

I. Is This Proposed 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, U.S. House of Representatives, and 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 to read as follows:

PART 180—[AMENDED]

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

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

§ 180.1032 [Removed]

2. By removing § 180.1032.

[FR Doc. 99-13056 Filed 5-21-99; 8:45 am]
BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300867; FRL-6083-1]

RIN 2070-AC18

Diazinon, Parathion, O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate (Disulfoton), Ethoprop, and Carbaryl; Proposed Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document announces the proposed revocation of tolerances listed in the regulatory text for the insecticides diazinon, parathion, O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate (disulfoton), ethoprop, and carbaryl. EPA expects to determine whether any individuals or groups want to support these tolerances. The regulatory actions

in this proposal 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 that were in existence on August 2, 1996, by August 1999, or about 3,200 tolerances. The regulatory actions proposed in this document pertain to the proposed revocation of 29 tolerances and/or exemptions, of which 25 would be counted among reassessments made toward the August 1999 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: Comments must be received on or before July 23, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IV of the SUPPLEMENTARY INFORMATION section of this document. Be sure to identify the appropriate docket control number [OPP-300867].

FOR FURTHER INFORMATION CONTACT:

Amy Caicedo, Special Review Branch (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Mall 2, 6th floor, 1921 Jefferson Davis Highway, Arlington, Virginia. Telephone: (703) 308-9399; e-mail: caicedo.amy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What Is the Contribution to Tolerance Reassessment?

By law, EPA is required to reassess 33% of the tolerances that were in existence on August 2, 1996, by August 1999, or about 3,200 tolerances. As of March 1999, EPA has reassessed over 2,400 tolerances. The regulatory actions proposed in this document pertain to the proposed revocation of 25 tolerances and/or exemptions, which would be counted among reassessments made toward the August 1999 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

II. Does this Proposal Apply to Me?

You may be affected by this proposal 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. 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
Foreign Entities	Governments, Growers, Trade Groups

This table is not intended to be exhaustive, but rather is intended to provide 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 person listed in the "FOR FURTHER INFORMATION CONTACT" section.

III. 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/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 proposal, including the public version, has been established under docket control number [OPP-300867], 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 Virginia, 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.

IV. How Can I Respond to this Proposal?

A. How and to Whom do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket number (i.e., [OPP-300867]) in your correspondence.

1. *By mail.* Submit written comments, identified by the docket control number [OPP-300867], to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments, identified by the docket control number [OPP-300867], to: Public Information and Records Integrity Branch, Office of Pesticide Programs, U.S. Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: opp-docket@epa.gov. Do not submit any information electronically that you consider to be CBI. Submit electronic comments in ASCII file format avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the appropriate docket control number [OPP-300867]. You may also file electronic comments and data online at many Federal Depository Libraries.

B. How Should I Handle CBI Information in My Comments?

You may claim information you submit in response to this document as CBI 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 comment that does not contain CBI must be

submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

V. What Is a "Tolerance"?

A "tolerance" represents the legally allowed maximum level for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Section 408 of FFDCA, 21 U.S.C. 301 et seq., as amended by the FQPA of 1996, Public Law 104-170, authorizes the establishment of tolerances (maximum residue levels), exemptions from the requirement of a tolerance, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods (21 U.S.C. 346(a)). Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore "adulterated" under section 402(a) of the FFDCA. If food containing pesticide residues is considered to be adulterated, you may not distribute the product in interstate commerce (21 U.S.C. 331(a) and 342(a)). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under section 3 of FIFRA (7 U.S.C. et seq.). To retain these tolerances and exemptions, EPA must make a finding that the tolerances and exemptions are safe. To make this safety finding, EPA needs data and information indicating there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide residues covered by the tolerances and exemptions.

Monitoring and enforcement of pesticide tolerances and exemptions are carried out by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). This includes monitoring for pesticide residues in or on commodities imported into the United States.

VI. Why is EPA Proposing the Tolerance Actions Discussed Below?

EPA is proposing a number of these tolerance actions as a follow-up on canceled pesticides and uses of pesticides and to be consistent with Table I "Raw Agricultural and Processed Commodities and Feedstuffs Derived from Crops" (August, 1996) in the Residue Chemistry Test Guidelines: OPPTS 860.1000 (EPA 721-C-96-169).

It is EPA's general practice to propose revocation of tolerances for residues of pesticide active ingredients for which FIFRA registrations no longer exist. EPA has historically expressed a concern that retention of tolerances not necessary to cover residues in or on legally treated foods has the potential to encourage misuse of pesticides within the United States. However, in accordance with FFDCA section 408, EPA will not revoke any tolerance or exemption proposed for revocation if any person demonstrates a need for the retention of the tolerance, and if retention of the tolerance will meet the tolerance standard established under FQPA. Generally, interested parties support the retention of such tolerances in order to permit treated commodities to be legally imported into the United States, since raw agricultural commodities or processed food or feed commodities containing pesticide residues not covered by a tolerance or exemption are considered to be adulterated.

To assure that all food marketed in the United States is safe, under FFDCA, EPA requires the same technical chemistry and toxicology data for such import tolerances (tolerances without related U.S. registrations) as are required to support U.S. food use registrations and any resulting tolerances. In addition, EPA requires residue chemistry data (crop field trials) that are representative of growing conditions in exporting countries in the same manner that the EPA requires representative residue chemistry data from different U.S. regions to support domestic use of the pesticide and tolerance. Interested parties should contact the EPA for written guidance on adapting U.S. residue chemistry data requirements to non-U.S. growing conditions in order to support an import tolerance.

Other tolerances are being proposed for revocation because they are no longer regulated feed items. These proposed changes are in accordance with Table I in test guideline OPPTS 860.1000. Table I contains data on both crops and livestock diets and lists feed commodities considered significant in livestock diets. Significant feedstuffs account for more than 99 percent of the available annual tonnage (on-a dry-matter basis) of feedstuffs used in the domestic production of more than 95 percent of beef and dairy cattle, poultry, swine, milk, and eggs. EPA has devised criteria to include or exclude feedstuffs from Table I. Tolerances are not set for feedstuffs which are neither significant nor a human food. Pesticide residues on such feedstuffs are governed by tolerances on the commodity from

which they are derived (62 FR 66020, December 17, 1997)(FRL-5753-1). According to Table I, certain commodities are insignificant contributors to the livestock diet. In this document, EPA proposes tolerance revocations concerning pesticide residues in or on specific commodities because those commodities are no longer considered significant feed items.

VII. Which Pesticides are Covered by this Action?

Diazinon is a nonsystemic organophosphate insecticide used to control cockroaches, silverfish, ants, and fleas in residential, non-food buildings. Bait is used to control scavenger yellow jackets in the western United States. It is used on home gardens and farms to control a wide variety of sucking and leaf eating insects. It is used on rice, fruit trees, sugarcane, corn, tobacco, potatoes and on horticultural plants. It is also an ingredient in pest strips. Diazinon has veterinary uses against fleas and ticks. It is manufactured by Novartis, formerly Ciba-Geigy.

Parathion is a restricted use broad spectrum, organophosphate insecticide used to control many insects and mites. It has nonsystemic, contact, stomach and fumigant actions. It has a wide range of applications on many crops against numerous insect species. It is manufactured by Cheminova Agro.

O,O-Diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate, (Disulfoton), is a selective, systemic organophosphate insecticide and acaricide that is especially effective against sucking insects. It is used to control aphids, leafhoppers, thrips, beet flies, spider mites, and coffee leaf miners. It is manufactured by Bayer Corporation.

Ethoprop is an organophosphate insecticide primarily used for the control of nematodes. It is manufactured by Rhone Poulenc.

Carbaryl is a wide-spectrum carbamate insecticide which controls over 100 species of insects. It is also used as a molluscicide and an acaricide. Carbaryl works whether it is ingested into the stomach of the pest or absorbed through direct contact. It is manufactured by Rhone Poulenc.

VIII. What Action is Being Taken?

This document proposes revocation of FFDCA tolerances for residues of certain chemicals on commodities listed in the regulatory text of 40 CFR part 180 because these commodities are no longer considered significant feed items and no longer require tolerances or because no registered uses exist. The registrations for these pesticide

chemicals may have been canceled because the registrant (1) either failed to pay the required maintenance fee and/or (2) the registrant voluntarily canceled all registered uses of the pesticide. For general guidance on tolerances for commodities that are no longer considered significant feed items, see 62 FR 66020 (December 17, 1997).

1. *Diazinon*. This document proposes to revoke the following tolerances established under section 408 of FFDCA for residues of the pesticide diazinon ((*O,O*-diethyl *O*-[6-methyl-2-(1-methylethyl)-4-pyrimidinyl] phosphorothioate) in or on the following commodities listed under 40 CFR 180.153(a): birdsfoot trefoil; birdsfoot trefoil, hay; grass (NMT 40 ppm shall remain 24 hours after appli); grass, hay; olives; peanuts; peanuts, forage; peanuts, hay; pecans; soybeans; soybeans, forage; and sugarcane. On December 27, 1996, these uses were voluntarily canceled by the registrant; at which date the Agency allowed registrants to sell or distribute products under the previously approved labeling for 18 months, or until June 27, 1998. The Agency is proposing to revoke the tolerances for these uses effective January 1, 2000, at which time all existing stocks should have been exhausted and all treated commodities should have passed through the channels of trade.

EPA also proposes to revoke diazinon tolerances for beans, forage; beans, hay; beans, guar, forage; and pineapples, forage. These commodities are no longer considered significant animal feed items and therefore no longer need tolerances. This document also proposes to revoke the tolerances for boysenberries and dewberries (0.5 ppm each), since these commodities are now covered by the tolerance for blackberries (also set at 0.5 ppm).

2. *Parathion*. Methyl parathion is the methyl homolog of ethyl parathion; ethyl parathion is called parathion in the tolerance listings in 40 CFR 180.121. Tolerances for methyl parathion residues on most crops are included in the (ethyl) parathion tolerances because the enforcement analytical method does not distinguish between the two chemical species.

EPA proposes to revoke the tolerances for boysenberries and youngberries (both set at 1 ppm), since these commodities are now covered by the tolerance for blackberries (also set at 1 ppm).

3. *O,O*-Diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate (Disulfoton). EPA proposes to revoke the disulfoton tolerance for pineapples, foliage from 40 CFR 180.183. This commodity is no

longer considered a significant animal feed item and therefore no longer needs a tolerance.

4. *Ethoprop*. This document proposes to revoke the following tolerances established under section 408 for residues of the pesticide ethoprop ((*O*-ethyl *S,S*-dipropyl phosphorodithioate) in or on the following commodities listed under 40 CFR 180.262: beans, lima, forage; beans, snap, forage; pineapples, fodder; pineapples, forage; sugarcane, fodder; and sugarcane, forage. These commodities are no longer considered significant animal feed items and therefore no longer need tolerances.

5. *Carbaryl*. This document proposes to revoke the following tolerances established under section 408 for residues of the pesticide carbaryl in or on avocados, listed under 180.169(e), and maple sap listed under 40 CFR 180.169(a). These uses were voluntarily canceled by the registrant.

These revocations will become final unless any person in commenting on the proposal demonstrates a need for the tolerance to cover residues in or on imported commodities or domestic commodities legally treated.

IX. When do These Actions Become Effective?

EPA proposes that these actions become effective 90 days following publication of a final rule in the **Federal Register** with the exception of the revocation of the tolerances for Diazinon, which will become effective on January 1, 2000. EPA is proposing these effective dates because EPA believes that by these dates all existing stocks of pesticide products labeled for the uses associated with the tolerances proposed for revocation will have been exhausted for more than 1 year; giving ample time for any treated fresh produce to clear trade channels. Therefore, EPA believes the effective dates proposed in this document should be reasonable. However, if EPA is presented with information that existing stocks would still be available for use after the expiration date and that information is verified, EPA will consider extending the expiration date of the tolerance. If you have comments regarding existing stocks and whether the effective date accounts for these stocks, please submit comments as described in Unit IV of the SUPPLEMENTARY INFORMATION section of this proposal.

Any commodities listed in this proposal treated with the pesticides subject to this proposal, and in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established

by FQPA. Under this section, any residues 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.

X. What Can I do if I Wish the Agency to Maintain a Tolerance that the Agency Proposes to Revoke?

In addition to submitting comments in response to this proposal, you may also submit an objection. EPA subsequently issues a final rule after considering comments that are submitted in response to this proposed rule. If you fail to file an objection to the final rule within the time period specified, you will have waived the right to raise any issues resolved in the final rule. After the specified time, issues resolved in the final rule cannot be raised again in any subsequent proceedings.

This proposal provides 60 days for any interested person to demonstrate a need for retaining a tolerance, if retention of the tolerance will meet the tolerance standard established under FQPA. If EPA receives a comment to that effect, EPA will not proceed to revoke the tolerance immediately. However, EPA will take steps to ensure the submission of any needed supporting data and will issue an order in the **Federal Register** under FFDCA section 408(f) if needed. The order would specify data needed and the time frames for its submission, and would require that within 90 days some person or persons notify EPA that they will submit the data. If the data are not submitted as required in the order, EPA will take appropriate action under FIFRA or FFDCA.

XI. How do the Regulatory Assessment Requirements Apply to this Action?

A. Is this a Significant Regulatory Action Addressing Health and Safety Risks to Children?

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, among other things, 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 (Public Law 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 Proposal?

No. Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (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 proposed 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 proposed 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 proposed 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 proposed rule.

E. Does this Action Involve any Environmental Justice Issues?

No. This proposed rule does not involve special considerations of environmental-justice related issues pursuant to 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 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.

[FR Doc. 99-13057 Filed 5-21-99; 8:45 am]

BILLING CODE 6560-50-F

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.