

§ 180.244, and § 180.250 [Removed]

g. By removing § 180.244, and § 180.250.

§ 180.262 [Amended]

h. By removing, from § 180.262(a), *Ethoprop*; *tolerances for residues*, the entry for mushrooms.

§ 180.363 [Removed]

i. By removing § 180.363.

§ 180.384 [Amended]

j. By removing from § 180.384, *N,N*-dimethylpiperidinium chloride, the entries for cotton forage; cottonseed meal; eggs; milk; poultry, fat; poultry, mbypp; and poultry, meat.

§ 180.520 [Removed]

k. By removing § 180.520.

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.1500 and § 185.4650 [Removed]

b. By removing § 185.1500 and § 185.4650.

PART 186—[AMENDED]

3. In part 186:

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

Authority: 21 U.S.C. 342, 348 and 371.

§ 186.1500 [Removed]

b. By removing § 186.1500.

[FR Doc. 99-18609 Filed 7-20-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 180, 185, and 186**

[OPP-300847A; FRL-6093-9]

RIN 2070-AB78

Bentazon, Cyanazine, Dicrotophos, Diquat, Ethephon, Oryzalin, Oxadiazon, Picloram, Prometryn, and Trifluralin; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule revokes specific tolerances for the herbicides bentazon, diquat, oxadiazon, picloram, prometryn, and trifluralin; the plant

growth regulator ethephon; and the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide [Dicrotophos]. EPA is revoking these tolerances because EPA has canceled the food uses associated with them. In addition, EPA is revising commodity terminology for oryzalin, bentazon, diquat, ethephon, picloram, and trifluralin to conform to current Agency practice. Due to a comment, EPA will not finalize an action on 2-[[4-chloro-6-(ethylamino)-*s*-triazin-2-yl]amino]-2-methylpropionitrile [Cyanazine], at this time. The regulatory actions in this final rule are part of the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA). By law, EPA is required to reassess 33% of the tolerances in existence on August 2, 1996, by August 1999, or about 3,200 tolerances. This document revokes 17 tolerances and/or exemptions. Since three tolerances were previously reassessed, 14 of the 17 revocations are counted here as 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: This final rule becomes effective October 19, 1999. Objections and requests for hearings, identified by docket control number [OPP-300847A], must be received by EPA on or before September 20, 1999.

ADDRESSES: Objections and hearing requests can be submitted by mail or in person. Please follow the detailed instructions provided in Unit V. of the SUPPLEMENTARY INFORMATION section of this document. To ensure proper identification of your objection or hearing request, you must identify the docket control number [OPP-300847A] in the subject line on the first page of your request.

FOR FURTHER INFORMATION CONTACT:

Joseph Nevola, Special Review Branch (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: CM #2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308-8037; e-mail: nevola.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Does this Action Apply to Me?**

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially

affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111	Crop production Animal production Food manufacturing Pesticide manufacturing
	112	
	311	
	32532	

This listing is not exhaustive, but is a guide to entities likely to be regulated by this action. The North American Industrial Classification System (NAICS) codes will assist you in determining whether this action applies to you. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the FOR FURTHER INFORMATION CONTACT section.

II. How Can I Get Additional Information or Copies of this or Other Support Documents?**A. Electronically**

You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," and then look up the entry for this document under "Federal Register--Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

B. In Person or by Phone

If you have any questions or need additional information about this action, please contact the person identified in the "FOR FURTHER INFORMATION CONTACT" section. In addition, the official record for this notice, including the public version, has been established under docket control number [OPP-300847A] including comments and data submitted electronically as described below. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Room 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is (703) 305-5805.

III. What Action is being Taken?

This final rule revokes the FFDCA tolerances for residues of certain specified pesticides in or on certain specified commodities. EPA is revoking those tolerances because they are not necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but imported into the United States. These pesticides are no longer used on commodities within the United States and no person has provided comment identifying a need for EPA to retain the tolerances to cover residues in or on imported foods. EPA has historically expressed a concern that retention of tolerances that are not necessary to cover residues in or on legally treated foods has the potential to encourage misuse of pesticides within the United States. Thus, it is EPA's policy to issue a final rule revoking those tolerances for residues of pesticide chemicals for which there are no active registrations under FIFRA, unless any person in comments on the proposal demonstrates a need for the tolerance to cover residues in or on imported commodities or domestic commodities legally treated.

EPA is not issuing today a final rule to revoke those tolerances for which EPA received comments demonstrating a need for the tolerance to be retained. Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed above only if: (1) Prior to EPA's issuance of a section 408(f) order requesting additional data or issuance of a section 408(d) or (e) order revoking the tolerances on other grounds, commenters retract the comment identifying a need for the tolerance to be retained; (2) EPA independently verifies that the tolerance is no longer needed; (3) the tolerance is not supported by data; or (4) the tolerance does not meet the requirements under FQPA.

In the **Federal Register** of April 23, 1999 (64 FR 19961) (FRL-6076-4), EPA issued a document which proposed the revocation of tolerances for residues of the herbicides bentazon, 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile [Cyanazine], diquat, oxadiazon, picloram, prometryn, and trifluralin; the plant growth regulator ethephon; and the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide [Dicrotophos]. EPA also proposed to revise commodity terminology for oryzalin, bentazon, cyanazine, diquat, ethephon, picloram, and trifluralin to conform to current Agency practice. In that document, the Agency invited public comment for

consideration and for support of tolerance retention under FFDCA standards.

A. Significant Comment Received

Only one significant comment was received by the Agency in response to the document published in the **Federal Register** of April 23, 1999:

1. 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile [Cyanazine]

Comment from Griffin L.L.C. (Griffin). Griffin Corporation commented that it produces 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile [Cyanazine] for export to, and use in other nations. Griffin requested that EPA not revoke the existing tolerances for cyanazine, because Griffin plans maintenance of import tolerances for cyanazine. Griffin declared that it anticipates working with EPA to achieve compliance with the Agency's final guidance on import tolerances and its data requirements.

Agency response. 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile [Cyanazine] production for use in the United States remains terminated by December 31, 1999, with cyanazine registrations canceled on January 1, 2000, authorized sale and distribution of such products in the channels of trade in accordance with their labels is permitted through September 30, 2002, and use of cyanazine products after December 31, 2002 is prohibited (61 FR 39023) (FRL-5385-7). However, due to Griffin's interest in maintaining import tolerances, at this time, EPA will not take action on cyanazine. Instead, EPA will follow-up on this comment with Griffin and any final action that EPA takes will be published in a future **Federal Register** document.

B. No Significant Comment Received

As for the other tolerances proposed for revocation in the **Federal Register** of April 23, 1999, no significant comments were received. Therefore, EPA is revoking tolerances for the herbicides bentazon, diquat, oxadiazon, picloram, prometryn, and trifluralin; the plant growth regulator ethephon; and the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide [Dicrotophos]. In addition, EPA is revising commodity terminology for bentazon, diquat, ethephon, oryzalin, picloram, prometryn, and trifluralin to conform to current Agency practice.

1. *Bentazon.* EPA is revoking the tolerances in 40 CFR 180.355 for bentazon residues in or on beans, lima (succulent); mint, spent hay; and peanuts, forage. In 40 CFR 180.355, the

Agency is revising commodity terminology for beans (except soybeans), dried to bean, dry, seed; beans (exc. soybeans), dried, vine hays to cowpea, hay; beans (exc. soybeans), forage to cowpea, forage; beans, succulent to bean, succulent; Bohemian chili peppers to pepper, nonbell; cattle, mbyp to cattle, meat byproducts; corn, fodder to corn, field, stover; corn, forage to corn, field, forage; corn, grain to corn, field, grain and corn, pop, grain; corn, fresh (inc. sweet K+CWHR) to corn, sweet, kernel plus cob with husks removed; eggs to egg; peanuts to peanut; peanuts, hay to peanut, hay; peas (dried) to pea, dry, seed; peas (dried), vine hays to pea, field, hay; peas, forage to pea, field, vines; peas, succulent to pea, succulent; poultry, mbyp to poultry, meat byproducts; and rice to rice, grain.

2. *Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide* [Dicrotophos]. EPA is revoking the tolerance in 40 CFR 180.299 for dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide residues in or on pecans.

3. *Diquat.* EPA is revoking the tolerance in 40 CFR 180.226(a) for diquat residues in or on sugarcane and the tolerance in 40 CFR 185.2500(a) and (b) for diquat residues in or on water, potable. In 180.226(a), the Agency is revising commodity terminology for potatoes to potato; and in 180.226(b), commodity terminology for avocados to avocado; cottonseed to cotton, undelinted seed; cucurbits to vegetable, cucurbit, group; fruits, citrus to fruit, citrus, group; fruits, pome to fruit, pome, group; fruits, stone to fruit, stone, group; grasses, forage to grass, forage; hops to hop, dried cones; legumes, forage to vegetable, foliage of legume, group; nuts to nut, tree, group; sugarcane to sugarcane, cane; vegetables, fruiting to vegetable, fruiting, group; and vegetables, root crop to vegetable, root and tuber, group. In 185.2500, the terminology is revised for processed potatoes (includes potato chips) to potato, granules/flakes and potato, chips.

4. *Ethephon.* EPA is revoking the tolerances in 40 CFR 180.300 for ethephon residues in or on filberts; lemons; pineapple fodder; pineapple forage; tangerines; and tangerine hybrids. In 40 CFR 180.300(a), the Agency is revising commodity terminology for figs to fig; goats, fat to goat, fat; horses, meat to horse, meat; macadamia nuts to nut, macadamia; pineapples to pineapple; pumpkins to pumpkin; and tomatoes to tomato. Also, in 40 CFR 185.2700, the terminology is revised for barley, milling fractions, except flour to barley, pearled barley

and barley, bran; and wheat, milling fractions, except flour to wheat, bran, wheat, middlings, and wheat, shorts; and in 186.2700(a) for wheat, milling fractions, except flour to wheat, milled byproducts.

5. *Oryzalin*. In 40 CFR 180.304(a), the Agency is revising commodity terminology for figs to fig; kiwifruits to kiwifruit; nuts to nut, tree, group; and olives to olive.

6. *Oxadiazon*. EPA is revoking the tolerance in 40 CFR 180.346 for oxadiazon residues in or on rice straw.

7. *Picloram*. EPA is revoking the tolerances in 40 CFR 180.292 for picloram residues in or on flax, seed; and flax, straw. In 40 CFR 180.292, the Agency is revising commodity terminology for cattle, mbyp (exc. kidney and liver) to cattle, meat byproducts except kidney and liver; eggs to egg; goats, fat to goat, fat; goats, mbyp (exc. kidney and liver) to goat, meat byproducts except kidney and liver; goats, meat to goat, meat; grasses, forage to grass, forage; hogs, mbyp (exc. kidney and liver) to hog, meat byproducts except kidney and liver; horses, mbyp (exc. kidney and liver) to horse, meat byproducts except kidney and liver; oats, green forage to oat, forage; sheep, mbyp (exc. kidney and liver) to sheep, meat byproducts except kidney and liver; and wheat, green forage to wheat, forage.

8. *Prometryn*. EPA is revising the commodity "cotton" in 40 CFR 180.222 to "cotton, forage" because this is the more accurate description of what that tolerance should cover. However, because "cotton, forage" is no longer considered a significant livestock feed commodity according to 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, the Agency is revoking the tolerance.

9. *Trifluralin*. EPA is revoking the tolerance in 40 CFR 180.207 for trifluralin residues in or on barley, fodder. In 40 CFR 180.207, EPA is removing the "(N)" designation from all entries to conform to current Agency administrative practice. The Agency is revising commodity terminology for carrots to carrot, roots; citrus fruits to fruit, citrus, group; corn, grain (exc. popcorn) to corn, field, grain; corn, grain (exc. popcorn), forage to corn, field, forage; corn, grain (exc. popcorn), fodder to corn, field, stover; cottonseed to cotton, undelinted seed; cucurbits to vegetable, cucurbit, group; grain, crops (except fresh corn and rice grain) to grain, crops, except corn, sweet and rice grain; mung bean sprouts to bean, mung,

sprouts; nuts to nut, tree, group; peanuts to peanut; peppermint, hay to peppermint, tops; rape, seed to rapeseed, seed; spearmint, hay to spearmint, tops; stone fruits to fruit, stone, group; sugarcane to sugarcane, cane; sunflower seed to sunflower, seed; upland cress to cress, upland; and vegetables, fruiting to vegetable, fruiting, group.

IV. When Do These Actions Become Effective?

These actions become effective 90 days following publication of this final rule in the **Federal Register**. EPA has delayed the effectiveness of these revocations for 90 days following publication of the final rule to ensure that all affected parties receive notice of EPA's actions. Consequently, the effective date is October 19, 1999. For this particular final rule, the revocation actions will affect uses which have been canceled for more than a year. Therefore, commodities should have cleared the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by the FQPA. Under this section, any residue of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of FDA that: (1) The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and (2) the residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from a tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

V. Can I Submit Objections or Hearing Requests?

Yes. Any person can file written objections to any aspect of this regulation and can also request a hearing on those objections. Objections and hearing requests are currently governed by the procedures in 40 CFR part 178, modified as needed to reflect the requirements of FFDCA section 408(g).

A. When and Where to Submit

Objections and hearing requests must be mailed or delivered to the Hearing Clerk no later than September 20, 1999. The address of the Hearing Clerk is Hearing Clerk (1900), Environmental

Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460.

B. Fees for Submission

1. Each objection must be accompanied by a fee of \$3,275 or a request for waiver of fees. Fees accompanying objections and hearing requests must be labeled "Tolerance Petition Fees," and forwarded to EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

2. EPA may waive any fee when a waiver or refund is equitable and not contrary to the purposes of the Act. A request for a waiver of objection fees should be submitted to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. The request for a waiver must be accompanied by a fee of \$1,650, unless the objector has no financial interest in the matter. The fee, if required, must be submitted to the address in Unit V.B.1. of this document. For additional information on tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), at the same mailing address, or by phone at (703) 305-5697, or e-mail at tompkins.jim@epa.gov.

C. Information to be Submitted

Objections must specify the provisions of the regulation considered objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector. You may claim information that you submit in response to this document as 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.

D. Granting a Hearing Request

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following:

1. There is a genuine and substantial issue of fact.

2. 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.

3. Resolution of the factual issue(s) in the manner sought by the requestor

would be adequate to justify the action requested.

VI. How Do the Regulatory Assessment Requirements Apply to this Final Action?

A. Is this a "Significant Regulatory Action"?

No. Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action." The Office of Management and Budget (OMB) has determined that tolerance actions, in general, are not "significant" unless the action involves the revocation of a tolerance that may result in a substantial adverse and material effect on the economy. In addition, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this action is not an economically significant regulatory action as defined by Executive Order 12866. Nonetheless, environmental health and safety risks to children are considered by the Agency when determining appropriate tolerances. Under FQPA, EPA is required to apply an additional 10-fold safety factor to risk assessments, in order to ensure the protection of infants and children, unless reliable data supports a different safety factor.

B. Does this Action Contain Any Reporting or Recordkeeping Requirements?

No. This final 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 final 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 Document?

No. Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct

compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to 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 final rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's final rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Does this Action Involve Any Environmental Justice Issues?

No. This action 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 final 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 to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

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

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex

Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual Reregistration Eligibility Decisions (REDs). EPA has developed guidance concerning submissions 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?

Yes. The Congressional Review Act, 5 U.S.C. Sec. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: July 15, 1999.

Jack E. Housenger,

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

Therefore, 40 CFR parts 180, 185, and 186 are amended to read as follows:

PART 180—[AMENDED]

1. In part 180:

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

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

§ 180.207 [Amended]

b. In § 180.207 paragraph (a), remove the "(N)" designation from all entries and remove the entry for "barley, fodder." Also, remove the terms listed in the first column below and add in their place in alphabetical order the terms listed in the second column:

Remove	Add
Carrots	Carrot, roots
Citrus fruits	Fruit, citrus, group
Corn, grain (exc. pop-corn)	Corn, field, grain
Corn, grain (exc. pop-corn), fodder	Corn, field, stover
Corn, grain (exc. pop-corn), forage	Corn, field, forage
Cottonseed	Cotton, undelinted seed
Cucurbits	Vegetable, cucurbit, group
Grain, crops (except fresh corn and rice grain)	Grain, crops, except corn, sweet and rice grain
Mung bean sprouts ...	Bean, mung, sprouts
Nuts	Nut, tree, group
Peanuts	Peanut
Peppermint, hay	Peppermint, tops
Rape, seed	Rapeseed, seed
Spearmint, hay	Spearmint, tops
Stone fruits	Fruit, stone, group
Sugarcane	Sugarcane, cane
Sunflower seed	Sunflower, seed
Upland cress	Cress, upland
Vegetables, fruiting ...	Vegetable, fruiting, group

§ 180.222 [Amended]

c. In § 180.222, in paragraph (a), the table is amended by removing the entry for "cotton."

§ 180.226 [Amended]

d. Section 180.226 is amended as follows:

i. In paragraph (a), the table is amended by removing the entry for "sugarcane" and revising the term "potatoes" to read "potato".

ii. In the table to paragraph (b), remove the terms listed in the first column below and add in their place in alphabetical order the terms listed in the second column:

Remove	Add
Avocados	Avocado
Cottonseed	Cotton, undelinted seed

Remove	Add
Cucurbits	Vegetable, cucurbit, group
Fruits, citrus	Fruit, citrus, group
Fruits, pome	Fruit, pome, group
Fruits, stone	Fruit, stone, group
Grasses, forage	Grass, forage
Hops	Hop, dried cones
Legumes, forage	Vegetable, foliage of legume, group
Nuts	Nut, tree, group
Sugarcane	Sugarcane, cane
Vegetables, fruiting ...	Vegetable, fruiting, group
Vegetables, root crop	Vegetable, root and tuber, group.

§ 180.292 [Amended]

e. In § 180.292, in the table to paragraph (a)(1), remove the entries for "flax, seed"; and "flax, straw" and remove the entries listed in the first column of the table below and add the entries listed in the second column in place thereof in alphabetical order.

Remove	Add
Cattle, mbyp (exc kidney and liver)	Cattle, meat byproducts except kidney and liver
Eggs	Egg
Goats, fat	Goat, fat
Goats, mbyp (exc kidney and liver)	Goat, meat byproducts except kidney and liver
Goats, meat	Goat, meat
Grasses, forage	Grass, forage
Hogs, mbyp (exc kidney and liver)	Hog, meat byproducts except kidney and liver
Horses, mbyp (exc kidney and liver)	Horse, meat byproducts except kidney and liver
Oats, green forage	Oat, forage
Sheep, mbyp (exc kidney and liver)	Sheep, meat byproducts except kidney and liver
Wheat, green forage	Wheat, forage

§ 180.299 [Amended]

f. In § 180.299, remove the entry for "pecans" from the table.

§ 180.300 [Amended]

g. In § 180.300(a), remove from the table the entries for "filberts," "lemons," "pineapple fodder," "pineapple forage," "tangerines," and "tangerine hybrids" and remove the terms listed in the first column of the table below and add the terms listed in the second column in place thereof in alphabetical order.

Remove	Add
Figs	Fig
Goats, fat	Goat, fat
Horses, meat	Horse, meat
Macadamia nuts	Nut, macadamia
Pineapples	Pineapple
Pumpkins	Pumpkin
Tomatoes	Tomato

h. Section 180.304 is amended as follows:

i. By revising paragraph (a) introductory text.

§ 180.304 Oryzalin; tolerances for residues.

(a) Tolerances are established for residues of the herbicide oryzalin (3,5-dinitro-N⁴,N⁴-dipropylsulfanilamide) in or on the following raw agricultural commodities:

* * * * *

ii. In the table in paragraph (a), by removing the terms listed in the first column below and adding in place thereof in alphabetical order the term listed in the second column to read as follows:

Remove	Add
Figs	Fig
Kiwifruits	Kiwifruit
Nuts	Nut, tree, group
Olives	Olive

§ 180.346 [Amended]

i. In § 180.346(a) by removing the entry for "rice straw."

§ 180.355 [Amended]

j. Section 180.355 is amended as follows:

i. In the table to paragraph (a), by removing the entries for "beans, lima (succulent)"; "mint, spent hay"; and "peanuts, forage"; and removing the terms listed in the first column below and adding in place thereof in alphabetical order the terms listed in the second column.

Remove	Add
Beans (except soy-beans), dried.	Bean, dry, seed
Beans (exc. soy-beans), dried, vine	Cowpea, hay
Beans (exc. soy-beans), forage.	Cowpea, forage
Beans, succulent	Bean, succulent
Bohemian chili pep-	Pepper, nonbell
pers.	

Remove	Add
Cattle, mbyp	Cattle, meat byprod- ucts
Corn, fodder	Corn, field, stover
Corn, forage	Corn, field, forage
Corn, fresh (inc. sweet K+CWHR).	Corn, sweet, kernel plus cob with husks removed
Corn, grain	Corn, field, grain
Eggs	Egg
Peanuts	Peanut
Peanuts, hay	Peanut, hay
Peas (dried)	Pea, dry, seed
Peas (dried), vine hays.	Pea, field, hay
Peas, forage	Pea, field, vines
Peas, succulent	Pea, succulent
Poultry, mbyp	Poultry, meat byprod- ucts
Rice	Rice, grain

ii. Section 180.355 is further amended by adding alphabetically an entry to the table in paragraph (a) for corn, pop, grain to read as follows:

§ 180.355 Bentazon; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * *	* *
Corn, pop, grain	0.05
* * *	* *

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. By revising § 185.2500 to read as follows:

§ 185.2500 Diquat.

A food additive regulation of 0.5 part per million is established for residues of diquat in potato, granules/flakes and potato, chips.

c. In § 185.2700, the table is revised to read as follows:

§ 185.2700 Ethephon.

* * * * *

Food	Parts per million
Barley, pearled barley and bar- ley, bran	5.0
Sugarcane, molasses	1.5

Food	Parts per million
Wheat, bran, wheat, middlings, and wheat, shorts	5.0

PART 186—[AMENDED]

3. In part 186:

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

Authority: 21 U.S.C. 342, 348, and 371.

§ 186.2700 [Amended]

b. In § 186.2700(a) by revising the term "wheat, milling fractions, except flour" to read "wheat, milled byproducts".

[FR Doc. 99-18608 Filed 7-20-99; 8:45 am]

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**GENERAL SERVICES
ADMINISTRATION**

41 CFR Part 102-2

RIN 3090-AG83

Federal Management Regulation (FMR)

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Interim rule.

SUMMARY: This year marks the 50th anniversary of the Federal Property and Administrative Services Act of 1949 (the Act), as amended. In support of the Act's original intent of efficiently managing Government assets, GSA is improving its regulatory system by establishing the Federal Management Regulation (FMR) as the successor regulation to the Federal Property Management Regulations (FPMR). The FMR will provide Federal managers with the regulatory materials they need to efficiently manage real and personal property and administrative services. Non-regulatory FMR bulletins will provide related FMR materials.

DATES: *Effective Date:* July 21, 1999.

Comment Date: Your comments must reach us by September 20, 1999 to be considered in the formulation of a final rule.

ADDRESSES: Send written comments to: Ms. Sharon A. Kiser, Regulatory Secretariat (MVRs), Federal Acquisition Policy Division, General Services Administration, 1800 F Street, NW, Washington, DC 20405.

Send comments by e-mail to: RIN.3090-AG83@gsa.gov.