POINT ASSIGNMENT TABLE—Continued

| Category I: Risk of recidivism | (Salient factor score) |
|---|---|
| Category III: Death of Victim or High Level Violence | |
| **Note:** Use highest applicable subcategory. If no subcategory is applicable, score = 0. A current offense that involved high level violence must be scored under both Category II (A, B, or C) and under Category III. | |
| A. Current offense was high level or other violence with death of victim resulting: | +3 |
| B. Current offense involved attempted murder: | +2 |
| C. Current offense involved high level violence (other than homicide or attempted murder): | +1 |
| Base Point Score (Total of Categories I–III) | |
| Category IV: Negative Institutional Behavior | |
| **Note:** Use the highest applicable subcategory. If no subcategory is applicable, score = 0. | |
| A. Aggravated negative institutional behavior involving: (1) assault upon a correctional staff member, with bodily harm inflicted or threatened, (2) possession of a deadly weapon, (3) setting a fire so as to risk human life, (4) introduction of drugs for purposes of distribution, or (5) participating in a violent demonstration or riot: | +2 |
| B. Ordinary negative institutional behavior | +1 |
| Category V: Program Achievement | |
| **Note:** Use the highest applicable subcategory. If no subcategory is applicable, score = 0. | |
| A. No program achievement: | 0 |
| B. Ordinary program achievement: | −1 |
| C. Superior program achievement: | −2 |
| Total Point Score (Total of Categories I–V). | |

* * * * *

Dated: October 20, 1998.

**Michael J. Gaines,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 98–28629 Filed 10–23–98; 8:45 am]

BILLING CODE 4410–31–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Parts 180, 185 and 186

**[OPP–300735; FRL–6035–8]**

**RIN 2070–AB78**

## Revocation of Tolerances and Exemptions from the Requirement of a Tolerance for Canceled Pesticide Active Ingredients

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This final rule announces the revocation of tolerances for residues of the pesticides listed in the regulatory text. EPA is revoking these tolerances because EPA has canceled the food uses associated with them. The regulatory actions in this document 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.

**DATES:** This final rule becomes effective January 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Joseph Nevola, Special Review Branch, (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location: Special Review Branch, 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 document apply to me?

You may be affected by this document if you sell, distribute, manufacture, or use pesticides for agricultural applications, process food, distribute or sell food, or implement governmental pesticide regulations. Pesticide reregistration and other actions [see FIFRA section 4(g)(2)] include tolerance and exemption reassessment under FFDCA section 408. In this document, the tolerance actions are final in coordination with the cancellation of associated registrations. Potentially affected categories and entities may include, but are not limited to:

| Category | Examples of Potentially Affected Entities |
|---|---|
| Agricultural Stakeholders. | Growers/Agricultural Workers |
| | Contractors [Certified/Commercial Applicators, Handlers, Advisors, etc.] |
| | Commercial Processors |
| | Pesticide Manufacturers |
| | User Groups |
| | Food Consumers |
| Food Distributors | Wholesale Contractors |
| | Retail Vendors |
| | Commercial Traders/Importers |
| Intergovernmental Stakeholders. | State, Local, and/or Tribal Government Agencies |
| Foreign Entities | Governments, Growers, Trade Groups |

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. If you have any questions regarding the applicability of this action to a particular entity, you can consult with the technical 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/homepage/fedrgstr/.

*B. In Person or by Phone*

If you have any questions or need additional information about this action, please contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official record for this document, including the public version, has been established under docket control number [insert the appropriate docket number], (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. Can I challenge the Agency's final decision presented in this document?

Yes. You can file a written objection or request a hearing by December 28, 1998 in the following manner:

*A. By Paper*

Written objections and hearing requests, identified by the document control number [OPP–300735], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, room M3708, 401 M St., SW, Washington, DC 20460. Fees accompanying objections and hearing requests shall be labled ''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 should be identified by the document control number and submitted to the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460. In person, bring a copy of objections and hearing requests to room 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

*B. Electronically*

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending e-mail to opp-docket@epamail.epa.gov, per the instructions given in ''ADDRESSES'' above. Electronic 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 or 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–300735]. Do not submit CBI through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository libraries.

## IV. 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 these 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, 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 or EPA independently verifies that the tolerance is no longer needed.

In the **Federal Register** of January 21, 1998 (63 FR 3057) (FRL–5743–8), EPA issued a proposed rule for specific pesticides announcing the proposed revocation of tolerances for canceled active ingredients and inviting public comment for consideration and for support of tolerance retention under FFDCA standards. The following comments were received by the agency in response to the document published in the **Federal Register** of January 21, 1998.

*Cyhexatin*

1. *Comment from Elf Atochem North America, Inc.* A comment was received by the Agency from Elf Atochem requesting that the tolerances for cyhexatin not be revoked. Elf Atochem claimed it has pending applications for registration including grapes, hops, pome fruit, strawberries, walnuts and macadamia nuts, submitted data on citrus, and stated that it is developing data to support stone fruits and almonds, and wishes to retain the tolerance for milk and for various [fat, kidney, liver, mbyp (exc. kidney & liver), and meat] tolerances on cattle, goats, hogs, horses, and sheep, since several of the raw agricultural commodities (RACs) are fed to livestock.

2. *Comment from OXON ITALIA.* A comment was received by the Agency from OXON ITALIA requesting that the tolerance for cyhexatin on citrus not be revoked. OXON ITALIA stated it is developing residue data for submission to the Agency. In follow-up correspondence to the Agency, OXON ITALIA, through its agent, further committed to provide the data required to maintain the tolerances of cyhexatin on imported citrus crops.

3. *Comment from California Citrus Quality Council.* A comment was received by the Agency from the California Citrus Quality Council (CCQC) requesting that the tolerance for cyhexatin on citrus not be revoked. CCQC cited Elf Atochem's submission that indicated data was being developed and concerns about imports into the United States.

4. *Comment from U.S. Hop Industry Plant Protection Committee.* A comment was received by the Agency from the

U.S. Hop Industry Plant Protection Committee requesting that the tolerance for cyhexatin on hops not be revoked, claiming that a section 18 request was submitted for the 1998 growing season in WA, OR, and ID.

*Agency response*. Because of Elf Atochem's and OXON ITALIA's interests in developing all data necessary to maintain all existing tolerances, EPA will not revoke the cyhexatin tolerances in 40 CFR 180.144, 185.1350, and 186.1350 at this time.

*Phosphamidon*

5. *Comment from Washington State Department of Agriculture*. A comment was received by the Agency from the Washington State Department of Agriculture (WSDA) requesting that the tolerance for phosphamidon use on apple not be revoked. Further, WSDA claims that existing stocks may take 6-8 years to exhaust and 2 years to clear trade channels.

6. *Comment from Northwest Wholesale, Inc*. A comment was received by the Agency from the Northwest Wholesale Inc. requesting that the tolerance for phosphamidon use on apple not be revoked and expressed a concern that existing stocks may take 10 years to exhaust.

*Agency response*. Although EPA intends to revoke the tolerance for phosphamidon on apples, the Agency will not revoke that tolerance on apples in this final rule. The Agency will address the tolerance for phosphamidon on apples in a subsequent **Federal Register** document. With the exception of the tolerance on apple, all other tolerances for phosphamidon in 40 CFR 180.239 will be revoked.

*Phosalone*

7. *Comment from Rhone-Poulenc Ag Company*. A comment was received by the Agency from Rhone-Poulenc requesting that the tolerances for phosalone be retained for cherries; peaches; plums/prunes; apricots (stone fruits); apples; pears (pome fruit); nuts, almonds only; and grapes, so that those commodities could be legally imported into the United States.

*Agency response*. EPA will not revoke the tolerances in 40 CFR 180.263 for phosalone use on almond; apple; apricot; cherry; grape; peach; pear; and plum/prune, at this time. In 40 CFR 180.263, the Agency will revoke the tolerances for artichokes; Brazil nuts; butternuts; cashews; cattle, fat; cattle, meat; cattle, mbyp; chestnuts; citrus fruits; filberts; goats, fat; goats, meat; goats, mbyp; hickory nuts; hogs, fat; hogs, meat; hogs, mbyp; horses, fat; horses, meat; horses, mbyp; Macadamia nuts; nectarines; pecans; potatoes; sheep, fat; sheep, meat; sheep, mbyp; and walnuts. Also, the Agency will revoke the tolerances in § 185.4800.

*3,4,5-Trimethylphenyl methylcarbamate and 2,3,5-Trimethylphenyl methylcarbamate [Trimethacarb]*

8. *Comment from Drexel Chemical Company*. A comment was received by the Agency from Drexel Chemical requesting that the revocation of tolerances for trimethacarb be delayed because Drexel cannot determine if all existing stocks of their product labeled for the uses associated with the subject tolerances have been completely exhausted.

*Agency response*. Although EPA intends to revoke the tolerances in 40 CFR 180.305 for 3,4,5-Trimethylphenyl methylcarbamate and 2,3,5-Trimethylphenyl methylcarbamate [Trimethacarb], the Agency will not revoke those tolerances in this final rule. The Agency will address the tolerances for trimethacarb in a subsequent **Federal Register** document.

*2-(m-Chlorophenoxy) propionic acid [Cloprop]*

9. *Comment from the Pineapple Growers Association of Hawaii*. A comment was received by the Agency from the Pineapple Growers Association of Hawaii requesting that the tolerances for cloprop be retained for five years, three years for use of cloprop on pineapples and two years for consumption of the resulting canned pineapple products.

*Agency response*. EPA will revoke the tolerances in 40 CFR 180.325 for 2-(m-Chlorophenoxy) propionic acid [Cloprop] on pineapple, fodder; and pineapple, forage; and in § 186.850 on pineapple, bran on the grounds that these are no longer considered significant livestock feedsuffs and therefore, the tolerances are not necessary. Although EPA intends to revoke the tolerance on pineapple; the Agency will not revoke that tolerance in this final rule. The Agency will address the tolerance for cloprop on pineapple in a subsequent **Federal Register** document. With the exception of that tolerance on pineapple, all other tolerances for cloprop in 40 CFR 180.325 will be revoked.

*Copper linoleate and Copper oleate*

10. *Comment from Griffin Corporation*. A comment was received by the Agency from Griffin Corporation requesting that the exemption from a tolerance for copper oleate and copper linoleate in 40 CFR 180.1001 not be revoked if the revocation covers copper salts of fatty and rosin acids, which may affect some of their products.

11. *Comment from Stewart Marine*. A comment was received by EPA from an agent for Stewart Marine requesting that the exemption from a tolerance for copper linoleate not be revoked. Stewart Marine expects to submit a petition for registration of copper linoleate for use as a pesticide as an antifoulant paint.

12. *Comment from WSDA*. A comment was received by the Agency from the WSDA requesting that the exemption from a tolerance for copper oleate not be revoked.

*Agency response*. Because Griffin Corporation products which contain copper salts of fatty and rosin acids would be impacted by revocation of exemption from a tolerance for copper linoleate and/or copper oleate, EPA will not revoke the exemption from a tolerance in 40 CFR 180.1001(b)(1) for copper linoleate and copper oleate at this time. This will also address the concerns expressed by Stewart Marine and WSDA.

*(E,Z)-3,13-Octadecadien-1-ol acetate and (Z,Z)-3,13-Octadecadien-1-ol acetate [ODDA]*

13. *Comment from WSDA*. A comment was received by the Agency from the WSDA requesting that the exemption from a tolerance for ODDA in 40 CFR 180.1055 should not be revoked for apricot, cherry, nectarine, peach, plum, and prune trees.

*Agency response*. Since ODDA is a lepidopteran pheromone, it will remain covered under the broader tolerance exemption of 40 CFR 180.1153 Lepidopteran pheromones; exemption from the requirement of a tolerance. Therefore, the current tolerance exemptions listed for ODDA under 40 CFR 180.1055 are not needed and will be revoked by the Agency.

*Malathion*

14. *Comment from Interregional Research Project No. 4*. A comment was received by the Agency from Interregional Research Project No. 4. (IR-4), NJ, stating that the exemption from a tolerance for malathion in 40 CFR 180.1067 should be retained because a 24(c) registration is active in California for malathion on listed commodities for use as an insecticide against the Oriental, Mediterranean, and Mexican fruit flies.

*Agency response*. In this final rule, EPA will not revoke the exemption from a tolerance in 40 CFR 180.1067 for methyl eugenol and malathion combination. The Agency will address the exemption from a tolerance for

malathion under § 180.1067 in a subsequent **Federal Register** document.

## V. When do these actions become effective?

These actions become effective 90 days following publication of a final rule in the **Federal Register**. EPA has delayed the effectiveness of these revocations for 90 days following publication of a final rule to ensure that all affected parties receive notice of EPA's action. Consequently, the effective date is January 25, 1999, except where the date is otherwise indicated. For this particular final rule, the actions will affect uses which have been canceled for more than a year. This should ensure that commodities 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 document, 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 Food Quality Protection Act (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 tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

## VI. How do the regulatory assessment requirements apply to this 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 affect 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 action does not impose any information collection requirements subject to OMB review or approval pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### *C. Does this action involve any ''unfunded mandates''?*

No. This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 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 notice?*

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 the Office of Management and Budget (OMB) a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's 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 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 is not expected to have any potential impacts on minorities and low income communities. Special consideration of environmental justice issues is not required under 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 action in this document, are not likely to result in a significant adverse economic impact on a substantial number of small entities. The factual basis for the Agency's determination, along with its generic certification under section 605(b) of the Regulatory Flexibility Act (RFA) (5

U.S.C. 601 *et seq.*), appears at 63 FR 55565, October 16, 1998 (FRL–6035–7). This generic certification has been provided to the Chief Counsel for Advocacy of the Small Business Administration.

*G. Does this action involve technical standards?*

No. This tolerance action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 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, etc.) 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 REDs. The U.S. EPA is developing a guidance concerning submissions for import tolerance support. This guidance will be made available to interested stakeholders.

*I. Is this action subject to review under the Congressional Review Act?*

Yes. The Congressional Review Act, 5 U.S.C. 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 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**. 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, Pesticide and pests.

*40 CFR Part 186*

Environmental protection, Animal feeds, Pesticide and pests.

Dated: September 30, 1998.

**Jack E. Housenger,**

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

Therefore, it is proposed that 40 CFR parts 180, 185, and 186 be amended as follows:

## PART 180— [AMENDED]

1. In part 180:

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

**Authority:** 21 U.S.C. 346a and 371.

b. In subpart A, in § 180.2, by revising paragraph (a) to read as follows:

**§ 180.2 Pesticide chemicals considered safe.**

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellant in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium sorbate, sodium carbonate, sodium chloride, sodium hypochlorite, sulfur, and when used as plant desiccants, sodium metasilicate (not to exceed 4 percent by weight in aqueous solution) and when used as postharvest fungicide, citric acid, fumaric acid, oil of lemon, and oil of orange are not for the purposes of section 408(a) of the Act generally recognized as safe.

* * * * *

**§§ 180.115, 180.118, 180.148, 180.158, 180.159, 180.162, 180.171, and 180.219 [Removed]**

c. In subpart C, by removing §§ 180.115, 180.118, 180.148, 180.158, 180.159, 180.162, 180.171, and 180.219.

**§ 180.239 [Amended]**

d. By removing from § 180.239, the entries for ''broccoli''; ''cantaloupes''; ''cauliflower''; ''cottonseed''; ''cucumbers''; ''grapefruit''; ''lemons''; ''oranges''; ''peppers''; ''potatoes''; ''sugarcane''; ''tangerines''; ''tomatoes''; ''walnuts''; and ''watermelons''.

**§ 180.263 [Amended]**

e. By removing from § 180.263, the entries for ''artichokes''; ''cattle, fat''; ''cattle, meat''; ''cattle, mbyp''; ''citrus fruits''; ''goats, fat''; ''goats, meat''; ''goats, mbyp''; ''hogs, fat''; ''hogs, meat''; ''hogs, mbyp''; ''horses, fat''; ''horses, meat''; ''horses, mbyp''; ''Nuts''; ''nectarines''; ''potatoes''; ''sheep, fat''; ''sheep, meat''; and ''sheep, mbyp''.

**§ 180.306 [Removed]**

f. By removing § 180.306.

**§ 180.319 [Amended]**

g. By removing from the table in § 180.319, the entire entry for ''Isopropyl carbanilate (IPC)''.

**§ 180.321 [Removed]**

h. By removing § 180.321.

**§ 180.325 [Amended]**

i. By removing from the table in § 180.325, the entries for ''kidneys, cattle''; ''kidneys, goats''; ''kidneys, hogs''; ''kidneys, horses''; ''kidneys, sheep''; ''meat (except kidneys), fat, mbyp, cattle''; ''meat (except kidneys), fat, mbyp, goats'';''meat (except kidneys), fat, mbyp, hogs''; ''meat (except kidneys), fat, mbyp, horses''; ''meat (except kidneys), fat, mbyp, poultry''; ''meat (except kidneys), fat, mbyp, sheep''; ''nectarines''; ''peaches''; ''pineapple, fodder''; and ''pineapple, forage''.

**§§ 180.326, 180.347, and 180.357 [Removed]**

j. By removing §§ 180.326, 180.347, and 180.357.

k. In subpart D, in § 180.1001, by revising paragraph (b) (1), removing paragraphs (b) (6) and (b) (9) and redesignating paragraphs (b) (7), (b) (8), and (b) (10) as (b) (6), (b) (7), and (b) (8), respectively and removing from the table in paragraph (d) the entry for ''Fumaric acid'' to read as follows:

**§ 180.1001 Exemptions from the reqirement of a tolerance.**

* * * * *

(b) * * *

(1) The following copper compounds: Bordeaux mixture, basic copper carbonate (malachite), copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, copper octanoate, copper sulfate basic, copper sulfate pentahydrate, cupric oxide, cuprous oxide. These compounds are used primarily as fungicides.

* * * * *

**§§ 180.1010, 180.1018, 180.1030, 180.1031, 180.1034, 180.1055, 180.1059, 180.1061, 180.1079, 180.1081, and 180.1085 [Removed]**

l. By removing §§ 180.1010, 180.1018, 180.1030, 180.1031, 180.1034, 180.1055, 180.1059, 180.1061, 180.1079, 180.1081, and 180.1085.

## PART 185— [AMENDED]

2. In part 185:

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

**Authority:** 21 U.S.C. 348.

**§§ 185.1650, 185.3600, 185.4250, 185.4300, and 185.4800 [Removed]**

b. By removing §§ 185.1650, 185.3600, 185.4250, 185.4300, and 185.4800.

## PART 186— [AMENDED]

3. In part 186:

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

**Authority:** 21 U.S.C. 348.

**§§ 186.450, 186.850, 186.1650, and 186.2450 [Removed]**

b. By removing §§ 186.450, 186.850, 186.1650, and 186.2450.

[FR Doc. 98–28486 Filed 10–23–98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Parts 180 and 186

**[OPP–300733; FRL–6035–6]**

**RIN 2070–AB78**

## Revocation of Tolerances for Canceled Food Uses

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This final rule announces the revocation of tolerances for residues of the pesticides listed in the regulatory text. EPA is revoking these tolerances because EPA has canceled the food uses associated with them. The regulatory actions in this document 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.

**DATES:** This final rule becomes effective January 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Joseph Nevola, Special Review Branch, (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Office location: Special Review Branch, Crystal Mall #2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308–8037; e-mail: nevola.joseph@epa.gov.

**SUPPLEMENTARY INFORMATION:**

### I. Does this document apply to me?

You may be affected by this document if you sell, distribute, manufacture, or use pesticides for agricultural applications, process food, distribute or sell food, or implement governmental pesticide regulations. Pesticide reregistration and other actions [see FIFRA section 4(g)(2)] include tolerance and exemption reassessment under FFDCA section 408. In this document, the tolerance actions are final in coordination with the cancellation of associated registrations. Potentially affected categories and entities may include, but are not limited to:

| Category | Examples of Potentially Affected Entities |
|---|---|
| Agricultural Stakeholders. | Growers/Agricultural Workers<br>Contractors [Certified/Commercial Applicators, Handlers, Advisors, etc.]<br>Commercial Processors<br>Pesticide Manufacturers<br>User Groups<br>Food Consumers |
| Food Distributors ..... | Wholesale Contractors<br>Retail Vendors<br>Commercial Traders/Importers |
| Intergovernmental Stakeholders. | State, Local, and/or Tribal Government Agencies |
| Foreign Entities ..... | Governments, Growers, Trade Groups |

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. If you have any questions regarding the applicability of this action to a particular entity, you can consult with the technical 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/homepage/fedrgstr/.

*B. In Person or by Phone*

If you have any questions or need additional information about this action, please contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official record for this document, including the public version, has been established under docket control number [OPP–300733], (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. Can I challenge the Agency's final decision presented in this document?

Yes. You can file a written objection or request a hearing by December 28, 1998, in the following manner: