section 3(b) of Executive Order 13084 do not apply to this rule.

VII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and 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 rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: May 17, 1999.

Susan B. Hazen,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

§ 180.224 [Removed]

2. By removing § 180.224.

3. Section 180.1016 paragraph (a) is revised to read as follows:

§ 180.1016 Ethylene; exemption from the requirement of a tolerance.

* * * * *

(a) For all food commodities, it is used as a plant regulator on plants, seeds, or cuttings and on all food commodities after harvest and when applied in accordance with good agricultural practices.

* * * * *

§ 180.1042 [Removed]

4. By removing § 180.1042.

5. By revising § 180.1098, to read as follows:

§ 180.1098 Gibberellins [Gibberellic Acids (GA3 and GA4 + GA7), and Sodium or Potassium Gibberellate]; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of gibberellins [gibberellic acids (GA3 and GA4 + GA7), and sodium or potassium gibberellate] in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

§ 180.1099 [Removed]

6. By removing § 180.1099.

7. By adding new §§ 180.1157 and 180.1158 to subpart D to read as follows:

§ 180.1157 Cytokinins; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of cytokinins (specifically: aqueous extract of seaweed meal and kinetin) in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

§ 180.1158 Auxins; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of auxins (specifically: indole-3-acetic acid and indole-3-butyric acid) in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

8. Section 180.1159 paragraph (a) is revised to read as follows:

§ 180.1159 Pelargonic acid; exemption from the requirement of tolerances.

(a) An exemption from the requirement of a tolerance is established for residues of pelargonic acid in or on all food commodities when used as a plant regulator on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

* * * * *

[FR Doc. 99–14864 Filed 6–10–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300878; FRL–6086–6]

RIN 2070–AB78

Sulfosate; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of sulfosate (the trimethylsulfonium salt of glyphosate, also known as glyphosate-trimesium) in or on poultry meat by-products (mbyp) and in cattle, goat, hog, sheep, and horse kidney and mbyp, except kidney. This regulation increases the tolerances for residues of sulfosate in cattle, goat, hog, sheep, and horse fat and meat; in milk; in eggs; in or on soybean seed; in soybean hulls; and in aspirated grain fractions. This regulation revokes the existing tolerances in poultry, cattle, goat, hog, sheep, and horse liver and mbyp (except liver). Zeneca Ag. Products requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective June 11, 1999. Objections and requests for hearings must be received by EPA on or before August 10, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300878], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300878], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-

docket@epa.gov. 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 5.1/6.1 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–300878]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–305–5697, tompkins.jim@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 8, 1999 (64 FR 17171) (FRL–6071–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by Zeneca Ag Products, PO Box 751, Wilmington, DE 19897. This notice included a summary of the petition prepared by Zeneca Ag Products, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.489 be amended by establishing tolerances for residues of the herbicide sulfosate, in or on cattle, goat, hog, sheep, and horse kidney at 3.5 parts per million (ppm); in cattle, goat, hog, sheep, and horse mbyp, except liver and kidney, at 1.0 ppm (due to an error, this tolerance was listed as 2.5 ppm in the notice of filing, at 64 FR 17171); and to increase the tolerance in cattle, goat, hog, sheep, and horse fat to 0.2 ppm; in cattle, goat, hog, sheep, and horse meat to 0.6 ppm; in cattle, goat, hog, sheep, and horse liver to 0.75 ppm; in milk to 1.1 ppm;; in or on soybean seed to 21 ppm (of which no more than 13 ppm is TMS); in soybean hulls to 45 ppm (of which no more than 25 ppm is TMS); and in aspirated grain fractions to 1,300 ppm (of which no more than 720 ppm is TMS).

Due to differences in methods for estimating residues in food commodities and EPA policy in expressing tolerances for residues in mbyp, liver, and kidney, EPA determined that modifications were needed to the following proposed tolerances: kidney of cattle, hogs, sheep, goats, and horses should be increased from 3.5 ppm to 6.0 ppm; meat by-products should be expressed in terms of ''mbyp (except kidney)'' at 1.5 ppm (instead of the requested 1.0 ppm); meat of cattle, hogs, sheep, goats, and horses should be increased from 0.6 ppm to 1.0 ppm; fat of cattle, hogs, sheep, goats, and horses should be increased from 0.2 ppm to 0.5 ppm; and milk should be increased from 1.1 ppm to 1.5 ppm. An amended new tolerance was not requested for eggs; the existing tolerance should be increased from 0.02 ppm to 0.05 ppm. In addition, the current tolerances for liver and mbyp (except liver) of cattle, hogs, sheep, goats, and horses should be deleted because they are covered by ''mbyp (except kidney)''. The current tolerance for poultry mbyp, now expressed as ''mbyp (except liver)'' should be expressed in terms of ''mbyp'', and the tolerance for poultry liver should be deleted because it is covered by the tolerance for ''mbyp''.

The differences in tolerances determined for these commodities are due to the following. Zeneca used an average of residues measured at the three dosing levels in animal feeding studies to estimate residues for animal commodities. Because residues of the PMG ion (*N*-(phosphonomethyl)glycine) measured in animal feeding studies were less than the limit of quantitation (LOQ) at lower dosing levels, EPA used residue levels measured at the highest dose rate (1,000 ppm) to calculate residues, resulting in higher values for tolerances for some animal commodities as described above. In addition, requested tolerances for mbyp of cattle, hogs, sheep, goats, and horses were expressed in terms of ''mbyp except kidney and liver''. However, the tolerance levels are higher than those needed to cover residues in liver and, therefore, liver is being deleted from the ''except'' clause. Similarly, existing tolerances for poultry mbyp must be revised to express the tolerance in terms of ''poultry mbyp'' and to delete the tolerance expressions for ''poultry mbyp (except liver)'' and ''poultry liver''.

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of sulfosate and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of sulfosate in or on soybean, seed at 21 ppm (of which no more than 13 ppm is TMS); soybean hulls at 45 ppm (of which no more than 25 ppm is TMS); aspirated grain fractions at 1,300 ppm (of which no more than 720 ppm is TMS); kidney of cattle, hogs, sheep, goats, and horses at 6.0 ppm; mbyp (except kidney) of cattle, hogs, sheep, goats, and horses at 1.5 ppm; meat of cattle, hogs, sheep, goats, and horses at 1.0 ppm; fat of cattle, hogs, sheep, goats, and horses at 0.5 ppm; milk at 1.5 ppm; poultry mbyp at 0.1 ppm; poultry meat at 0.05 ppm; poultry fat at 0.05 ppm; and eggs at 0.05 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by sulfosate are

discussed in Unit II. A. of the **Federal Register** document published on September 11, 1998 (63 FR 48597)(FRL–6026–6). Please note that this unit included a typographical error. In the discussion of the feeding carcinogenicity study in mice, ''79'' should have been ''7.9'' in the following phrase: ''In addition, there was increased incidence of white matter degeneration in the lumbar region of the spinal cord (males only) (2, 3, 4, 4, 79% response, controls to high dose)...''.

B. Toxicological Endpoints

The toxicological endpoints for sulfosate are discussed in Unit II. B. of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.489) for the residues of sulfosate in or on a variety of raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures from sulfosate as follows:

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; that the exposure estimate does not underestimate exposure for any significant subpopulation group; and if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent of crop treated (PCT) as required by the section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used PCT information as follows:

For the acute analysis, tolerance level residues and 100% crop treated (CT) were used. For the chronic analysis, tolerance level residues, anticipated residue levels for soybean commodities based on field trial data, treatment of 20 percent of soybeans in the United States with sulfosate, and PCT information obtained from public and proprietary databases for other crops were used. To estimate percent of crop treated, typically a range of estimates are supplied, and the upper end of this range is assumed for the exposure assessment. By using the upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. The registrant submitted a projected market share percentage of 20% for soybeans. EPA scientists determined that this value is a reasonable conservative usage estimate based on comparison to the market share of other herbicides presently applied to herbicide-tolerant crops. Therefore, 20% was used in the chronic analysis for soybeans. For soybeans, the percent of the crop that can be treated with sulfosate will be capped at 14,500,000 acres (20% of the 1998 soybean acreage) by the sulfosate registration.

The Agency believes that the three conditions, discussed in section 408 (b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. Based on the above information, EPA finds that the PCT information is reliable and has a valid basis. The regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the consumption of food bearing sulfosate in a particular area.

i. *Acute exposure and risk.* Acute food risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. The %PADs (Populated adjusted dose, RfD adjusted for 3x FQPA safety factor, %RfD/3) were below the Agency's level of concern at the 95th percentile for the U.S. population and all subgroups, with the highest exposure of 42% PAD in the subgroup all infants (< 1 year). The results of this analysis indicate that the acute risk from sulfosate residues on food is below the Agency's level of concern.

ii. *Chronic exposure and risk.* The chronic food analysis for sulfosate was conducted using use anticipated residues for some commodities and PCT information. Tolerance level residue values were used for the majority of the commodities. The %PADs were below HED's level of concern for the U.S. population and all subgroups, with the highest exposure of 26% PAD in the subgroup Children (1–6 years old). The results of this analysis indicate that the chronic risk from sulfosate residues on food is below the Agency's level of concern.

2. *From drinking water.* EPA does not have monitoring data available to perform a quantitative drinking water risk assessment for sulfosate at this time. In a previous risk assessment for the use of sulfosate in/on corn, wheat, pome fruit, and soybeans, ground and surface water exposure estimates were calculated for sulfosate at a maximum annual application rate of 4.75 lbs a.i./acre (see 63 FR 48597). For this risk assessment for the use of sulfosate on soybeans, the Agency estimated ground and surface water exposures using the values provided in the previous risk assessment and adjusting for the current maximum annual application rate of 8 lbs a.i./acre.

i. *Acute exposure and risk.* Estimated acute drinking water levels of concern (DWLOCs) range from 2,000 parts per billion (ppb) for infants < 1 year old to 10,500 ppb for the U.S. population. The estimated average concentration of sulfosate in surface water for acute exposure is 211 ppb. The estimated average concentration of sulfosate in groundwater is 0.00377 ppb. The estimated acute concentrations of sulfosate in surface water and groundwater are less than the acute DWLOCs for sulfosate. Therefore, taking into account the present uses and uses proposed in this action, OPP concludes with reasonable certainty that residues of sulfosate in drinking water (when considered along with other sources of

exposure for which OPP has reliable data) would not result in unacceptable levels of acute aggregate human health risk at this time.

ii. *Chronic exposure and risk.* Estimated chronic DWLOCs range from 250 ppb for children 1–6 years old to 1,060 ppb for the U.S. population. The estimated average concentration of sulfosate in surface water for chronic exposure is 20 ppb. The estimated average concentration of sulfosate in groundwater is 0.00377 ppb. The estimated chronic concentrations of sulfosate in surface water and groundwater are less than the chronic DWLOCs for sulfosate. Therefore, taking into account the present uses and uses proposed in this action, OPP concludes with reasonable certainty that residues of sulfosate in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of chronic aggregate human health risk at this time.

3. *From non-dietary exposure.* Sulfosate is currently not registered for use on any residential non-food sites: Therefore, residential exposure to sulfosate residues will be through dietary exposure only.

4. *Cumulative exposure to substances with common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether sulfosate has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, sulfosate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that sulfosate has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Acute risk estimates associated with aggregate exposure to sulfosate in food and water do not exceed the Agency's level of concern. The acute dietary analysis for sulfosate is a highly conservative estimate of dietary exposure conducted using tolerance level residue values and 100%CT. For the U.S. population, 10% of the PAD is occupied by food exposure. For the most highly exposed subgroup, all infants (< 1 year), 42% of the PAD is occupied by food exposure. The maximum estimated concentrations of sulfosate in surface and ground water are less than OPP's DWLOCs for sulfosate as a contribution to acute aggregate exposure. Therefore, OPP concludes with reasonable certainty that residues of sulfosate in drinking water do not contribute significantly to the acute aggregate human health risk at the present time considering the present uses and the uses proposed in this action.

2. *Chronic risk.* Using anticipated residues for soybean commodities; tolerance level residue values were used for the remaining commodities; %crop treated information for soybeans, oranges, grapefruit, corn, peaches and wheat; and exposure assumptions described in this unit, EPA has concluded that aggregate exposure to sulfosate from food will utilize 9% of the PAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is children (1–6 years old), discussed below. EPA generally has no concern for exposures below 100% of the PAD because the PAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to sulfosate in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the PAD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to sulfosate residues.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Since there are no residential uses or exposure senarios, short- and intermediate-term aggregate exposure is not expected.

4. *Aggregate cancer risk for U.S. population.* Sulfosate was classified as a ''Group E'' carcinogen (no evidence for carcinogenicity in humans, see Unit II.B.4 of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to sulfosate residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* The determination of the 3x safety factor for infants and children is discussed in Unit II.E.1.i. of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

ii. *Developmental toxicity studies.* Developmental toxicity is discussed in Unit II.E.1.ii. of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

iii. *Reproductive toxicity study.* Reproductive toxicity is discussed in Unit II.E.1.iii. of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

iv. *Pre- and post-natal sensitivity.* Pre- and post-natal sensitivity is discussed in Unit II.E.1.iv. of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

v. *Conclusion.* With the exception of the requested developmental neurotoxicity study, there is a complete toxicity database for sulfosate and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* Acute risk estimates associated with aggregate exposure to sulfosate in food and water do not exceed the Agency's level of concern. The acute food analysis for sulfosate is a highly conservative estimate of food exposure with the use of tolerance level residue values and 100%CT. For the most highly exposed subgroup, all infants (< 1 year), 42% of the PAD is occupied by food exposure. The maximum estimated concentrations of sulfosate in surface and ground water are less than EPA's DWLOCs for sulfosate infants and children as a contribution to acute aggregate exposure. Therefore, EPA concludes with reasonable certainty that residues of sulfosate in drinking water do not contribute significantly to the acute aggregate human health risk at the present time considering the present uses and the uses proposed in this action.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to sulfosate from food will utilize 26 percent of the RfD for infants and

children. EPA generally has no concern for exposures below 100% of the PAD because the PAD represents the level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to sulfosate in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the PAD RfD.

4. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to sulfosate residues.

III. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residues in plants and animals is understood. EPA has determined that the tolerance expression for sulfosate must include both of the parent ions.

B. Analytical Enforcement Methodology

Analytical enforcement methodology for sulfosate is discussed in Unit III.B. of the **Federal Register** document published on September 11, 1998 (63 FR 48597).

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. Magnitude of Residues

The crop field trial data are adequate to support these tolerances.

D. International Residue Limits

There are no Codex, Canadian or Mexican tolerances or maximum residue limits for residues of sulfosate in the subject commodities. Therefore, a compatibility issue is not relevant to the proposed tolerances.

E. Rotational Crop Restrictions

EPA has previously reviewed two confined rotational crop studies for sulfosate and concluded that rotational crop restrictions were not required.

IV. Conclusion

Therefore, the tolerances are established for residues of sulfosate in soybean seed at 21 ppm (of which no more than 13 ppm is TMS); soybean hulls at 45 ppm (of which no more than 25 ppm is TMS); aspirated grain fractions at 1,300 ppm (of which no more than 720 ppm is TMS); kidney of cattle, hogs, sheep, goats, and horses at 6.0 ppm; mbyp (except kidney) of cattle, hogs, sheep, goats, and horses at 1.5 ppm; meat of cattle, hogs, sheep, goats, and horses at 1.0 ppm; fat of cattle, hogs, sheep, goats, and horses at 0.5 ppm; milk at 1.5 ppm; poultry mbyp at 0.1 ppm; and eggs at 0.05 ppm. In addition, the current tolerances for liver and mbyp (except liver) of cattle, hogs, sheep, goats, horses, and poultry are revoked.

V. Objections and Hearing Requests

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

Any person may, by August 10, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the ''ADDRESSES'' section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this regulation. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300878] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov.

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in

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

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specficed by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

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 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.

C. Executive Order 13084

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 officials 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.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and 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 rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: June 8, 1999.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.489 the table to paragraph (a) is amended as follows:

i. By removing the complete entries for cattle, liver; cattle, mbyp except liver; goats, liver; goats, mbyp, except liver; hogs, liver; hogs, mbyp except liver; horses, liver; horses, mbyp except liver; poultry, liver; poultry, mbyp except liver; sheep, liver; and sheep, mbyp except liver.

ii. By revising the entries for aspirated grain fractions; cattle, fat; cattle, meat; eggs; goats, fat; goats, meat; hogs, fat; hogs, meat; horses, fat; horses, meat; milk; sheep, fat; sheep, meat; soybean, hulls; and soybean, seed.

iii. By adding entries for cattle, kidney; cattle, mbyp (except kidney); goats, kidney; goats, mbyp (except kidney); hogs, kidney; hogs, mbyp (except kidney); horses, kidney; horses, mbyp (except kidney); poultry, mbyp; sheep, kidney; and sheep, mbyp (except kidney).

The additions and revisions read as follows:

§ 180.489 Sulfosate (Sulfonium, trimethyl-salt with N- (phosphonomethyl)glycine (1:1)); tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Aspirated grain fractions (of which no more than 720 ppm is TMS)	1,300
* * * * *	
Cattle, fat	0.5
Cattle, kidney	6.0
Cattle, mbyp (except kidney)	1.5
Cattle, meat	1.0
Eggs	0.05
Goats, fat	0.5
Goats, kidney	6.0
Goats, mbyp (except kidney)	1.5
Goats, meat	1.0
* * * * *	
Hogs, fat	0.5
Hogs, kidney	6.0
Hogs, mbyp (except kidney)	1.5
Hogs, meat	1.0
Horses, fat	0.5
Horses, kidney	6.0
Horses, mbyp (except kidney)	1.5
Horses, meat	1.0
Milk	1.5
* * * * *	
Poultry, mbyp	0.1
* * * * *	
Sheep, fat	0.5
Sheep, kidney	6.0
Sheep, mbyp (except kidney)	1.5
Sheep, meat	1.0
* * * * *	
Soybean, hulls (of which no more than 25 ppm is TMS)	45
Soybean, seed (of which no more than 13 ppm is TMS)	21
* * * * *	

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[FR Doc. 99–14994 Filed 6–10–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–70; RM–9380]

Radio Broadcasting Services; Deer Lodge, Hamilton & Shelby, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 242C for Channel 240C3 at Hamilton, Montana, and modifies the license for Station KBMG at Hamilton, to specify operation on Channel 242C and substitutes Channel 245C1 for Channel 243C2 at Deer Lodge, Montana and modifies the license for Station KQRV at Deer Lodge to specify operation on Channel 245C1 in response to a petition filed by Marathon Media of Montana, L.P. and Robert C. Toole. *See* 64 FR 12923, March 16, 1999. The coordinates for Channel 242C at Hamilton are 46–48–09 and 113–58–21 and 46–06–03 and 112–57–00 for Channel 245C1 at Deer Lodge. To accommodate the substitutions at Deer Lodge and Hamilton, we shall also substitute Channel 244C1 for Channel 242C1 at Shelby, Montana, and modify the license for Station KZIN accordingly. The coordinates for Channel 244C1 are 48–19–42 and 112–02–03. Canadian concurrence has been received for the allotments at Shelby and Hamilton. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 19, 1999.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–70, adopted May 26, 1999, and released June 4, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by removing Channel 240C3 and adding Channel 242C at Hamilton, by removing Channel 243C2 and adding Channel 245C1 at Deer Lodge, and by removing Channel 242C1 and adding Channel 244C1 at Shelby.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–14793 Filed 6–10–99; 8:45 am]

BILLING CODE 6712–01–P