

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 supplemental document 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 supplemental document.

#### List of Subjects in Parts 152, 174, and 180

Environmental protection, Agricultural commodities, Pesticides and pests, Plants.

Dated: April 16, 1999.

Susan Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 180, 185, and 186

[OPP-300847; FRL-6076-4]

RIN 2070-AC18

#### Bentazon, Cyanazine, Dicrotophos, Diquat, Ethephon, Oryzalin, Oxadiazon, Picloram, Prometryn, and Trifluralin; Proposed Revocations and Changes in Terminology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

**SUMMARY:** This document proposes to revoke specific tolerances for residues of the herbicides bentazon, cyanazine, diquat, oxadiazon, picloram, prometryn, and trifluralin; the plant growth regulator ethephon; and the insecticide

dicrotophos. EPA expects to determine whether any individuals or groups want to support these tolerances. In addition, EPA is also proposing to revise commodity terminology for oryzalin, bentazon, diquat, ethephon, picloram, and trifluralin to conform to current Agency practice. The regulatory actions proposed 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. The regulatory actions proposed in this document pertain to the proposed revocation of 29 tolerances and/or exemptions, which would be counted among reassessments made toward the August, 1999 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

**DATES:** Comments must be received on or before June 22, 1999.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IV of the SUPPLEMENTARY INFORMATION section of this notice. Be sure to identify the appropriate docket number [OPP-300847].

**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, Crystal Mall #2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308-8037; e-mail: nevola.joseph@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. What Is the Progress of Tolerance Reassessment?

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

##### II. Does this Notice Apply to Me?

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

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

This table is not intended to be exhaustive, but rather 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.

##### III. How Can I Get Additional Information or Copies of this or Other Support Documents?

###### A. Electronically

You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under "Federal Register - Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/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 notice, including the public version, has been established under docket control number [OPP-300847], (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.

#### IV. How Can I Respond to this Notice?

##### A. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket number (i.e., "[OPP-300847]") in your correspondence.

1. *By mail.* Submit written comments, identified by the docket control number [OPP-300847], to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments, identified by the docket control number [OPP-300847], to: Public Information and Records Integrity Branch, Office of Pesticide Programs, U.S. Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

3. *Electronically.* Submit your comments and/or data electronically by E-mail to: [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov). Do not submit any information electronically that you consider to be CBI. Submit electronic comments in ASCII file format avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the appropriate docket control number [OPP-300847]. You may also file electronic comments and data online at many Federal Depository Libraries.

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

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

##### V. What Is a "Tolerance"?

A "tolerance" represents the maximum level for residues of pesticide chemicals legally allowed in or on raw agricultural commodities and processed foods. Section 408 of FFDCA, 21 U.S.C. 301 et seq., as amended by the FQPA of 1996, Pub. L. 104-170, authorizes the establishment of tolerances (maximum residue levels), exemptions from the requirement of a tolerance, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. 21 U.S.C. 346(a). Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore "adulterated" under section 402(a) of the FFDCA. If food containing pesticide residues is considered to be "adulterated," you may not distribute the product in interstate commerce (21 U.S.C. 331(a) and 342(a)). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under section 3, section 5, or section 18 of FIFRA (7 U.S.C. et seq.). Food-use pesticides not registered in the United States have tolerances for residues of pesticides in or on commodities imported into the United States.

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

##### VI. Why Is EPA Proposing the Tolerance Actions Discussed below?

EPA is proposing a number of tolerance commodity terminology changes to conform to current Agency

practice, as discussed below. EPA is also proposing specific tolerance revocations to address canceled pesticides and uses of pesticides.

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

Tolerances and exemptions established for pesticide chemicals with FIFRA registrations cover residues in or on both domestic and imported commodities. To retain these tolerances and exemptions, EPA must make a finding that the tolerances and exemptions are safe. To make this safety finding, EPA needs data and information indicating that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide residues covered by the tolerances and exemptions.

For tolerances without U.S. registrations, EPA requires the same toxicology and residue chemistry data needed to support U.S. food-use registrations. For import tolerances, EPA applies these data requirements on a case-by-case basis to account for specific growing conditions in foreign countries. (See 40 CFR part 158 for EPA's data requirements to support domestic use of a pesticide and the establishment and maintenance of a tolerance. EPA is developing a guidance concerning submissions for import tolerance support. This guidance will be made available to interested persons.) In most cases, EPA also requires residue chemistry data (crop field trials) that are representative of growing conditions in exporting countries in the same manner that EPA requires representative residue chemistry data from different U.S. regions to support domestic use of a pesticide and any resulting tolerance(s)

or exemption(s). Good Laboratory Practice (GLP) requirements for studies submitted in support of tolerances and exemptions for import purposes only are the same as those for domestic purposes; i.e., the studies are required to either fully meet GLP standards, or have sufficient justification presented to show that deviations from GLP standards do not significantly affect the results of the studies.

### VII. Which Pesticides Are Covered by this Action?

Bentazon (trade name Basagran) is a selective, contact, early postemergent herbicide registered for use on such food and feed crops as alfalfa, beans, corn, peanuts, peas, pepper, peppermint, rice, sorghum, soybeans, and spearmint. Bentazon is also registered for use on ornamental lawns and turf. It is manufactured by BASF Corporation.

2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile (Cyanazine; trade names Bladex, Cy-Pro, etc.) is a selective herbicide used to control annual broadleaf weeds, carpetweed, chickweed, corn spurry, mayweed, pigweed, and ragweed. It is manufactured by E.I. DuPont de Nemours and Company, Incorporated and Griffin Corporation.

Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-cis-crotonamide (Dicrotophos; trade name Bidrin) is an insecticide used to control aphids, boll weevils, grasshoppers, gypsy moths, leafhoppers, and thrips. It is manufactured by Amvac Chemical Corporation.

Diquat (trade name Diquat Herbicide) is a non-selective contact herbicide, desiccant, and plant growth regulator for use as a general herbicide of broadleaf and grassy weeds in terrestrial non-crop and aquatic areas; as a desiccant in seed crops and potatoes; and for tassel control and spot weed control in sugarcane. Diquat is also used for aquatic, indoor, greenhouse, and terrestrial food crops; aquatic non-food industrial, outdoor, greenhouse, and residential; terrestrial feed crops, and outdoor residential uses. It is manufactured by Zeneca Ag Products.

Ethephon (trade name Ethrel) is a plant growth regulator registered for use on a number of terrestrial food, feed, and nonfood crops, greenhouse nonfood crops, and outdoor residential plants. It is manufactured by Rhone-Poulenc Ag Company and Cedar Chemical Corporation.

Oryzalin (trade name Surflan) is a herbicide used to control annual grasses and broadleaf weeds on berries, vine and orchard crops, Christmas tree

plantations, commercial/industrial and recreation area lawns, golf course turf, residential lawns and turf, ornamental and/or shade trees, nonagricultural rights-of-way/fencerows, nonagricultural uncultivated and industrial areas, power stations, paths/patios and paved areas. Oryzalin is also used to control herbaceous plants, woody shrubs, and vines. It is manufactured by DowElanco.

Oxadiazon (trade name Ronstar) is a herbicide used to control annual broadleaf weeds, barnyardgrass, carpetgrass, carpetweed, crabgrass, goosegrass, and quackgrass. It is manufactured by Rhone-Poulenc Ag Company.

Picloram is a systemic herbicide used to control deeply rooted herbaceous weeds and woody plants in rights-of-ways, forestry, rangelands, pastures, and small grains. It is manufactured by DowElanco.

Prometryn (trade names Caparol, Prometryne, etc.) is a herbicide used to control annual broadleaf weeds, barnyardgrass, carpetweed, chickweed, cottonweed, crabgrass, foxtail, goosegrass, nutsedge, pigweed, and ragweed. It is manufactured by Novartis Crop Protection, Inc. and Verolit Chemical Manufacturers Limited.

Trifluralin (trade names Treflan, Triflurex, etc.) is a preemergent herbicide used to control annual grasses and broadleaf weeds on a variety of food crops and is also currently registered for nonfood uses, including residential use sites. It is manufactured by DowElanco, Makhteshim-Agan, Industria Prodotti Chimici S.P.A. (I.Pi.Ci.), Tri Corporation, and Albaugh Inc.

### VIII. What Action Is Being Taken?

This notice proposes revocation of FFDCA 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) in or on commodities listed in the regulatory text because these pesticides are not registered under FIFRA for uses on the commodities. The registrations for these pesticide chemicals were canceled because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily canceled one or more registered uses of the pesticide. It is EPA's general practice to propose revocation of 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.

Changes in the commodity terminology and definitions are proposed for the aforementioned active ingredients and oryzalin, which does not have tolerance revocations proposed in this document, to conform to current Agency practice. These proposed changes are in accordance with the revised Crop Group Regulation (40 CFR 180.41) and the updated 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). Table I contains data on both crops and livestock diets, and lists feed commodities considered significant in livestock diets. Significant feedstuffs account for more than 99 percent of the available annual tonnage (on-a dry-matter basis) of feedstuffs used in the domestic production of more than 95 percent of beef and dairy cattle, poultry, swine, milk, and eggs. EPA has devised criteria to include or exclude feedstuffs from Table I and sets tolerances for significant feedstuffs. Tolerances are not set for feedstuffs which are neither significant nor a human food. Pesticide residues on such feedstuffs are governed by tolerances on the commodity from which they are derived (62 FR 66020, December 17, 1997). These changes are technical in nature and have no effect on the scope of the tolerance.

1. *Bentazon*. EPA proposes to revoke the tolerance for beans, lima (succulent) in 40 CFR 180.355(a) because residues in/on lima beans are covered under the tolerance for (bean, succulent). EPA proposes to revoke tolerances for mint, spent hay and peanuts, forage because they are no longer considered to be significant livestock feed commodities. According to Table I, mint, spent hay and peanuts, forage are insignificant contributors to the livestock diet. Terminology changes 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, mby 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, mby to poultry, meat byproducts; and rice to rice, grain are proposed in the regulatory text.

2. 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile; *Cyanazine*. EPA initiated a Special Review of cyanazine in November, 1994, based on concerns that cyanazine may pose a risk of inducing cancer in humans from dietary, occupational, and residential exposure. On August 2, 1995, E. I. DuPont de Nemours Co., Inc. (DuPont) voluntarily proposed to amend its cyanazine registrations to incrementally reduce cyanazine maximum application rates in 1997, 1998, and 1999, and to terminate production for use in the United States by December 31, 1999. DuPont would modify the labels of cyanazine formulated end use products released for shipment by the registrant after July 25, 1996. Those modified labels would specify the maximum application rates during the phase-out, inform the public of the existing stocks provisions, and require the use of application equipment with enclosed cabs for applicators beginning in 1998. On November 8, 1995 (60 FR 56333) (FRL-4984-1), EPA announced receipt of a request from Ciba Geigy Corporation to voluntarily cancel its only product containing cyanazine effective February 6, 1996. After EPA initiated Special Review, Griffin Corporation had filed an application to register certain cyanazine end use products and subsequently agreed to the terms and conditions of registration that were proposed by DuPont. EPA granted Griffin's applications and issued conditional registrations subject to those same terms and conditions. On March 1, 1996 (61 FR 8186) (FRL-5352-6), EPA issued a notice of preliminary determination to terminate Special Review and a notice of receipt of requests for voluntary cancellation of cyanazine registrations from DuPont and from Griffin Corporation.

In the **Federal Register** of July 25, 1996 (61 FR 39023) (FRL-5385-7), EPA announced a final determination to terminate the cyanazine Special Review. In the same notice, EPA accepted requests for the voluntary cancellation of cyanazine registrations effective December 31, 1999 and ordered the cancellations to take effect on January 1, 2000, authorized sale and distribution of such products in the channels of trade in accordance with their labels through September 30, 2002, and prohibited the use of cyanazine products after December 31, 2002. Therefore, EPA proposes to revoke the tolerances for cyanazine in 40 CFR 180.307 with an

expiration/revocation date of April 1, 2003, to allow any treated commodities to pass through the channels of trade.

Terminology changes in 40 CFR 180.300(a) for corn, fodder to corn, field, stover; corn, forage to corn, field, forage; corn, fresh (including sweet K+CWHR) to corn, sweet, kernel plus cob with husks removed; corn, grain to corn, field, grain; and corn, pop, grain; cottonseed to cotton, undelinted seed; sorghum, fodder to sorghum, grain, stover; sorghum, forage to sorghum, forage; sorghum, grain to sorghum, grain, grain; and wheat, forage (green) to wheat, forage are proposed in the regulatory text.

3. *Dimethyl phosphate of 3-hydroxy-N,N-dimethyl-cis-crotonamide*; *Dicrotophos*. EPA proposes to revoke the tolerance for pecans in 40 CFR 180.299. No active registration exists.

4. *Diquat*. EPA proposes to revoke the tolerance for sugarcane in 40 CFR 180.226(a) because no registered use exists. Also, since the Agency no longer requires tolerances for residues in potable water (47 FR 25746, December 15, 1982), the tolerance for diquat has been replaced with a designated maximum contaminant level (MCLG) at 0.02 mg/L for residues of diquat dibromide in potable water (57 FR 31776, July 17, 1992). Therefore, EPA proposes to revoke the tolerance for diquat in potable water in 40 CFR 185.2500(a) and the tolerance for diquat in potable water in § 185.2500(b). In § 180.226(a), the table commodity terminology is changed for potatoes to potato; and in § 180.226(b), the table commodity terminology is changed 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 changed for processed potatoes (includes potato chips) to potato, granules/flakes and potato, chips. These terminology changes are proposed in the regulatory text.

5. *Ethephon*. EPA proposes to revoke the tolerances for filberts, lemons, tangerines, and tangerine hybrids in 40 CFR 180.300(a) because no registered uses exist. EPA proposes to revoke the tolerances for pineapple fodder, and pineapple forage, because they are no longer considered raw agricultural

commodities. Terminology changes in 40 CFR 180.300(a) 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 are given in the regulatory text. Also, terminology changes in 40 CFR 185.2700 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 are proposed in the regulatory text.

6. *Oryzalin*. The terminology revision in 40 CFR 180.304(a) for figs to fig; kiwifruits to kiwifruit; nuts to nut, tree, group; and olives to olive are proposed in the regulatory text.

7. *Oxadiazon*. The tolerance for rice straw in 40 CFR 180.346 is being proposed for revocation because no registered use exists.

8. *Picloram*. The tolerances for flax, seed and flax, straw in 40 CFR 180.292 are being proposed for revocation because no registered uses exist. Terminology changes for cattle, mby (exc. kidney and liver) to cattle, meat byproducts except kidney and liver; eggs to egg; goats, fat to goat, fat; goats, mby (exc. kidney and liver) to goat, meat byproducts except kidney and liver; goats, meat to goat, meat; grasses, forage to grass, forage; hogs, mby (exc. kidney and liver) to hog, meat byproducts except kidney and liver; horses, mby (exc. kidney and liver) to horse, meat byproducts except kidney and liver; oats, green forage to oat, forage; sheep, mby (exc. kidney and liver) to sheep, meat byproducts except kidney and liver; and wheat, green forage to wheat, forage are proposed in the regulatory text.

9. *Prometryn*. EPA is proposing to revise the terminology for cotton in 40 CFR 180.222(a) to cotton, forage and to revoke the tolerance because cotton, forage is no longer considered a significant livestock feed commodity according to Table I.

10. *Trifluralin*. In 40 CFR 180.207 EPA proposes to remove the "(N)" designation from all entries to conform to current Agency administrative practice ("N" designation means negligible residues). EPA proposes to revoke the tolerance for barley, fodder because barley, fodder is no longer considered a raw agricultural commodity. Terminology changes 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 are proposed in the regulatory text.

#### **IX. When Do These Actions Become Effective?**

With the exception of cyanazine, for which EPA proposes an expiration/revocation date of April 1, 2003, EPA proposes that these actions become effective 90 days following publication of a final rule in the **Federal Register**. EPA has proposed delaying 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. For this particular proposed rule, with the exception of cyanazine, 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. Therefore, EPA believes revocation after a 90-day period following publication of a final rule should be reasonable. However, if EPA is presented with information that there are existing stocks still available for use, and that information is verifiable, then EPA will consider extending the expiration date of the tolerance. If you have comments regarding existing stocks, please submit comments as described in Unit IV of the SUPPLEMENTARY INFORMATION section of this notice.

Any commodities listed in the regulatory text of this notice that are treated with the pesticides subject to this notice, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this section, any 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.

#### **X. What Can I Do If I Wish the Agency to Maintain a Tolerance That the Agency Proposes to Revoke?**

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

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

#### **XI. How Do the Regulatory Assessment Requirements Apply to this Proposed 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 proposed 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 proposed 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 proposed 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 Proposed Action Contain Any Reporting or Recordkeeping Requirements?*

No. This proposed 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 Proposed Action Involve Any "Unfunded Mandates"?*

No. This proposed 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 Proposed in this Document?*

No. Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's proposed rule does not create an unfunded Federal mandate on State, local or tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

Under Executive Order 13084, entitled *Consultation and Coordination*

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

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

*E. Does this Proposed Action Involve Any Environmental Justice Issues?*

No. This proposed rule does not involve special considerations of environmental-justice related issues pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

*F. Does this Proposed Action Have a Potentially Significant Impact on a Substantial Number of Small Entities?*

No. The Agency has certified that tolerance actions, including the tolerance proposed 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 Proposed Action Involve Technical Standards?*

No. This tolerance proposed 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. EPA invites public comment on this conclusion.

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

The proposed revocations in this document will not become final if comments are received which demonstrate the need to maintain the tolerance to cover residues in or on imported commodities. However, data must be submitted to support the continued tolerance. The U.S. EPA is developing a guidance concerning submissions for import tolerance support. This guidance will be made available to interested persons.

*I. Is this Proposed Action Subject to Review under the Congressional Review Act?*

No. This proposed action is not a final rule. Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), only final rules must be submitted to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**.

**List of Subjects**

*40 CFR Part 180*

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides

and pests, Reporting and record keeping requirements.

*40 CFR Part 185*

Environmental protection, Food additives, Pesticides and pests.

*40 CFR Part 186*

Environmental protection, Animal feeds, Pesticides and pests.

Dated: April 12, 1999.

**Lois Rossi,**

*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. 321(q), 346a and 371.

**§ 180.207 [Amended]**

- b. Section § 180.207 is amended as follows:
  - 1. In the table to 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:

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

2. 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 below:

Remove	Add
Avocados .....	Avocado
Cottonseed .....	Cotton, undelinted seed
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, mby (exc. kidney and liver).	Cattle, meat byproducts except kidney and liver
Eggs .....	Egg
Goats, fat .....	Goat, fat
Goats, mby (exc. kidney and liver).	Goat, meat byproducts except kidney and liver
Goats, meat .....	Goat, meat
Grasses, forage .....	Grass, forage
Hogs, mby (exc. kidney and liver).	Hog, meat byproducts except kidney and liver
Horses, mby (exc. kidney and liver).	Horse, meat byproducts except kidney and liver
Oats, green forage ....	Oat, forage
Sheep, mby (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."

**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 term 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:

1. By revising paragraph (a) introductory text to read as follows:

**§ 180.304 Oryzalin; tolerances for residues.**

(a) Tolerances are established for residues of the herbicide oryzalin (3,5-dinitro-N<sup>4</sup>,N<sup>4</sup>-dipropylsulfanilamide) in or on the following raw agricultural commodities:

\* \* \* \* \*

**§ 180.304 [Amended]**

2. In the table to § 180.304(a) remove the terms listed in the first column below and add in place thereof in alphabetical order the terms listed in the second column.

Remove	Add In place thereof
Figs .....	Fig
Kiwifruits .....	Kiwifruit
Nuts .....	Nut, tree, group
Olives .....	Olive

i. In § 180.307 the table is revised to read as follows:

**§ 180.307 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile; tolerances for residues.**

\* \* \* \* \*

Commodity	Parts per million	Expiration/revocation date
Corn, field, forage .....	0.2	4/1/03
Corn, field, grain	0.05	4/1/03
Corn, field, stover .....	0.2	4/1/03
Corn, pop, grain	0.05	4/1/03
Corn, sweet, kernel plus cob with husks removed .....	0.05	4/1/03

Commodity	Parts per million	Expiration/revocation date
Cotton, undelinted seed .....	0.05	4/1/03
Sorghum, forage, forage ....	0.05	4/1/03
Sorghum, grain, grain .....	0.05	4/1/03
Sorghum, grain, stover .....	0.05	4/1/03
Wheat, forage ...	0.1	4/1/03
Wheat, grain ....	0.1	4/1/03
Wheat, straw ....	0.1	4/1/03

**§ 180.346 [Amended]**

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

**§ 180.355 [Amended]**

k. Section 180.355 is amended as follows:

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

Remove	Add
Beans (except soybeans), dried.	Bean, dry, seed
Beans (exc. soybeans), dried, vine hays.	Cowpea, hay
Beans (exc. soybeans), forage.	Cowpea, forage
Beans, succulent .....	Bean, succulent
Bohemian chili peppers.	Pepper, nonbell
Cattle, mby .....	Cattle, meat byproducts
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, mby .....	Poultry, meat byproducts
Rice .....	Rice, grain

2. 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. 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.

**§ 185.2700 [Amended]**

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

**§ 185.2700 Ethephon.**

\* \* \* \* \*

Food	Parts per million
Barley, pearled barley and barley, bran.	5.0
Sugarcane, molasses	1.5
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. 348.

**§ 186.2700 [Amended]**

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

[FR Doc. 99-9725 Filed 4-22-99; 8:45 am]  
BILLING CODE 6560-50-F

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL-6330-8]

**Wyoming: Final Authorization of State Hazardous Waste Management Program Revision**

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

**ACTION:** Reopening of Public Comment Period on Proposed Rule.

**SUMMARY:** We are reopening the public comment period on the proposed rule for Wyoming: Final Authorization of State Hazardous Waste Management Program Revision published on February 25, 1999, which proposed to grant final authorization for the first revision to Wyoming’s Hazardous Waste Rules. Due to adverse comment received and the passage of Senate File 147 (SF 147), we are reevaluating the State’s program to ensure that it meets the requirements for authorization of a Resource Conservation and Recovery Act (RCRA) hazardous waste program.

**DATES:** Written comments on this proposed rule must be received on or before July 22, 1999. If there is sufficient public interest, a public hearing will be held no earlier than June 22, 1999. Requests to present testimony at a hearing must be received on or before June 7, 1999.

**ADDRESSES:** Send written comments and requests for public hearing to Kris Shurr (8P-HW), EPA, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, phone number: (303) 312-6139. You can examine copies of the materials submitted by Wyoming at the following locations: EPA Region VIII, from 8:00 AM to 4:00 PM, at the above address, contact: Kris Shurr, phone number: (303) 312-6312; or Wyoming Department of Environmental Quality (WDEQ), from 8:00 AM to 5:00 PM, 122 W. 25th Street, Cheyenne, Wyoming 82002, contact: Marisa Latady, phone number: (307) 777-7541.

**FOR FURTHER INFORMATION CONTACT:** Kris Shurr at the above address and phone number.

**SUPPLEMENTARY INFORMATION:** We are reopening the public comment period for the proposed rule published at 46 FR 09295 on February 25, 1999, which proposed to grant final authorization for the first revision to Wyoming’s Hazardous Waste Rules. The previous public comment period for this proposed rule closed on March 29, 1999.

Due to the adverse comment received and the passage of SF 147, we are asking for additional comments. SF 147 modifies the corrective action requirements and provides for “innocent owner” exemptions from environmental liability. We are inviting the public to provide comments. In addition, if there is sufficient interest, we will hold a public hearing to accept verbal and/or written comments. Anyone wishing to present testimony must send us a request using the information provided in the **DATES** and **ADDRESSES** sections of this notice. All

comments and testimony will be addressed in a subsequent final action.

Dated: April 16, 1999.  
**William P. Yellowtail,**  
*Regional Administrator, Region VIII.*  
[FR Doc. 99-10232 Filed 4-22-99; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-6329-8]

**National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 28**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA” or “the Act”), requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (“EPA” or “the Agency”) in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule proposes to add 12 new sites to the NPL and repropose one already proposed site. All sites are being proposed to the General Superfund section of the NPL.

**DATES:** Comments regarding any of these proposed listings must be submitted (postmarked) on or before June 22, 1999.

**ADDRESSES:** By Postal Mail: Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; (Mail Code 5201G); 401 M Street, SW; Washington, DC 20460; 703/603-9232.

By Express Mail: Send original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. EPA; CERCLA Docket Office; 1235 Jefferson Davis Highway; Crystal Gateway #1, First Floor; Arlington, VA 22202.