited tolerances for the residues of phosphine in or on potatoes and sugar beet (roots) at 0.05 ppm and sugar beet (tops) at 0.1 ppm, with an expiration date of May 1, 2000. EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of zinc phosphide on potatoes and sugar beets for this year's growing season due to continued losses expected by Idaho growers due to vole and mouse damage. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of zinc phosphide on potatoes and sugar beets for the control of voles and mice in Idaho.

EPA assessed the potential risks presented by residues of phosphine in or on potatoes, sugar beet (roots) and sugar beet (tops). In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of December 9, 1998 (63 FR 66794). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerance will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerance is extended for an additional 1½ year period. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on December 31, 2001, under FFDCA

section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on potatoes, sugar beet (roots), and sugar beet (tops) after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerance. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

**III. Objections and Hearing Requests**

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

**A. What Do I Need to Do to File an Objection or Request a Hearing?**

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP-300943 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before January 14, 2000.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(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 (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed 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. A copy of the information 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.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. M3708, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260-4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP-300943, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental

Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 file format or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

#### *B. When Will the Agency Grant a Request for a Hearing?*

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 issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

#### **IV. Regulatory Assessment Requirements**

This final rule establishes tolerances under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income*

*Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). The Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). This action directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(n)(4). This 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). In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

#### **V. Submission to Congress and the Comptroller General**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added 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 this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

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

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

Dated: October 26, 1999.

**James Jones,**

*Director, Registration Division, Office of  
Pesticide Programs.*

Therefore, 40 CFR chapter I is  
amended as follows:

#### **PART 180—[AMENDED]**

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

**Authority:** 21 U.S.C. 321(q), 346(a) and  
371.

#### **§ 180.284 [Amended]**

2. In section 180.284, by amending  
paragraph (b) by changing the date for  
the commodities potatoes, sugar beet  
(roots), and sugar beet (tops) "5/1/00" to  
read "12/31/01".

[FR Doc. 99-29770 Filed 11-12-99; 8:45 am]

BILLING CODE 6560-50-F

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 25**

[IB Docket No. 96-111; FCC 99-325]

#### **Common Carrier Services: Satellite Communications—Earth Stations Operating with Non-U.S. Licensed Space Stations; Application Requirements**

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Final rule; reconsideration.

**SUMMARY:** In this First Order on  
Reconsideration, the Commission  
streamlines the process it established in  
the 1997 DISCO II Order. First, the First  
Order on Reconsideration permits the  
operators of in-orbit non-U.S. satellites  
to request authority to provide space  
segment capacity service to licensed  
earth stations in the United States.  
Under DISCO II, this request can only be  
made by an earth station operator.  
Second, the Order permits earth station  
licensees to access a particular non-U.S.  
satellite to provide fixed-satellite service  
in the conventional C- or Ku-bands  
without further regulatory approval,  
once that non-U.S. satellite is  
authorized to serve the United States.  
The actions here are intended to  
simplify procedures for foreign entry  
into the U.S. market for fixed-satellite  
services, thereby enhancing  
competition. The Commission expects  
enhanced competition to provide  
consumers more alternatives in  
choosing communications providers  
and services, reduce prices, and  
facilitate technological innovation.

**DATES:** The amendments to § 25.137  
contain information collection  
requirements and are not effective until  
OMB approval is received. The  
Commission will publish a document in  
the **Federal Register** announcing the  
effective date. Public comments on the  
modified information collection  
requirements are due on or before  
December 15, 1999. OMB comments are  
due January 14, 2000.

**ADDRESSES:** A copy of any comments on  
the information collection requirements  
should be submitted to Judy Boley,  
Federal Communications Commission,  
Room 1-C804, 445 12th Street, SW,  
Washington, DC, 20554, or via the  
Internet to jboley@fcc.gov., and to  
Virginia Huth, OMB Desk Officer, Room  
10236, 725-17th Street, NW,  
Washington, DC 20503 or via the  
Internet to VHuth@omb.eop.gov.

**FOR FURTHER INFORMATION CONTACT:**  
Steven Spaeth, Satellite Policy Branch,  
Satellite and Radiocommunication  
Division, International Bureau, (202)  
418-1539. For additional information  
concerning the collections contained in  
this document, contact Judy Boley at  
(202) 418-0214, or via the Internet at  
jboley@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a  
summary of the Commission's First  
Order on Reconsideration, adopted  
October 28, 1999, and released October  
29, 1999. The full text of this  
Commission decision is available for  
inspection and copying during normal  
business hours in the FCC Reference  
Information Center, Room CY-A257,  
445 12th St., SW, Washington, DC  
20554. The complete text of this  
decision may also be purchased from  
the Commission's copy contractor,  
International Transcription Service,  
1231 20th St., NW, Washington, DC  
20036.

#### **Paperwork Reduction Act**

The decision contained herein has  
been analyzed with respect to the  
Paperwork Reduction Act of 1995,  
Public Law 104-13, and has been found  
to contain new or modified information  
collection requirements that are subject  
to Office of Management and Budget  
("OMB") review. As part of the  
Commission's continuing effort to  
reduce paperwork burdens, we invite  
the general public and OMB to take this  
opportunity to comment on the  
information collections contained in this  
decision, as required by the Paperwork  
Reduction Act of 1995. Comments  
should address: (a) Whether the  
proposed collection of information is  
necessary for the proper performance of  
the functions of the Commission,

including whether the information shall  
have practical utility; (b) the accuracy of  
the Commission's burden estimates; (c)  
ways to enhance the quality, utility, and  
clarity of the information collected; and  
(d) ways to minimize the burden of the  
collection of information on the  
respondents, including the use of  
automated collection techniques or  
other forms of information technology.  
Public comments on the information  
collection requirements are due on or  
before December 15, 1999; OMB  
comments are due January 14, 2000. A  
copy of any comments on the  
information collection requirements  
should be submitted to Judy Boley,  
Federal Communications Commission,  
Room 1-C804, 445 12th Street, SW,  
Washington, DC, 20554, or via the  
Internet to jboley@fcc.gov., and to  
Virginia Huth, OMB Desk Officer, Room  
10236, 725-17th Street, NW,  
Washington, DC 20503 or via the  
Internet to VHuth@omb.eop.gov.

**OMB Approval Number:** 3060-0678.

**Title:** Commission's Rules and  
Regulations for Satellite Application  
and Licensing Procedures.

**Type of Review:** Revision of an  
existing collection.

**Respondents:** Business and for-profit  
entities; not-for-profit entities.

**Number of Respondents:** 1,270.

**Estimated Time per Response:** 2  
hours.

**Frequency of Response:** On occasion  
filing requirements and third-party  
disclosure requirements.

**Total Estimated Annual Burden to  
Respondents:** 2,540 hours.

**Total Estimated Annual Cost to  
Respondents:** \$9,457,000.

**Needs and Uses:** The information  
accounted for in this collection is used  
by the Commission staff in carrying out  
its duties under the Communications  
Act and the WTO Basic Agreement. A  
non-U.S. licensed entity is required to  
provide the requested information when  
seeking to provide satellite service in  
the United States. U.S.-licensed satellite  
space and earth station applicants and  
licensees providing or seeking to  
provide service in conjunction with part  
25 of the Commission's rules will  
continue to be required to submit the  
information requested therein. The  
information is used by the Commission  
to determine whether the entity is  
qualified, legally, technically, and  
financially to provide service and  
compete in the U.S. market and whether  
the requested authority is in the public  
interest. Without such information, the  
Commission could not determine  
whether to permit the respondent to  
provide telecommunication services in  
the United States and therefore fulfill its