

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

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

**G. Does this Action Involve Technical Standards?**

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

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

These revocations will not become final if comments are received which demonstrate the need to maintain the tolerance to cover residues in or on imported commodities. However, data must be submitted that support the continued tolerance. The U.S. EPA is developing guidance concerning data requirements for import tolerance support. This guidance will be made available to interested persons.

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

No. This action is not a final rule. Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of

1996 (Title II of Public Law 104-121, 110 Stat. 847), only final rules must be submitted to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**.

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

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

Dated: May 18, 1999.

Lois A. Rossi,

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

Therefore, it is proposed that 40 CFR part 180 be amended 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. 321q, 346a and 371.

**§ 180.121 [Amended]**

b. In § 180.121, *Parathion or its methyl homolog; tolerances for residues*, by removing from the table in paragraph (a) the entries for boysenberries and youngberries.

**§ 180.153 [Amended]**

c. In § 180.153 *Diazinon; tolerances for residues*, by removing from the table in paragraph (a), the entries for beans, forage; beans, hay; beans, guar, forage; birdsfoot trefoil; birdsfoot trefoil, hay; boysenberries; dewberries; grass (NMT 40 ppm shall remain 24 hours after appli); grass, hay; olives; peanuts; peanuts, forage; peanuts, hay; pecans; pineapples; soybeans; soybeans, forage; and sugarcane.

**§ 180.169 [Amended]**

d. In § 180.169 *Carbaryl, tolerances for residues*, by removing from the table in paragraph (a), the entry for maple sap; and by removing from paragraph (e), the entry for avocados.

**§ 180.183 [Amended]**

e. In § 180.183, *O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate, tolerances for residues*, by removing from the table in paragraph (a) the entry for pineapples, foliage.

**§ 180.262 [Amended]**

f. In § 180.262, *Ethoprop, tolerances for residues*, by removing from the the

table in paragraph (a) the entries for beans, lima, forage; beans, snap, forage; pineapples, fodder; pineapples, forage; sugarcane, fodder; sugarcane, forage.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 990514134-9134-01; I.D. 042399C]

RIN 0648-AM60

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic States; Control Date for the Commercial Gillnet Fishery for Atlantic Group King Mackerel North of Cape Lookout, North Carolina**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking; consideration of a control date.

**SUMMARY:** This notice announces that the South Atlantic Fishery Management Council (Council) is considering whether there is a need to impose additional management measures limiting entry into the commercial gillnet fishery for Atlantic group king mackerel north of Cape Lookout, North Carolina, and if there is a need, what management measures should be imposed. If the Council determines that there is a need to impose additional management measures, it may initiate a rulemaking to do so. Possible measures include the establishment of a limited entry program to control participation or effort in this fishery. If a limited entry program is established, the Council is considering May 24, 1999, as a possible control date. Consideration of a control date is intended to discourage new entry into the fishery based on economic speculation during the Council's deliberation on the issues.

**DATES:** Comments must be submitted by June 23, 1999.

**ADDRESSES:** Comments should be directed to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407-4699; Telephone: 843-571-4366; Fax: 843-769-4520.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter or Mark Godcharles, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The commercial fishery for Atlantic group king mackerel in the South Atlantic exclusive economic zone (EEZ) is managed jointly by the Gulf of Mexico and South Atlantic Councils under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. A moratorium on issuing new commercial permits for king mackerel fisheries in the Gulf or Atlantic EEZ has been in effect since March 4, 1998, and will remain in effect through October 15, 2000 (63 FR 10561; March 4, 1998). Currently, about 280, 50, and 20 king mackerel federal permits are issued to vessels that homeport in North Carolina, South Carolina, and Virginia, respectively.

A gillnet (sinknet) fishery for Atlantic group king mackerel is conducted seasonally north of Cape Lookout, North Carolina, and it is the intent of the Council to allow for the continuation of this fishery. However, the Council has concerns that there may be considerable effort shifted to the Atlantic group king mackerel fishery in the North Carolina area in the future. Additionally, this fishing effort has been taking a larger proportion of the total quota. This impinges on the historical catch of the hook-and-line fishers, who represent the more common fishing effort. The Council is also concerned about the potential for expanded entry into this fishery when the permit moratorium expires.

At its June 1998 meeting, the Council voted unanimously to establish a control date for the commercial gillnet fishery for Atlantic group king mackerel north of Cape Lookout, North Carolina. This notice informs the industry that the Council is considering future action to control the number of participants in this fishery. Anyone entering the fishery after the control date would not be assured of future access should a management regime that limits the number of participants in the fishery be prepared and implemented. The Council requested that the control date be published in the **Federal Register** to provide timely notice to the industry. Implementation of any such program that limits participation or effort in the fishery would require preparation of an amendment to the respective fishery management plan and publication of a notice of availability and proposed rule with pertinent public comment periods.

If management measures to limit participation or effort in the fishery are determined to be necessary, the Council

is considering May 24, 1999, as the control date. After that date, anyone entering the commercial gillnet fishery for Atlantic group king mackerel fishery north of Cape Lookout, North Carolina, may not be assured of future participation in the fishery if a management regime is developed and implemented that limits the number of fishery participants.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into this fishery. Fishermen are not guaranteed future participation in the fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council subsequently may choose a different control date or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen active in the fishery before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry in the fishery. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. This notice has been determined to be not significant for purposes of E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 18, 1999.

**Andrew A. Rosenberg,**  
Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 622 and 640

[Docket No. 990506122-9122-01; I.D. 020899A]

RIN 0648-AL42

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the South Atlantic Region (FMPs); Addition to Framework Provisions

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement that portion of the

Comprehensive Amendment Addressing Sustainable Fisheries Act Definitions and other Required Provisions in Fishery Management Plans of the South Atlantic Region (Comprehensive Amendment) that would modify the framework procedures in FMPs to allow addition of biomass levels and age-structured analyses. The intended effect is to provide a more timely mechanism for incorporating biomass levels and age-structured analyses into those FMPs when such information becomes available.

**DATES:** Written comments must be received on or before July 8, 1999.

**ADDRESSES:** Comments on this proposed rule or on the Regulatory Impact Review (RIR) must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the Comprehensive Amendment, which includes an environmental assessment, an RIR, and a social impact assessment/fishery impact statement should be sent to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520; Electronic mail: safmc@noaa.gov.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The Comprehensive Amendment addresses fisheries under the FMPs. The FMPs were prepared by the South Atlantic Fishery Management Council (Council) except for the coastal migratory pelagics and spiny lobster fishery management plans that were prepared jointly by the South Atlantic and Gulf of Mexico Fishery Management Councils. All of these FMPs, except spiny lobster, are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. The Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic is implemented by regulations at 50 CFR part 640.

Section 303 of the Magnuson-Stevens Act requires that the Regional Fishery Management Councils amend their FMPs to assess more quantitatively the condition of the various managed stocks and to rebuild stocks to achieve maximum sustainable yield (MSY). Ultimately, this requires detailed estimates concerning the biomass of the stock and age-structured analyses to generate the various biomass-based