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<p>Issued by the Commission on April 20, 1998.</p> <p>Cyril J. Pittack, <i>Acting Secretary.</i></p> <p>[FR Doc. 98-19344 Filed 7-20-98; 8:45 am]</p> <p>BILLING CODE 7710-FW-P</p>		
ENVIRONMENTAL PROTECTION AGENCY		
40 CFR Part 180		
[OPP-300679; FRL-6015-9]		
RIN 2070-AB78		
Tebuconazole; Extension of Tolerances for Emergency Exemptions		
AGENCY: Environmental Protection Agency (EPA).		
ACTION: Final rule.		
<p>SUMMARY: This rule extends time-limited tolerances for residues of the fungicide tebuconazole in or on barley grain at 2.0 parts per million (ppm), barley hay at 20 ppm, barley straw at 20 ppm, wheat hay at 15 ppm, wheat straw at 2.0 ppm, and pistachios at 1.0 ppm; and extends time-limited tolerances for the combined residues of tebuconazole and its metabolite (HGW 2061) in milk at 0.1 ppm and meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.2 ppm for an additional 18-month period, to December 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 barley, wheat, and pistachios. 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.</p> <p>DATES: This regulation becomes effective July 21, 1998. Objections and requests for hearings must be received by EPA, on or before September 21, 1998.</p> <p>ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300679], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing</p>		
<p>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-300679], 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.</p> <p>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.</p> <p>FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, 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)-308-9362; e-mail: schaible.stephen@epamail.epa.gov.</p> <p>SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the Federal Register of June 20, 1997 (FRL-5725-7), 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 time-limited tolerances for the residues of tebuconazole in or on barley grain at 2.0 ppm, barley hay at 20 ppm, barley straw at 20 ppm, wheat hay at 15 ppm, wheat straw at 2.0 ppm, and pistachios at 1.0 ppm. EPA established time-limited tolerances for the combined residues of tebuconazole and its 1-(4-chlorophenyl)-4,4-dimethyl-3-(1H-1,2,4-triazole-1-yl-methyl)-pentane-3,5-diol metabolite (HGW 2061) in milk at 0.1 ppm and meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.2 ppm. All of these tolerances have an expiration date of June 30, 1998. EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited</p>		
<p>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.</p> <p>EPA received requests to extend the use of tebuconazole on barley, wheat, and pistachios for this year's growing season due to continued non-routine situations for growers of these crops. Numerous States have requested emergency exemptions to control rust in barley and wheat; currently registered alternatives do not allow application at a sufficiently late stage of growth to control the disease. Additionally, North Dakota, Minnesota, South Dakota and Michigan have again requested use of this chemical to control Fusarium head blight on barley and/or wheat; abundant inoculum and wet weather conditions this year are likely to result in a severe outbreak without the requested use. The continued lack of an effective alternative to control late blight on pistachios when disease pressure is high is likely to result in significant economic losses to growers in California if wet weather conditions occur. After having reviewed the submissions, EPA concurs that emergency conditions exist for these States. EPA has authorized under FIFRA section 18 the use of tebuconazole on barley, wheat, and pistachios for control of the above fungal diseases in barley, wheat, and pistachios.</p> <p>EPA assessed the potential risks presented by residues of tebuconazole in or on barley grain, barley hay, barley straw, wheat hay, wheat straw, pistachios, milk, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerances 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 June 20, 1997. 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).</p>		

Therefore, the time-limited tolerances are extended for an additional 18-month period. Although these tolerances will expire and are revoked on December 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 barley grain, barley hay, barley straw, wheat hay, wheat straw, pistachios, milk, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep 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 September 21, 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-300679]. 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 a time-limited tolerance that was previously extended by EPA under FFDCA section 408(d) 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). 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 an existing time-limited tolerance 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 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: June 29, 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.

§ 180.474 [Amended]

2. In § 180.474, by amending paragraphs (b)(1) and (b)(2) in the tables, by changing the date "June 30, 1998" to read "12/31/99".

[FR Doc. 98–19405 Filed 7–20–98; 8:45 am]

BILLING CODE 6560–50–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2510, 2516, 2517, 2519, 2521, and 2540

Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs

AGENCY: Corporation for National and Community Service.

ACTION: Interim final rule adopted as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim final rule that amended the Corporation's regulations relating to administrative costs in 45 C.F.R. Parts 2510, 2516, 2517, 2519, 2521, and 2540 published at 63 FR 18135, April 14, 1998. The rule amends the Corporation's regulations implementing a statutory limit on the percentage of assistance to specified national service programs that may be used to pay for administrative costs. The rule clarifies the definition of administrative costs, adds an explicit definition of program costs that are not subject to the limitation on administrative costs, and provides additional guidelines for applying the limitation on administrative costs.

DATES: The interim final rule was effective April 14, 1998.

FOR FURTHER INFORMATION CONTACT: Michael Kenefick, Director of Grants Management, Corporation for National Service, (202) 606–5000, ext. 101.

SUPPLEMENTARY INFORMATION:

On April 14, 1998, the Corporation for National and Community Service (Corporation) published an interim final rule amending its regulations implementing provisions of the National and Community Service Act of 1990, as amended, under which not more than five percent of assistance for a fiscal year may be used to pay for administrative costs. This limitation applies to the following types of programs: (1) School-based service-learning programs; (2) community-based service-learning programs; (3) higher education innovative programs for community service; and (4) national service programs assisted under sections 121(a) and 121(b) of the Act through grants to State Commissions, Indian Tribes, U.S. Territories, and national nonprofit organizations.

The Act itself does not define "administrative costs" but directs the Corporation to prescribe by rule the manner and extent to which assistance provided may be used to pay for administrative costs and the distribution of such costs between grantees and sub-grantees. The final rule clarifies the types of costs that are considered subject to the five percent limitation on administrative costs. The final rule includes an itemization of costs that are directly related to programs and projects, and therefore excluded from the definition of administrative costs. The final rule also provides guidelines for the implementation of the statutory requirements, including the use of indirect cost rates and the use of fixed rates for administrative costs.

Comments on the interim final rule were due June 15, 1998. We did not receive any comments. The facts presented in the interim final rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, and Executive Order 12875.

List of Subjects

45 CFR Part 2510

Grant programs—social programs, Volunteers.

45 CFR Part 2516

Elementary and secondary education, Grant programs—social programs, Indians, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2517

Community development, Grant programs—social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2519

Colleges and universities, Grant programs—social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2521

AmeriCorps, Grant programs—social programs, Volunteers.

45 CFR Part 2540

Administrative practice and procedure, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

Interim Final Rule Adopted as Final Without Change

Accordingly, the interim final rule amending 45 CFR Parts 2510, 2516, 2517, 2519, 2521, and 2540, which was published at 63 FR 18135, April 14, 1998, is adopted as a final rule without change.

Authority: 42 U.S.C. 12501 *et seq.*

Dated: July 15, 1998.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 98–19375 Filed 7–20–98; 8:45 am]

BILLING CODE 6050–28–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[FO Dockets No. 91–171, 91–301; FCC 97–338]

Emergency Alert System; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The FCC published a Second Report and Order, a document which amended the Commissions Emergency Alert System rules in the **Federal Register** of June 1, 1998. Inadvertently, incorrect language was inserted in § 11.54. This document corrects that language.

DATES: Effective on July 31, 1998.

FOR FURTHER INFORMATION CONTACT: David Sturdivant, Compliance and Information Bureau, Emergency Alert System Office (EAS) (202) 418–1100.

SUPPLEMENTARY INFORMATION: The **Federal Register** of June 1, 1998 (63 FR