2. In § 21.4235, paragraphs (a)(2), (a)(3), and (c) are revised to read as follows:

§ 21.4235 Programs of education that include flight training.

(a) * * *

(2) If enrolled in a course other than an Airline Transport Pilot (ATP) course, hold a second-class medical certificate on the first day of training and, if that course began before October 1, 1998, hold that certificate continuously during training; and

(3) If enrolled in an ATP certification course, hold a first-class medical certificate on the first day of training and, if that course began before October 1, 1998, hold that certificate continuously during training.

(Authority: 10 U.S.C. 16136(c); 38 U.S.C. 3034(d), 3241(b))

(c) *Pursuit of flight courses.* (1) VA will pay educational assistance to an eligible individual for an enrollment in a commercial pilot certification course leading to Federal Aviation Administration certification for a particular category even if the individual has a commercial pilot certificate issued by the Federal Aviation Administration for a different category, since each category represents a different vocational objective.

(2) VA will pay educational assistance to an eligible individual for an enrollment in an instrument rating course only if the individual simultaneously enrolls in a course required for a commercial pilot certificate for the category for which the instrument rating course is pursued or if, at the time of enrollment in the instrument rating course, the individual has a commercial pilot certificate issued by the Federal Aviation Administration for such category. The enrollment in an instrument rating course alone does not establish that the individual is pursuing a vocational objective, as required for VA purposes, since that rating equally may be applied to an individual's private pilot certificate, only evidencing an intent to pursue a non-vocational objective.

(3) VA will pay educational assistance to an eligible individual for an enrollment in a flight course other than an instrument rating course or a ground instructor course, including courses leading to an aircraft type rating, only if the individual has a commercial pilot certificate issued by the Federal Aviation Administration for the category to which the particular course applies.

(4) VA will pay educational assistance to an eligible individual for an enrollment in a ground instructor certificate course, even though the individual does not have any other flight certificate issued by the Federal Aviation Administration, since the Federal Aviation Administration does not require a flight certificate as a prerequisite to ground instructor certification and ground instructor is a recognized vocational objective.

(5) VA will not pay an eligible individual for simultaneous enrollment in more than one flight course, except as provided in paragraph (c)(2) of this section.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3002(3)(A), 3034(a), 3202(2)(A), 3241(a), 3241(b), 3452(b), 3680A(a)(3))

[FR Doc. 00–5572 Filed 3–7–00; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 179–0178; FRL–6546–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on September 23, 1999. This final action will incorporate several San Joaquin rules into the federally approved SIP. The intended effect of finalizing this action is to regulate particulate matter (PM–10) emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control PM–10 emissions from fugitive dust sources. EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval, the emission offset sanction will automatically apply unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval and the highway funding sanction will automatically apply 6 months later. (59 FR 39832, August 4, 1994.) Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on April 7, 2000.

ADDRESSES: Copies of the rules and EPA's Technical Support Document are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg Ave., Fresno, CA 93726

FOR FURTHER INFORMATION CONTACT: Karen Irwin, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1903.

SUPPLEMENTARY INFORMATION:

I. Background

On September 23, 1999 in 64 FR 51489, EPA proposed granting limited approval and limited disapproval of the following rules into the California SIP: San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 8010, Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM–10); SJVUAPCD Rule 8020, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Construction, Demolition, Excavation, Extraction Activities; SJVUAPCD Rule 8030, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Handling and Storage of Bulk Materials; SJVUAPCD Rule 8040, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Landfill Disposal Sites; SJVUAPCD Rule 8060, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Paved and Unpaved Roads and; SJVUAPCD Rule 8070, Fugitive Dust Requirements for Control of Fine Particulate Matter (PM–10) from Vehicle and/or Equipment Parking, Shipping,

Receiving, Transfer, Fueling, and Service Areas. These rules were adopted by SJVUAPCD on April 25, 1996 and submitted by the California Air Resources Board to EPA on July 23, 1996. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the proposed rule (PR) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the PR. EPA is finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval because of the remaining deficiencies. Rule deficiencies include lack of appropriate standards and/or test methods that would ensure a level of control consistent with RACM or BACM, unsupported source exemptions, clauses containing inappropriate Executive Officer discretion or language that does not establish a firm threshold upon which to base compliance with rule requirements, and lack of recordkeeping. A detailed discussion of the rule provisions and evaluations has been provided in the PR and in the Technical Support Document (TSD) for the PR, which is available at EPA's Region IX office (TSD dated August 31, 1999).

II. Response to Public Comments

A 45-day public comment period was provided in 64 FR 51498, September 23, 1999, which was extended an additional 30 days in 64 FR 61051, November 9, 1999. EPA received four comment letters [1] on the PR from the California Cotton Ginners and Growers Association (CCGGA), the Nisei Farmers League (NFL), the Western States Petroleum Association (WSPA), and SJVUAPCD. The comments have been evaluated by EPA and a summary of the major comments and EPA's responses are set forth below. EPA has responded to all comments in a TSD associated with this final rulemaking.

Introduction to EPA's Responses to Comments

The commenters [2] generally express a concern with the implementation of control measures for fugitive dust sources, in the belief that the state of scientific research concerning PM–10 sources in the San Joaquin Valley is not advanced enough to support such measures. This concern suggests that the commenters do not support the current requirements imposed by the Regulation VIII fugitive dust rules, nor the District's consideration of adopting additional rules for fugitive dust sources until they are satisfied with the state of scientific research. In their letters to EPA, the commenters also incorporate concepts that are typically evaluated in the context of a Serious PM–10 Nonattainment Area State Implementation Plan, such as consideration of which control measures are needed to reach attainment of federal ambient air quality standards, and which may not be needed.

While EPA addresses the commenters' concerns in terms of how they relate specifically to this final rulemaking, EPA does not address here the broader questions raised by the commenters due to the limited nature of this rulemaking. The Regulation VIII rules are already imposed by the SJVUAPCD. With this action, EPA is simply carrying out its responsibility under section 110(k) of the CAA concerning State submittals. The State of California submitted to EPA the Regulation VIII fugitive dust rules that the SJVUAPCD adopted to address PM–10 emissions in the San Joaquin Valley. Once the State submits such rules, EPA must evaluate them and determine if they can be approved into the California PM–10 SIP. In conducting its evaluation, EPA must apply the applicable provisions of the CAA and its regulations and guidance to the rules submitted by the State.

Comment: CCGGA, NFL, WSPA and KCFB comment that many of EPA's comments (in the proposed rule) center on the comparison to EPA's BACM Guidance Document [3]. The commenters believe this may be inappropriate because EPA's guidance document is primarily based on wind erosion derived emission factors. They contend that wind erosion is not an issue in the San Joaquin Valley with respect to exceedences of the federal ambient air quality standard for PM–10.

Response: The rule deficiencies identified by EPA predominantly address PM–10 emissions from mechanical operations such as earthmoving at construction sites and driving on paved and unpaved surfaces. EPA's BACM Guidance Document does include information and emission factors for such sources. EPA also identified a few deficiencies with the rules' windblown dust requirements. However, SJVUAPCD has not demonstrated that inactive surfaces and storage piles subject to Regulation VIII are insignificant sources.

Comment: CCGGA, NFL, WSPA and KCFB comment that EPA is focussed on primary particulate matter and that preliminary studies in the San Joaquin Valley indicate that this may be inaccurate. Actual ambient measurements of PM/NO_X ratios indicate that the current emission inventory PM/NO_X ratios are two to three times higher than the measured ambient PM/NO_X ratios, scientifically verifying that an overestimating of primary PM exists. Additionally, other studies have indicated that secondary aerosols, such as ammonium nitrate and ammonium sulfate may contribute as much as 35 percent of the total ambient PM–10 on an annual average basis in the San Joaquin Valley. This is dramatically increased during the winter months.

Response: EPA believes it is important to consider the contribution of both secondary and primary particulates to the PM–10 levels in the San Joaquin Valley. EPA's action on these fugitive dust rules does not preclude additional control measures in the San Joaquin Valley that focus on secondary aerosols. However, the information presented by the commenters does not support the elimination of RACM/BACM requirements for primary particulate sources. Primary particulates are a significant portion of the emissions inventory (according to the commenters' information, as much as 65% on an annual average basis). The RACM/BACM requirements of the Act apply unless a PM–10 source is demonstrated to be de minimis.

Comment: CCGGA, NFL, WSPA and KCFB comment that control measures must not be implemented until such time as they can be demonstrated with sound scientific research. CCGGA, NFL and WSPA comment that the California Regional Particulate Matter Air Quality Study is the most sophisticated, comprehensive PM–10 study in the world.

Response: Current research efforts are improving the available information on PM–10 emissions in San Joaquin Valley. However, scientific studies already confirm that PM–10 is generated from the types of sources targeted by Regulation VIII, such as unpaved roads, paved roads and earthmoving

[1] EPA also received comments from the Kings County Farm Bureau (KCFB) following expiration of the public comment period. Nevertheless, EPA has considered and responded to KCFB's comments along with the comments received within the allowed timeframe.

[2] EPA's use of ''commenters'' here does not refer to SJVUAPCD.

[3] ''Fugitive Dust Background Document and Technical Information Document for Best Available Control Measures'', U.S. EPA, September 1992.

activities.[4] EPA's BACM Guidance document [5] and numerous other reports set forth basic and practical controls that effectively reduce PM–10 from fugitive dust sources, such as applying water and paving, that are being effectively implemented on fugitive dust sources in PM–10 nonattainment areas. The exemption of relevant agricultural sources from the Regulation VIII requirements has not been justified under BACM criteria.

Comment: CCGGA, NFL, WSPA and KCFB comment that EPA must also consider the time of year when the San Joaquin Valley is subject to exceedances of the PM–10 standard, and then reassess their comments in light of that information.

Response: EPA's action on these rules does not preclude seasonal control measures. If seasonal control measures are developed by San Joaquin, EPA will evaluate them in light of CAA requirements and EPA policy.

Comment: CCGGA, NFL, WSPA and KCFB comment that recent development of the concept of a voluntary plan for reducing emissions at agricultural operations should be considered by EPA when discussing unpaved roads, mud and dirt track-out, and equipment yards at farming operations. KCFB comments that the agricultural industry has successfully regulated themselves in many environmental arenas using incentives and voluntary strategies. SJVUAPCD requests EPA to delay the final rulemaking for Regulation VIII until the completion of the U.S. Department of Agriculture/EPA Agriculture Air Quality Task Force Voluntary Compliance Policy. SJVUAPCD states that this delay would allow District staff sufficient time to incorporate appropriate strategies during the development of Rule 8080 [6] before the expiration of the 18-month sanction deadline. SJVUAPCD also asks that EPA revise the Technical Support Document for the Regulation VIII rulemaking to reflect the final Voluntary Compliance Policy.

Response: The exemptions for agricultural sources that EPA has listed as deficiencies in this final rulemaking are based on the fact that: (1) The District has not demonstrated that the exempt sources are de minimis and therefore not subject to BACM and; (2) BACM is not being implemented through some alternative means to Regulation VIII. While EPA is actively participating on the referenced Agricultural Air Quality Task Force, only draft principles have been developed thus far. The Agency has not published a Voluntary Compliance Policy and it is unclear when, if ever, such a policy would be finalized. EPA has exceeded the statutory deadline for action on these rules.[7] When EPA takes action on SIP submittals, the Agency must apply EPA guidance that exists at the time. If the SJVUAPCD develops and the State submits voluntary measures to address the BACM requirements for agricultural sources associated with this final rulemaking, EPA will evaluate the submittal under the CAA 189(b)(1) BACM and other applicable CAA requirements and Agency policy.

III. EPA Action

None of the comments received provided sufficient basis for EPA to alter its proposed action. Therefore, EPA is finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of Part D of the Act. These deficiencies were discussed in the PR. As stated in the PR, upon the effective date of this final rule, the 18 month clock for sanctions and the 24 month FIP clock will begin pursuant to Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the effective date of the final rule, the emission offset sanction will automatically apply at the 18 month mark and the highway funding sanction will automatically apply 6 months later. (59 FR 39832, August 4, 1994.) It should be noted that the rules covered by this FR have been adopted by the SJVUAPCD and are currently in effect in the SJVUAPCD. EPA's limited disapproval action will not prevent the SJVUAPCD or EPA from enforcing these rules.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

---

[4] See J. Watson, J. Chow, J. Gillies et al, ''Effectiveness Demonstration of Fugitive Dust Control Methods for Public Unpaved Roads and Unpaved Shoulders on Paved Roads'', Desert Research Institute, December 31, 1996, and ''Improvement of Specific Emission Factors (BACM Project No. 1)'', Midwest Research Institute, March 29, 1996.

[5] Op. Cit.

[6] SJVUAPCD indicates that Rule 8080 is potentially a new rule that would affect agricultural activities on non-cultivated land.

[7] The statutory deadline expired 18 months following EPA's receipt of the rules' submittal.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly affects 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 to the Office of Management and Budget, 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, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. 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 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 17, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(239)(i)(F) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(239) * * *

(i) * * *

(F) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Rules 8010, 8020, 8030, 8040, 8060, and 8070 adopted on April 25, 1996.

* * * * *

[FR Doc. 00–5502 Filed 3–7–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300978–FRL–6492–7]

RIN 2070–AB78

Bentazon; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for combined residues of bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-4(3*H*)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on succulent peas. In addition the tolerance expression for animal commodities (meat, milk, poultry, and eggs) established in 40 CFR 180.355(a) is being corrected to that of the combined residues of bentazon and its metabolite 2-amino-*N*-isopropyl benzamine (AIBA). BASF Corporation 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 March 8, 2000. Objections and requests for hearings, identified by docket control number OPP–3000978, must be received by EPA on or before May 8, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300978 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number: (703) 305–6224; and e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be 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
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300978. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 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 PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of August 17, 1998 (63 FR 43937) (FRL–6018–2), 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) 6F4640 and 3F4270 for a tolerance by BASF Corporation. This notice included a summary of the petition prepared by BASF Corporation, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.355(a) be amended by establishing a tolerance for combined residues of the herbicide, bentazon and its 6- and 8-hydroxy metabolites, in or on succulent peas at 3.0 part per million (ppm). Tolerances have been established under 40 CFR 180.355(a) for combined residues of bentazon and its 6- and 8-hydroxy metabolites in/on succulent peas at 0.5 ppm and pea forage at 3 ppm to support a 2 × 1 lb ai/A (pounds active ingredient per acre), 30–day preharvest interval (PHI) use pattern. The new tolerance is proposed to support a 2 × 1 lb ai/A, 10–day PHI use pattern.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical