

§ 180.1001 Exemptions from the requirement of a tolerance.

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(b) * * *

(1) The following copper compounds: Bordeaux mixture, basic copper carbonate (malachite), copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, copper octanoate, copper sulfate basic, copper sulfate pentahydrate, cupric oxide, cuprous oxide. These compounds are used primarily as fungicides.

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§§ 180.1010, 180.1018, 180.1030, 180.1031, 180.1034, 180.1055, 180.1059, 180.1061, 180.1079, 180.1081, and 180.1085 [Removed]

1. By removing §§ 180.1010, 180.1018, 180.1030, 180.1031, 180.1034, 180.1055, 180.1059, 180.1061, 180.1079, 180.1081, and 180.1085.

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.

§§ 185.1650, 185.3600, 185.4250, 185.4300, and 185.4800 [Removed]

b. By removing §§ 185.1650, 185.3600, 185.4250, 185.4300, and 185.4800.

PART 186— [AMENDED]

3. In part 186:

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

Authority: 21 U.S.C. 348.

§§ 186.450, 186.850, 186.1650, and 186.2450 [Removed]

b. By removing §§ 186.450, 186.850, 186.1650, and 186.2450.

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

[OPP-300733; FRL-6035-6]

RIN 2070-AB78

Revocation of Tolerances for Canceled Food Uses

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. EPA is revoking these tolerances

because EPA has canceled the food uses associated with them. The regulatory actions in this document 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.

DATES: This final rule becomes effective January 25, 1999.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Joseph Nevola, Special Review Branch, (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Office location: Special Review Branch, Crystal Mall #2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308-8037; e-mail: nevola.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Does this document apply to me?**

You may be affected by this document if you sell, distribute, manufacture, or use pesticides for agricultural applications, process food, distribute or sell food, or implement governmental pesticide regulations. Pesticide reregistration and other actions [see FIFRA section 4(g)(2)] include tolerance and exemption reassessment under FFDCA section 408. In this document, the tolerance actions are final in coordination with the cancellation of associated registrations. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Agricultural Stakeholders.	Growers/Agricultural Workers Contractors [Certified/Commercial Applicators, Handlers, Advisors, etc.] Commercial Processors Pesticide Manufacturers User Groups Food Consumers
Food Distributors	Wholesale Contractors Retail Vendors Commercial Traders/Importers
Intergovernmental Stakeholders.	State, Local, and/or Tribal Government Agencies

Category	Examples of Potentially Affected Entities
Foreign Entities	Governments, Growers, Trade Groups

This table 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 this table could also be affected. If you have any questions regarding the applicability of this action to a particular entity, you can consult with the technical 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/homepage/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 document, including the public version, has been established under docket control number [OPP-300733], (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.

III. Can I challenge the Agency's final decision presented in this document?

Yes. You can file a written objection or request a hearing by December 28, 1998, in the following manner:

A. By Paper

Written objections and hearing requests, identified by the document control number [OPP-300733, may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, room M3708, 401 M St., S.W., 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 should be identified by the document control number and submitted to the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, 401 M St., S.W., Washington, DC 20460. In person, bring a copy of objections and hearing requests to room 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

B. Electronically

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending e-mail to opp-docket@epamail.epa.gov, per the instructions given in "ADDRESSES" above. Electronic copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 or 6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300733]. Do not submit CBI through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository libraries.

IV. What action is being taken?

This final rule revokes the FFDCA tolerances for residues of certain specified pesticides in or on certain specified commodities. 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 in comments 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, 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 or EPA independently verifies that the tolerance is no longer needed.

Although EPA proposed to revise the tolerances in 40 CFR 180.294(a) for benomyl on apple, apricot, cherry, nectarine, peach, pear, and plum (fresh prune), from pre- and post-harvest uses to pre-harvest use, the Agency will not amend those tolerances in this final rule. The Agency will address amending those tolerances for benomyl in a subsequent **Federal Register** document.

The proposed revocation of tolerances in 40 CFR 180.108 for acephate on grass (pasture and range) and grass hay was in error (February 5, 1998, 63 FR 5907) (FRL-5743-9). Though the registrants have requested voluntary deletion of these uses, the 180-day waiting period for the acceptance of these voluntary use deletions has not yet expired. Consequently, the Agency will not take action on the tolerances for acephate on grass (pasture and range) and grass hay in this final rule, but will address those tolerances in a subsequent **Federal Register** document.

In the **Federal Register** of February 5, 1998 (63 FR 5907), EPA issued a proposed rule for specific pesticides announcing the proposed revocation of tolerances for canceled food uses and 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 February 5, 1998:

Maneb

1. *Comment from Elf Atochem North America, Incorporated.* A comment was received by the Agency from Elf Atochem requesting that the tolerances for maneb not be revoked on the crops apricots; beans, succulent; carrots; celery; nectarines; and peaches. Elf Atochem stated their interest in maintaining the tolerances for import purposes only.

2. *Comment from the Canadian Horticulture Council.* A comment was received by the Agency from the Canadian Horticulture Council (CHC) concerning the proposed tolerance revocation for maneb on celery. The CHC stated that revocation of the tolerance would create a barrier to Canadian exports.

Agency response. Because of Elf Atochem's interest, the Agency will not revoke the tolerances in 40 CFR 180.110 for maneb on apricots; beans, succulent; carrots; celery; nectarines; and peaches at this time. This will also address CHC's concern. The Agency will revoke the tolerances for maneb on rhubarb and spinach.

Ferbam

3. *Comment from the CHC.* A comment was received by the Agency from the CHC concerning the proposed tolerance revocations for ferbam on asparagus, cucumbers, and tomatoes. The CHC stated that revocation of the tolerances would create a barrier to Canadian exports.

Agency response. The Agency will not revoke the tolerances in 40 CFR 180.114 for ferbam use on asparagus, cucumbers, and tomatoes at this time.

4. *Comment from Interregional Research Project No. 4.* A comment was received by the Agency from Interregional Research Project No. 4. (IR-4), New Brunswick, NJ, stating that IR-4 is supporting the uses of ferbam on guava and papaya.

5. *Comment from Washington State Department of Agriculture.* A comment was received by the Agency from the Washington State Department of Agriculture (WSDA) stating that WSDA has an active registration for ferbam use on boysenberries.

Agency response. Since the Interregional Research Project No. 4 (IR-4) is supporting the ferbam uses on guava and papaya with data and because FIFRA section 24(c) registration for ferbam use on blackberries is active in Washington, the Agency will not revoke the tolerances in 40 CFR 180.114 for ferbam use on boysenberry, guava, and papaya. EPA will revoke the tolerances for ferbam on almonds; beets,

with tops; beets, without tops; beet greens alone; broccoli; Brussels sprouts; carrots; cauliflower; celery; collards; corn; currants; dates; eggplants; gooseberries; kale; kohlrabi; melons; mustard greens; onions; peanuts; peppers; plums (fresh prunes); pumpkins; quinces; radishes, with tops; radishes, without tops; radish tops; rutabagas, with tops; rutabagas, without tops; rutabaga tops; spinach; strawberries; summer squash; turnips, with tops; turnips, without tops; and turnip greens.

Fluorine compounds (Cryolite)

6. *Comment from WSDA.* A comment was received by the Agency from the WSDA, which stated that it has an active registration for cryolite use on collards, blackberries, boysenberries, dewberries, loganberries, and youngberries, and requested that EPA not revoke the tolerances for those commodities.

Agency response. The proposed tolerance revocation for fluorine compounds (cryolite) on collards was an error and this tolerance will not be revoked. There is a FIFRA section 3 registered use on collards and the use appears in the Cryolite RED document issued August, 1996, listed as eligible for reregistration. However, there is no FIFRA section 3 registration for the use of cryolite on any of the berries listed in the comment above. EPA has sent letters dated May 12, 1998 to notify the States of Oregon and Washington that the Agency does not consider the use of cryolite on these small berries to be valid under section 24(c) for any purposes under FIFRA. Therefore, the tolerances in 40 CFR 180.145 for cryolite use on blackberries, boysenberries, dewberries, loganberries, and youngberries will be revoked along with the tolerances on apples; apricots; beans; beets, tops; carrots; corn; kale; mustard greens; nectarines; okra; peanuts; pears; peas; quinces; radish, tops; rutabagas, tops; and turnip, tops.

Diazinon

7. *Comments from the European Union, the Oahu Banana Growers Association, University of Hawaii, and individuals.* Comments were received by the Agency from various sources which requested that the tolerance for diazinon use on bananas not be revoked. Some cited the need to control the spread of Banana Bunchy Top Virus (BBTV) disease. Additionally, a FIFRA section 24(c) registration for diazinon use on bananas is active in Hawaii.

Agency response. At this time, the Agency will not revoke the tolerance in 40 CFR 180.153 for diazinon on bananas

due to the active FIFRA section 24(c) registration in Hawaii. Diazinon is currently in the reregistration process. The tolerance for diazinon use on bananas will be reviewed with other diazinon tolerances as part of this process.

Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate [Trichlorfon]

8. *Comments from Bayer Corporation and WSDA.* A comment was received by the Agency from Bayer Corporation initially requesting that the tolerances for dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate, called trichlorfon, not be revoked on cattle, fat; cattle, mby; cattle, meat; horses, fat; horses, mby; horses, meat; sheep, fat; sheep, mby; and sheep, meat. However, in a follow-up communication with EPA, Bayer Corporation decided it will limit its support to the existing cattle tolerances and does so for import purposes. Also, WSDA requested that the Agency not revoke the trichlorfon tolerances for use on cattle.

Agency response. The Agency will not revoke the tolerances in 40 CFR 180.198 for trichlorfon on cattle, fat; cattle, mby; and cattle, meat; since Bayer Corporation has committed to support those tolerances with the appropriate data through an agreement with the Agency. This will also address WSDA's concern. However, EPA will revoke the other tolerances for trichlorfon in 40 CFR 180.198 and 186.2325 as listed in the regulatory text.

Trifluralin

9. *Comment from WSDA.* A comment was received by the Agency from the WSDA, which stated that it has active registrations for specific crop-pesticide combinations, including trifluralin for use on flax and rape, and requested that EPA not revoke the tolerances for those commodities.

Agency response. While the Agency did not propose to revoke the tolerances for flax and rape, EPA did propose to revoke the tolerances for flax, straw; rape, straw; and upland cress. EPA will revoke the tolerances in 40 CFR 180.207 for trifluralin on flax, straw; and rape, straw on the grounds that the tolerances are no longer necessary. Although registered flax and rape uses exist for trifluralin, the Agency no longer sets separate tolerances on the commodities flax, straw and rape, straw. Rather, residues on those commodities are governed by the tolerances on flax and rape, respectively. The tolerance on upland cress will be addressed in a subsequent **Federal Register** document.

2-Chloro-N-isopropylacetanilide [Propachlor]

10. *Comment from Monsanto Company.* A comment was received by the Agency from the Monsanto Company, which stated that the proposed revocation of tolerances for 2-Chloro-N-isopropylacetanilide, called propachlor, on corn, forage; and corn, grain was erroneous. Monsanto has active registrations for propachlor use on corn. In a follow-up communication with EPA, Monsanto stated it would not support the propachlor tolerance on corn, sweet (K+CWHR).

11. *Comment from WSDA.* A comment was received by the Agency from the WSDA, which stated that it has active registrations for specific crop-pesticide combinations, including propachlor for use on corn, and requested that EPA not revoke the tolerances for those commodities.

Agency response. EPA acknowledges that the proposed revocation of tolerances for propachlor on corn, forage; and corn, grain was in error and these tolerances will be retained. However, there is no legal use for corn, sweet (K + CWHR) in Washington State or elsewhere in the U.S.; therefore, the Agency is revoking that corn tolerance in addition to the other tolerances that were proposed to be revoked in the **Federal Register** of February 5, 1998 (63 FR 5907). Consequently, the tolerances in 40 CFR 180.211 for propachlor on beets, sugar, roots; beets, sugar, tops; corn, sweet (K+CWHR); cottonseed; flax, seed; flax, straw; peas; peas, forage; and pumpkins will be revoked.

Simazine

12. *Comment from Curtice Burns Foods.* A comment was received by the Agency from Curtice Burns Foods requesting clarification with regard to simazine application on asparagus for the 1998 growing season.

13. *Comment from Platte Chemical Company.* A comment was received by the Agency from the Platte Chemical Company stating their concerns with regard to simazine existing stocks and grower groups.

Agency response. EPA will set a revocation date of December 31, 2000 for the simazine artichokes, asparagus, and sugarcane tolerances in 40 CFR 180.213. There are no active registrations for simazine on artichokes, asparagus, and sugarcane. However, end users holding existing stocks of simazine labeled for use on artichokes, asparagus, and sugarcane will be allowed to use such product until the time the tolerances are finally revoked (i.e., December 31, 2000), which should accommodate all existing stocks.

Naled

14. *Comment from WSDA.* A comment was received by the Agency from the WSDA requesting that the tolerance for naled on cucumbers and legumes not be revoked.

15. *Comment from the CHC.* A comment was received by the Agency from the CHC concerning the proposed tolerance revocation for naled on turnips, tops; lettuce; cucumbers; pumpkins; squash; and tomatoes. The CHC stated that revocation of the tolerance would create a barrier to Canadian exports.

16. *Comment from Amvac Chemical Corporation and Valent USA Corporation.* A comment was received by the Agency from the Valent USA Corporation, on behalf of Amvac Chemical Corporation, requesting that the tolerances for naled on cucumbers, lettuce, and tomatoes be retained for import purposes. In follow-up communication, Amvac Chemical confirmed that it will support those tolerances.

Agency response. Because of the comments/concerns received regarding the proposed revocation of naled tolerances, the Agency will not revoke the tolerances in 40 CFR 180.215 on cucumbers; legumes, forage; lettuce; pumpkins; squash, winter; tomatoes; and turnip tops at this time. The Agency will revoke the tolerances for naled on mushrooms and rice, for which no comments were received.

Atrazine

17. *Comment from WSDA.* A comment was received by the Agency from the WSDA, which stated that it has active registrations for specific crop-pesticide combinations, including atrazine for use on grass.

Agency response. Drexel Chemical Company has active uses for atrazine on orchardgrass, pastures, and rangeland. Therefore, EPA will not revoke the tolerances in 40 CFR 180.220 for atrazine on grass, range; orchardgrass; and orchardgrass, hay. The Agency will revoke the tolerances for atrazine on pineapples; pineapples, fodder; pineapples, forage; proso millet, fodder; proso millet, forage; proso millet, grain; and proso millet, straw.

Dichlobenil

18. *Comment from Uniroyal Chemical Company, Inc.* A comment was received by the Agency from Uniroyal Chemical, which stated that it has a product label use for cherries and is supporting the tolerance on sweet and tart cherries, but is not supporting the stone fruit uses, peaches, plums, prunes, and nectarines.

Uniroyal requested that either the Agency establish a separate tolerance for cherries at 0.15 parts per million or reinstate the stone fruits tolerance, which covers cherries, at 0.15 parts per million.

Agency response. The Agency will not revoke the tolerance in 40 CFR 180.231 for dichlobenil on stone fruits until it reviews existing data on cherries and in addition establishes an appropriate tolerance level for cherries before revoking the tolerance on stone fruits. According to the Dichlobenil RED, the stone fruits tolerance should be revoked concomitant with the establishment of a separate tolerance for cherries, since the use of dichlobenil on all other stone fruits has been dropped, and in addition a separate tolerance should be established on cherries with a value of 0.15 for residues of dichlobenil and its metabolite 2,6-dichlorobenzamide (BAM) on cherries until new residue data submissions are evaluated by the Agency.

2,2-Dichlorovinyl dimethyl phosphate [DDVP]

19. *Comment from the CHC.* A comment was received by the Agency from the CHC concerning the proposed tolerance revocation for 2,2-Dichlorovinyl dimethyl phosphate, called dichlorvos or DDVP, on tomatoes. The CHC stated that revocation of the tolerance would create a barrier to Canadian exports.

Agency response. The Agency will not revoke the tolerance in 40 CFR 180.235 for dichlorvos (DDVP) on tomatoes at this time. The Agency will revoke the tolerances for dichlorvos (DDVP) on cucumbers; lettuce; and radishes.

Methiocarb

20. *Comment from California Citrus Quality Council.* A comment was received by the Agency from the California Quality Citrus Council (CQCC) requesting that the tolerance for 3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate, called methiocarb, not be revoked on citrus fruits. The CQCC expressed concerns about potential adulteration through combination of imported juice concentrate with domestically produced concentrate.

21. *Comment from Gowan Company.* A comment was received by the Agency from Gowan Company requesting that the tolerances for 3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate, called methiocarb, not be revoked on corn due to a submitted petition to register the active ingredient as a corn seed treatment.

Agency response. The Agency will revoke the tolerance in 40 CFR 180.320 for methiocarb use on citrus fruits since there is no registration of methiocarb for citrus fruits. Also, normally the Agency receives data on citrus juice, but not juice concentrate. Historically, the juice concentrate has been considered to be a commodity that will be diluted with water back to a level equivalent to the juice. Rarely do pesticide residues concentrate in the juice significantly compared to the raw fruit, causing a separate tolerance to be set on the juice.

The Agency will revoke the tolerances in 40 CFR 180.320 for methiocarb use on corn [corn, fodder; corn, forage; corn, fresh (inc. sweet K+CWHR); corn, grain, field; and corn, grain, pop] due to a variety of reasons. There are no registered uses for methiocarb on corn. While Gowan Company expressed an interest in retaining corn tolerances by submitting a comment to the proposed revocation (February 5, 1998, 63 FR 5907), Gowan has not yet clearly committed to support the tolerances with sufficient data. Gowan submitted a petition to register methiocarb for use on corn seed, in September, 1997. Gowan has not submitted the outstanding data previously required under section 3(c)(2)(B) of FIFRA in support of their proposed use of methiocarb. Instead, Gowan has proposed that the corn seed use has minor crop use status and is eligible for data waivers. The Agency denied an earlier request for such a waiver of data. Additionally, there is no enforcement analytical method which has been validated at the 0.03 ppm level of the corn tolerances, a data deficiency in the RED. There are toxicological data deficiencies as well. If Gowan decides to reestablish the corn tolerances with sufficient data in the future, it can submit a formal petition with the appropriate data and the appropriate fees.

There is no registered use for methiocarb on peaches; therefore the tolerance will be revoked.

Nitrapyrin

22. *Comments from Platte Chemical Company.* A comment was received by the Agency from the Platte Chemical Company requesting that the tolerance for nitrapyrin use on cottonseed not be revoked. In follow-up communication, Platte Chemical stated that it would not support that tolerance.

Agency response. EPA will revoke the tolerance in 40 CFR 180.350(a) for nitrapyrin use on cottonseed and will revoke the tolerance in 40 CFR 180.350(b) for nitrapyrin on strawberries.

5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole [Etridiazole]

23. *Comments from the European Union.* Comments were received by the Agency from the European Union requesting that the tolerance for 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole, called etridiazole, use on strawberries not be revoked. In an earlier communication with EPA, the European Union stated that a clarification of methodology for commitment in support of tolerance retention was deserved.

Agency response. The Agency will not revoke the tolerance in 40 CFR 180.370 for etridiazole use on strawberries at this time. The Agency will revoke the tolerance for etridiazole on avocados. EPA is developing a guidance concerning submissions for import tolerance support. This guidance will be made available to interested stakeholders.

Diclofop-methyl

24. *Comments from the European Union.* Comments were received by the Agency from the European Union requesting that the tolerance for diclofop-methyl use on lentils and pea seeds (dry) not be revoked. In an earlier communication with EPA, the European Union stated that a clarification of methodology for commitment in support of tolerance retention was deserved.

Agency response. The Agency will not revoke the tolerances in 40 CFR 180.385 for diclofop-methyl use on lentils and pea seeds (dry) at this time. The Agency will revoke the tolerances for diclofop-methyl on flaxseed and soybeans. EPA is developing a guidance concerning submissions for import tolerance support. This guidance will be made available to interested stakeholders.

V. When do these actions become effective?

These actions become effective 90 days following publication of a final rule in the **Federal Register**. EPA has delayed the effectiveness of these revocations for 90 days following publication of a final rule to ensure that all affected parties receive notice of EPA's action. Consequently, the effective date is January 25, 1999, except where the date is otherwise indicated, as with simazine. For simazine, the effective date is December 31, 2000. For this particular final rule, the actions will affect uses which have been canceled for more than a year. This should ensure that commodities 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 notice, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDC 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 tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

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 effect 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 action contain any reporting or recordkeeping requirements?

No. This 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 action involve any "unfunded mandates"?

No. This 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 (Pub. L. 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 Office of Management and Budget (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 notice, 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), Pub. L. 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 is developing 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 record keeping requirements.

40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: September 29, 1998.

Jack E. Housenger,

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

Therefore, 40 CFR parts 180 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. 346a and 371.

§ 180.103 [Amended]

b. By removing, in § 180.103, paragraph (a), the entries for "avocados"; "garlic"; "leeks"; "pimientos"; "shallots"; and "taro (corn)".

§ 180.106 [Amended]

c. By removing, in § 180.106, paragraph (a), the entries for "Bermuda grass" and "Bermuda grass, hay".

§ 180.110 [Amended]

d. By removing, in § 180.110, paragraph (a), the entries for "rhubarb" and "spinach".

e. Section 180.114 is revised to read as follows:

§ 180.114 Ferbam; tolerances for residues.

(a) *General.* Tolerances for residues of the fungicide ferbam (ferric dimethyl-dithiocarbamate), calculated as zinc ethylenedisithiocarbamate, in or on raw agricultural commodities are established as follows:

Commodity	Parts per million
Apples	7 ¹
Apricots	7 ¹
Asparagus	7 ¹
Beans	7 ¹
Blackberries	7 ¹
Blubberies (huckleberries)	7 ¹
Boysenberries	7 ¹
Cabbage	7 ¹
Cherries	7 ¹
Citrus fruits	7 ¹
Cranberries	7 ¹
Cucumbers	7 ¹

Commodity	Parts per million
Dewberries	7 ¹
Grapes	7 ¹
Guavas	7 ¹
Lettuce	7 ¹
Loganberries	7 ¹
Mangoes	7 ¹
Nectarines	7 ¹
Papayas	7 ¹
Peaches	7 ¹
Pears	7 ¹
Peas	7 ¹
Raspberries	7 ¹
Squash	7 ¹
Tomatoes	7 ¹
Youngberries	7 ¹

¹ Some of these tolerances were established on the basis of data acquired at the public hearings held in 1950 (formerly § 180.101) and the remainder were established on the basis of pesticide petitions presented under the procedure specified in the amendment to the Federal Food, Drug, and Cosmetic Act by Pub. L. 518, 83d Congress (68 Stat. 511).

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

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

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

f. In § 180.121, by amending paragraph (a) by adding a heading and designating the text after the heading as paragraph (a)(1) and amending the table therein by removing the entries for "citrus fruits"; "sugarcane"; "sugarcane, fodder"; and "sugarcane, forage"; by redesignating paragraph (b) as paragraph (a)(2); and by adding and reserving with headings new paragraphs (b), (c), and (d) to read as follows:

§ 180.121 Parathion; tolerances for residues.

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

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

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

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

§ 180.145 [Amended]

g. By removing, in § 180.145, in paragraph (a)(1), the entries for "apples"; "apricots"; "beans"; "beets, tops"; "blackberries"; "boysenberries"; "carrots"; "corn"; "dewberries"; "kale"; "loganberries"; "mustard greens"; "nectarines"; "okra"; "peanuts"; "pears"; "peas"; "quinces"; "radish, tops"; "rutabaga, tops"; "turnip, tops"; and "youngberries".

§ 180.170 [Removed]

h. By removing § 180.170.

i. In § 180.173, in paragraph (a), the table is revised to read as follows:

§ 180.173 Ethion; tolerances for residues.

(a) * * *

Commodity	Parts per million
Cattle, fat	2.5
Cattle, mby	1.0
Cattle, meat (fat basis)	2.5
Citrus fruits	2.0
Citrus pulp, dehydrated	10
Goats, fat	0.2
Goats, mby	0.2
Goats, meat	0.2
Hogs, fat	0.2
Hogs, mby	0.2
Hogs, meat	0.2
Horses, fat	0.2
Horses, mby	0.2
Horses, meat	0.2
Milk fat (reflecting (N) residues in milk)	0.5
Raisins	4
Sheep, fat	0.2
Sheep, mby	0.2
Sheep, meat	0.2
Tea, dried	10

* * * * *

j. Section 180.178 is revised to read as follows:

§ 180.178 Ethoxyquin; tolerances for residues.

(a) *General.* A tolerance is established for residues of the plant regulator ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) from preharvest or postharvest use in or on the following commodity:

Commodity	Parts per million
Pear	3

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

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

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

k. In § 180.181, by designating the existing text as paragraph (a), adding a heading to newly designated paragraph (a) and revising the table; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.181 CIPC; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Potato (POST-H)	50

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

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

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

§ 180.183 [Amended]

l. By removing, in § 180.183, paragraph (a), the entries for "alfalfa, fresh"; "alfalfa, hay"; "clover, fresh"; and "clover, hay".

§ 180.188 [Removed]

m. By removing § 180.188.

n. In § 180.198, by revising the section heading and the table to read as follows:

§ 180.198 Trichlorfon; tolerances for residues.

* * *

Commodity	Parts per million
Cattle, fat	0.1(N)
Cattle, mby	0.1(N)
Cattle, meat	0.1(N)

o. In § 180.200, by revising paragraph (a)(1) to read as follows:

§ 180.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the following raw agricultural commodities. Unless otherwise specified, these tolerances prescribed in this paragraph provide for residues from preharvest application only.

Commodity	Parts per million
Apricot (PRE- and POST-H)	20
Bean, snap	20
Carrot (POST-H)	10
Celery	15
Cherry, sweet (PRE- and POST-H)	20
Cucumber	5
Endive (escarole)	10
Garlic	5
Grape	10
Lettuce	10
Nectarine (PRE- and POST-H)	20
Onion	10
Peach (PRE- and POST-H)	20
Plum (fresh prune) (PRE- and POST-H)	15
Potato	0.25
Rhubarb	10
Sweet potato (POST-H)	10
Tomato	5

* * * * *

§ 180.206 [Amended]

p. By removing, in § 180.206, paragraph (a), the entries for “alfalfa, fresh”; “alfalfa, hay”; “barley, grain”; “barley, straw”; “Bermuda grass, straw”; “lettuce”; “rice”; and “tomatoes”.

q. In § 180.207, by designating the existing text as paragraph (a), adding a heading to the newly designated paragraph (a) and amending the table therein by removing the entries for “flax, straw”; and “rape, straw”; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.207 Trifluralin; tolerances for residues.

(a) *General.* * * *

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

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

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

§ 180.209 [Amended]

r. By removing, in § 180.209, paragraph (a), the entry for “citrus fruits”.

s. In § 180.211, by designating the existing text as paragraph (a), adding a heading to the newly designated paragraph (a) and amending the table therein by removing the entries for “beets, sugar, roots”; “beets, sugar, tops”; “corn, sweet (K+CWHR)”; “cottonseed”; “flax, seed”; “flax, straw”; “peas (with pods, determined on peas after removing any pod present when marketed)”; peas, forage; and pumpkins; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.211 2-Chloro-N-isopropylacetanilide; tolerances for residues.

(a) *General.* * * *

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

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

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

t. In § 180.213, paragraph (a)(1) is revised to read as follows:

180.213 Simazine; tolerances for residues.

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

Commodity	Parts per million	Expiration/revocation date
Alfalfa	15	None
Alfalfa, forage ..	15	None
Alfalfa, hay	15	None
Almonds	0.25	None

Commodity	Parts per million	Expiration/revocation date
Almonds, hulls	0.25	None
Apples	0.25	None
Artichoke, globe	0.5	12/31/00
Asparagus	10	12/31/00
Avocados	0.25	None
Bermuda grass	15	None
Bermuda grass, forage	15	None
Bermuda grass, hay	15	None
Blackberries	0.25	None
Blueberries	0.25	None
Boysenberries	0.25	None
Cattle, fat	0.02(N)	None
Cattle, mby	0.02(N)	None
Cattle, meat	0.02(N)	None
Cherries	0.25	None
Corn, fodder	0.25	None
Corn, forage	0.25	None
Corn, fresh (inc. sweet K+CWHR)	0.25	None
Corn, grain	0.25	None
Cranberries	0.25	None
Currants	0.25	None
Dewberries	0.25	None
Eggs	0.02(N)	None
Filberts	0.25	None
Goats, fat	0.02(N)	None
Goats, mby	0.02(N)	None
Goats, meat	0.02(N)	None
Grapefruit	0.25	None
Grapes	0.25	None
Grass	15	None
Grass, forage ..	15	None
Grass, hay	15	None
Hogs, fat	0.02(N)	None
Hogs, mby	0.02(N)	None
Hogs, meat	0.02(N)	None
Horses, fat	0.02(N)	None
Horses, mby ..	0.02(N)	None
Horses, meat ...	0.02(N)	None
Lemons	0.25	None
Loganberries ...	0.25	None
Macadamia nuts	0.25	None
Milk	0.02(N)	None
Olives	0.25	None
Oranges	0.25	None
Peaches	0.25	None
Pears	0.25	None
Pecans	0.1(N)	None
Plums	0.25	None
Poultry, fat	0.02(N)	None
Poultry, mby ..	0.02(N)	None
Poultry, meat ...	0.02(N)	None
Raspberries	0.25	None
Sheep, fat	0.02(N)	None
Sheep, mby ..	0.02(N)	None
Sheep, meat	0.02(N)	None
Strawberries	0.25	None
Sugarcane	0.25	12/31/00
Sugarcane, molasses	1	None
Walnuts	0.2	None

u. In § 180.214, by designating the existing text as paragraph (a), adding a heading to the newly designated paragraph (a) and amending the table

therein by removing the entries for “alfalfa”; “alfalfa, hay”; “grass”; “grass, hay”; “rice”; and “rice, straw”; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.214 Fenthion; tolerances for residues.

(a) *General.* * * *

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

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

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

v. In § 180.215, by designating the existing text as paragraphs (a)(1) and (2), adding a heading to the newly designated paragraph (a) and amending the table in paragraph (a)(1) by removing the entries for “mushrooms”; and “rice”; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.215 Naled; tolerances for residues.

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

(2) * * *

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

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

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

w. In § 180.217, by designating the existing text as paragraph (a) and revising, and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.217 Ammoniates for [ethylenebis(dithiocarbamate)] zinc and ethylenebis[dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides; tolerances for residues.

(a) *General.* Tolerances are established for residues of a fungicide that is a mixture of 5.2 parts by weight of ammoniates of [ethylenebis(dithiocarbamate)] zinc with 1 part by weight ethylenebis[dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides, calculated as zinc ethylenebis(dithiocarbamate), in or on the following raw agricultural commodities as follows:

Commodity	Parts per million
Apple	2.0
Potato	0.5

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

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

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

x. In § 180.220, by amending paragraph (a) to add a heading and designating the existing text as (a)(1) and amending the table therein by removing the entries for "pineapples"; "pineapples, fodder"; and "pineapples, forage"; by designating paragraph (b) as paragraph (a)(2) and by removing from the table the entries for "proso millet, fodder"; "proso millet, forage"; "proso millet, grain"; and "proso millet, straw"; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.220 Atrazine; tolerances for residues.

- (a) *General.* (1) * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* [Reserved]
- (d) *Indirect or inadvertent residues.*
[Reserved]

§ 180.222 [Amended]

y. In § 180.222, amending paragraph (a), in the table by removing the entries for "corn, fodder, field"; "corn, fodder, pop"; "corn, fodder, sweet"; "corn, forage, field"; "corn, forage, pop"; "corn, forage, sweet"; and "corn, fresh (inc. sweet K+CWHR)".

z. In § 180.229, by designating the existing text as paragraph (a) and adding a heading, by removing in the table the entry for "sugarcane"; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.229 Fluometuron; tolerances for residues.

(a) *General.* A tolerance is established for negligible residues of the herbicide fluometuron (1,1-dimethyl-3-(α,α,α -trifluoro-m-tolyl)urea) in or on the following raw agricultural commodity:

Commodity	Parts per million
Cotton, undelinted seed	0.1

- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registration.* [Reserved]
- (d) *Indirect or inadvertent residues.*
[Reserved]
- aa. In § 180.231, by designating the existing text as paragraph (a) and adding a heading, and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.231 Dichlobenil; tolerances for residues.

- (a) *General.* * * *

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

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

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

bb. In § 180.235, by amending paragraph (a) by adding a heading and designating the text after the heading as paragraph (a)(1) and amending the table therein by removing the entries for "cucumbers"; "lettuce"; and "radishes"; by redesignating existing paragraph (b) as paragraph (a)(2); and by adding and reserving with headings new paragraphs (b), (c), and (d) to read as follows:

§ 180.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

- (a) *General.* (1) * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* [Reserved]
- (d) *Indirect or inadvertent residues.*
[Reserved]

§ 180.242 [Amended]

cc. By removing, in § 180.242, paragraph (a)(1), the entry for "grapes".

§ 180.254 [Amended]

dd. By removing, in § 180.254, paragraph (a), the entry for "peanuts".

ee. In § 180.258, by amending paragraph (a) to add a heading and amending the table therein by removing the entries for "grapefruit"; "oranges"; and "potatoes"; by redesignating paragraph (b) as paragraph (c) and adding a heading; and by adding and reserving with headings paragraphs (b) and (d) to read as follows:

§ 180.258 Ametryn; tolerances for residues.

- (a) *General.* * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* * * *
- (d) *Indirect or inadvertent residues.*
[Reserved]

ff. In § 180.261, by amending paragraph (a) to add a heading and amending the table therein by removing the entry for "tomatoes"; by redesignating paragraph (b) as paragraph (c) and adding a heading; and by adding and reserving with headings paragraphs (b) and (d) to read as follows:

§ 180.261 Phosmet; tolerances for residues.

- (a) *General.* * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* * * *
- (d) *Indirect or inadvertent residues.*
[Reserved]

gg. In § 180.262, by amending paragraph (a) to add a heading and amending the table therein by removing the entries for "soybeans"; "soybeans, forage"; and "soybeans, hay"; by redesignating paragraph (b) as paragraph (c) and adding a heading; and by adding and reserving with headings paragraphs (b) and (d) to read as follows:

§ 180.262 Ethoprop; tolerances for residues.

- (a) *General.* * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* * * *
- (d) *Indirect or inadvertent residues.*
[Reserved]

hh. In § 180.297, by designating the existing text as paragraph (a), adding a heading to newly designated paragraph (a) and amending the table therein by removing the entries for "cranberries"; "peanuts"; "peanuts, hay"; "soybeans"; and "soybeans, hay"; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.297 N-1-Naphthylphthalamic acid; tolerances for residues.

- (a) *General.* * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* [Reserved]
- (d) *Indirect or inadvertent residues.*
[Reserved]

ii. In § 180.298, by amending paragraph (a) by adding a heading and designating the text after the heading as paragraph (a)(1) and amending the table therein by removing the entries for "clover"; "clover, hay"; and "potatoes"; by redesignating paragraph (b) as paragraph (a)(2); by adding and reserving with heading new paragraph (b); by adding a heading to paragraph (c); and by adding and reserving with heading new paragraph (d) to read as follows:

§ 180.298 Methidathion; tolerances for residues.

- (a) *General.* (1) * * *
- (b) *Section 18 emergency exemptions.*
[Reserved]
- (c) *Tolerances with regional registrations.* * * *
- (d) *Indirect or inadvertent residues.*
[Reserved]

§ 180.314 [Amended]

jj. By removing, in § 180.314, the entries for "grass, canary, annual, seed"; and "grass, canary, annual, straw".

kk. By revising § 180.319 to read as follows:

§ 180.319 Interim tolerances.

While petitions for tolerances for negligible residues are pending and

until action is completed on these petitions, interim tolerances are established for residues of the listed

pesticide chemicals in or on the following raw agricultural commodities:

Substance	Use	Tolerance in parts per million	Raw agricultural commodity
Carbaryl (1-naphthyl N-methylcarbamate and its metabolite 1-naphthol, calculated as carbaryl..	Insecticide	0.5	Egg.
Coordination product of zinc ion and maneb	Fungicide	1.0 (Calculated as zinc ethylenebisdithiocarbamate)..	Potato.
Endothall (7-oxabicyclo-(2,2,1) heptane 2,3-dicarboxylic acid)..	Herbicide	0.2	Sugar beet.
Isopropyl carbanilate (IPC)	Herbicide	5.0 2.0 0.1	Hay of alfalfa, clover, and grass. Alfalfa, clover, and grass. Flaxseed, lentil, lettuce, pea, safflower seed, spinach, and sugar beet (roots and tops).
Isopropyl m-chlorocarbanilate (CIPC)	Herbicide	0.5 0.3 0.05	Egg; milk; and the meat fat, and meat byproducts of cattle, goat, hog, horse, poultry, and sheep. Spinach. Milk; meat, fat, and meat byproducts of cattle, hog, horse, and sheep.
Parathion (O,O-diethyl-O-p-nitrophenylthiophosphate) or its methyl homolog..	Herbicide ...	0.5	Rye.
Pentachloronitrobenzene	Fungicide ...	1.0	Peanut.
	O='xl'	0.1	Beans, broccoli, Brussels sprouts, cabbage, cauliflower, garlic, pepper, potato, and tomato.

§ 180.320 [Removed]

ll. By removing § 180.320.

§ 180.330 [Amended]

mm. By removing in § 180.330, paragraph (a), the entries for "blackberries"; "raspberries"; "peas"; "peas, forage"; "peas, hay"; and "potatoes".

nn. In § 180.341, by designating the existing text as paragraph (a), adding a heading to newly designated paragraph (a), by removing the phrase "0.15 part per million (ppm) in or on" and the entries for "apricots"; "caneberries (blackberries, boysenberries, dewberries, loganberries; raspberries)"; "cantaloupes"; "cucumbers"; "gooseberries"; "honeydew melons"; "muskmelons"; "nectarines"; "peaches"; "pears"; "pumpkins"; "summer squash"; "watermelons"; and "winter squash"; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.341 2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate; tolerances for residues.

(a) *General.* * * *

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

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

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

oo. In § 180.346, by designating the existing text as paragraph (a), adding a heading to newly designated paragraph (a) and by removing the entries for "Brazil nuts"; "bush nuts";

"butternuts"; "cashews"; "chestnuts"; "crabapples"; "filberts"; "hazelnuts"; "hickory nuts"; "macadamia nuts"; "pears"; "pecans"; "pistachio nuts"; "quinces"; "rice, grain"; "stone fruit"; and "walnuts"; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.346 Oxadiazon; tolerances for residues.

(a) *General.* * * *

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

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

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

pp. In § 180.349, by amending paragraph (a) to add a heading and designating the text after the heading as paragraph (a)(1) and amending the table therein by removing the entries for "cocoa beans" and "soybeans"; by redesignating paragraph (b) as paragraph (a)(2); by adding and reserving with heading new paragraph (b); by adding a new heading to paragraph (c); and by adding and reserving with heading new paragraph (d) to read as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate; tolerances for residues.

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

(2) * * *

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

(c) *Tolerances with regional registrations.* * * *

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

qq. In § 180.350, by amending paragraph (a) by adding a heading and removing from the table therein the entry for "cottonseed"; removing the existing text under paragraph (b) and reserving with a heading; and adding and reserving with headings paragraphs (c) and (d) to read as follows:

§ 180.350 Nitrapyrin; tolerances for residues.

(a) *General.* * * *

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

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

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

§ 180.358 [Removed]

rr. By removing § 180.358.

§ 180.366 [Removed]

ss. By removing § 180.366.

tt. In § 180.370, by designating the existing text as paragraph (a), adding a heading to newly designated paragraph (a) and amending the table therein by removing the entry for "avocados"; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.370 5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole; tolerances for residues.

(a) *General.* * * *

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

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

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

§ 180.374 [Removed]

uu. By removing § 180.374.

vv. In § 180.385, by designating the existing text as paragraph (a), adding a heading to newly designated paragraph (a) and amending the table therein by removing the entries for “flaxseed” and “soybeans”; and by adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.385 Diclofop-methyl; tolerances for residues.

(a) *General.* * * *

(b) Section 18 emergency exemptions . [Reserved]

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

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

§ 180.386 [Removed]

ww. By removing § 180.386.

§ 180.387 [Removed]

xx. By removing § 180.387.

yy. In § 180.410, by amending paragraph (a) to add a heading and in the table, by removing the entries for

“almonds”; “almond, hulls”; “apricots”; “peaches”; and “plums (fresh prunes)”; by redesignating paragraph (b) as paragraph (c) and adding a heading to newly designated paragraph (c); and by adding and reserving with headings paragraphs (b) and (d) to read as follows:

§ 180.410 1-(4-Chlorophenoxy)-3,3-dimethyl-1(1H-1,2,4-triazol-1-yl)-2-butanone; tolerances for residues.

(a) *General.* * * *

(b) Section 18 emergency exemptions . [Reserved]

(c) *Tolerances with regional registrations.* * * *

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

zz. In § 180.416, by designating the existing text as paragraph (a) and adding a heading, by removing in the table the entries for “cattle, fat”, “cattle, meat”, “cattle, mbyp”, “eggs”, “hogs, fat”, “hogs, meat”, “hogs, mbyp”, horses, fat”, “horses, meat”, “horses, mbyp”, “milk”, “poultry, fat”, “poultry, meat”, “poultry, mbyp”, “sheep, fat”, “sheep, meat”, and “sheep, mbyp”, and by

adding and reserving with headings paragraphs (b), (c), and (d) to read as follows:

§ 180.416 Ethalfuralin; tolerances for residues.

(a) *General.* * * *

(b) Section 18 emergency exemptions . [Reserved]

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

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

PART 186—[AMENDED]

2. In part 186:

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

Authority: 21 U.S.C. 348.

§ 186.2325 [Removed]

b. By removing § 186.2325.

§ 186.3000 [Removed]

c. By removing § 186.3000.

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