

or (ii) of this section is met:" is corrected to read "and either of the following conditions is met:".

§ 159.184 [Corrected]

9. On page 49392, § 159.184 is corrected as follows:

i. In paragraph (c)(2), in the introductory text, the phrase "reports must be submitted if the registrant" is corrected to read "reports must be submitted for each pesticide that may have contributed to the incident, if the registrant".

ii. Paragraph (c)(2)(vi) is removed.

iii. On page 49393, paragraph (c)(4)(iv)(G), is corrected to read:

* * * * *

(c) * * *

(4) * * *

(iv) * * *

(G) Pesticides and degradates analyzed for, the detection limits, and the amount detected.

* * * * *

iv. In paragraph (c)(4)(v)(A) is corrected to read:

* * * * *

(c) * * *

(4) * * *

(v) * * *

(A) Pesticides and degradates analyzed for, the analytical method used, the detection limits, and the amount detected.

* * * * *

v. On page 49393 in paragraph (c)(5)(iii), in the introductory text, the phrase "if any of the criteria listed in paragraphs (c)(5)(iii)(A) through (c)(5)(iii)(G) of the section are met, or" is corrected to read "if any of the following criteria are met, or".

vi. On page 49393, in paragraph (c)(5)(iii)(D), the word "relativelycommon" is corrected to read "relatively common."

vii. On page 49394, in paragraph (c)(5)(iii)(G), the word "orthreatened" is corrected to read "or threatened."

viii. On page 49394, paragraph (c)(5)(iv), in the introductory text, the phrase "if the single criterion listed in paragraph (c)(5)(iv)(A) of this section is met, or" is corrected to read "if the following criterion is met, or".

ix. On page 49394, paragraphs (d)(2) and (d)(3) are corrected to read as follows:

* * * * *

(d) * * *

(2) Information concerning incidents which meet the criteria for the following exposure and severity category labels described in paragraph (c)(5) of this section, reports of detections of pesticides in water, and efficacy failure

incidents described in § 159.188(a)(1) and (b)(1), may be accumulated for a 30-day period, and submitted to the Agency within 30 days after the end of each 30-day accumulation period for: Humans, H-B, and H-C; Wildlife, W-A; Plants, P-A; Water, G-A; Property Damage, PD-A.

(3) Incidents or reports of detections of pesticides in water meeting all other exposure and severity label categories, information may be accumulated by registrants for 90 days and submitted within 60 days after the end of each 90-day accumulation period.

* * * * *

§ 159.195 [Corrected]

10. On page 49395, in § 159.195, paragraph (b), the word "sectioin" is corrected to read "section," and the phrase "otherwise-reportable" is corrected to read "otherwise reportable."

[FR Doc. 98-16410 Filed 6-18-98; 8:45 am]
BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300667; FRL-5794-7]
RIN 2070-AB78

Buprofezin; Extension of Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends time-limited tolerances for residues of the pesticide buprofezin and its metabolite BF 12 in or on citrus fruit at 2.0 parts per million (ppm); dried citrus pulp at 10 ppm; cotton seed at 1.0 ppm; cotton gin byproducts at 20 ppm; milk at 0.03 ppm; and cattle, sheep, hogs, goats, and horse meat at 0.02 ppm, fat at 0.02 ppm, and meat byproducts at 0.5 ppm for an additional 1-year period, to July 31, 1999. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on citrus and cotton. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (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 FIFRA.

DATES: This regulation becomes effective June 19, 1998. Objections and requests for hearings must be received by EPA, on or before August 18, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300667], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300667], must also be submitted 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, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Follow the instructions in Unit II. of this preamble. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 267, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-9356; e-mail: beard.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the **Federal Register** of July 30, 1997 (62 FR 40735) (FRL-5732-1), which announced that on its own initiative and under section 408(e) of the FFDCA, 21 U.S.C. 346a(e) and (l)(6), it established a time-limited tolerance for the residues of buprofezin and its metabolites in or on citrus fruit at 2.0 ppm, dried citrus pulp at 10 ppm; cotton seed at 1.0 ppm; cotton gin byproducts at 20 ppm; milk at 0.03 ppm, and cattle, sheep, hogs, goats, and horse meat at 0.02 ppm, fat at 0.02 ppm, and meat byproducts at 0.5 ppm, with an expiration date of July 31, 1998. EPA established the tolerance 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 FIFRA. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of buprofezin on citrus for this year's growing season to control red scale, which has developed resistance to available controls in some areas of California, and has caused significant losses for affected growers; this situation remains unchanged from that of last year. EPA also received requests from California and Arizona to extend the use of buprofezin on cotton for this year's growing season since the situation has remained the same as last year; a recently-introduced new strain or species of whitefly has caused significant losses to cotton growers and has demonstrated resistance to available controls. After having reviewed the submission, EPA concurs that emergency conditions exist for these states. EPA has authorized under FIFRA section 18 the use of buprofezin on citrus for control of red scale and on cotton for control of whiteflies.

EPA assessed the potential risks presented by residues of buprofezin in or on citrus, cotton, and animal commodities. In doing so, EPA considered the new 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 new safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of July 30, 1997 (62 FR 40735). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerances will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerances are extended for an additional 1-year period. Although these tolerances will expire and are revoked on July 31, 1999, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on citrus fruit; dried citrus pulp; cotton seed; cotton gin byproducts; milk; and the meat, fat and meat byproducts of cattle sheep, hogs, goats, and horse, 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 tolerances. 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.

I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 18, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is 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 in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). 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.

II. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Objections and hearing requests will also be accepted on disks in WordPerfect 51/6.1 or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300667]. No CBI should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

III. Regulatory Assessment Requirements

This final rule extends time-limited tolerances that were previously established by EPA under FFDCA section 408(d) in response to petitions 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). In addition, 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) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR

58093, October 28, 1993), or special considerations as required by 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).

Since this extension of existing time-limited tolerances does 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. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of this rule in today's **Federal Register**. This 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: June 4, 1998.

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. 346a and 371.

§ 180.511 [Amended]

2. In § 180.511, by amending the table in paragraph (b) for all of the

commodities by changing the expiration dates "7/31/98" to read "7/31/99."

[FR Doc. 98-16409 Filed 6-18-98; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket Nos. 96-45, 96-262, 94-1, 91-213, and 95-72; FCC 97-420]

Universal Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of January 13, 1998, a document making certain changes, on reconsideration, to the Commission's universal service rules. This document corrects those rules.

DATES: Effective on June 19, 1998.

FOR FURTHER INFORMATION CONTACT: Sheryl Todd, Common Carrier Bureau, (202) 418-7400.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published in FR Doc. 98-541, published in the **Federal Register** of January 13, 1998 (63 FR 2094) a summary of the Commission's Fourth Order on Reconsideration in CC Docket No. 96-45 and Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, FCC 97-420 (Fourth Order on Reconsideration). On January 29, 1998, the Commission released errata to the Fourth Order on Reconsideration. This correction reflects the changes included in that errata. The full text of the errata is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., NW, Washington, DC.

In rule FR Doc. 98-541, published on January 13, 1998 (63 FR 2094) make the following corrections.

1. On page 2125, in the third column, in § 54.101, paragraph (a)(1), line 3, remove the period and add, in its place, a semi-colon.

2. On page 2127, in the second column, in § 54.301, revise paragraph (c)(5) to read as follows:

(c) * * *

(5) Corporate Operations Expenses (Accounts 6710, 6720) shall be allocated according to the following factor:

{[Account 2210 Category 3 ÷ (Account 2210 + Account 2220 + Account 2230)] × (Account 6210 + Account 6220 + Account 6230)} ÷ [(Account 6530 + Account 6610 + Account 6620)

× (Account 2210 Category 3 ÷ Account 2001)] ÷ (Account 6210 + Account 6220 + Account 6230 + Account 6310 + Account 6410 + Account 6530 + Account 6610 + Account 6620).

3. On page 2127, in the second column, in § 54.301, in paragraph (c)(6), lines 6 and 7, add the word "Account" in the parentheses before "2210", "2220", and "2230."

4. On page 2127, in the second column, in § 54.301, in paragraph (d) in the heading and in the introductory text, line 2, add the phrase "projected annual unseparated" before "local switching revenue requirement"; in line 3 of the introductory text add the word "by" before "summing."

5. On page 2127, in the second column, in § 54.301, in the first sentence of paragraph (d)(1) revise to read as follows:

(d) * * *

(1) Return on Investment attributable to COE Category 3 shall be obtained by multiplying the average projected unseparated local switching net investment by the authorized interstate rate of return. Projected unseparated local switching net investment shall be calculated as of each December 31 by deducting the accumulated reserves, deferrals and customer deposits attributable to the COE Category 3 investment from the gross investment attributable to COE Category 3. The average projected unseparated local switching net investment shall be calculated by summing the projected unseparated local switching net investment as of December 31 of the calendar year following the filing year and such investment as of December 31 of the filing year and dividing by 2.

6. On page 2127, in the second column, in § 54.301, in the second sentence of paragraph (d)(1) remove the word "Unseparated" and add, in its place, "Projected unseparated".

7. On page 2127, in the second column, in § 54.301, in the third sentence of paragraph (d)(1) remove the phrase "projected unseparated local switching average" and add, in its place, "average projected unseparated local switching" and remove "and the projected unseparated local switching net" and add, in its place, "year and such".

8. On page 2127, in the second column, in § 54.301, in paragraph (d)(3) add the phrase ", excluding depreciation expense," after the word "expenses".

9. On page 2127, in the second column, in § 54.301 revise paragraph (d)(4) to read as follows:

(d) * * *

(4) Federal income tax attributable to COE Category 3 shall be calculated