

rule, subject to objections, was published in the Federal Register on March 22, 1996. EPA received petitions to stay the May 21, 1996 effective date for the final rule as it applied to the four pesticides noted above. EPA is staying the effective date until it can review the petitions and determine whether to grant the petitions for stays and if so, for what length of time.

**DATES:** This partial stay is effective May 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Niloufar Nazmi, Special Review Branch (7508W), Special Review and Reregistration Division, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 3rd floor, Westfield Building, 2800 Crystal Drive, Arlington, VA, Telephone: (703) 308-8028, e-mail: nazmi.niloufar@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

In the Federal Register of March 22 1996 (61 FR 11993), EPA issued an order by final rule revoking the FARs for certain uses of seven pesticides. EPA revoked the above FARs based on the determination that these FARs are inconsistent with the Delaney clause, in section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA). In the final rule, EPA set an effective date of May 21, 1996 for the revocations.

Any person adversely affected by the March 22, 1996 Order was allowed 30 days to: (1) File written objections to the order, (2) file a written request for an evidentiary hearing on the objections, and (3) file a petition for a stay of the effective date.

EPA received requests from four Petitioners to stay the effective date of revocation for the following: propargite on tea and figs from the Uniroyal Chemical Company; mancozeb on oat bran from the Mancozeb Task Force; ethylene oxide on ground spices from the American Spice Trade Association; and propylene oxide on nutmeats, ground spices, cocoa and gums from Aberco Inc. The Petitioners contend to have satisfied the four criteria outlined in the final rule regarding the stay of an administrative action (21 CFR 10.35). All four Petitioners assert that: (1) They will suffer irreparable injury; (2) their case is not frivolous and is being pursued in good faith; (3) they have demonstrated sound public policy grounds supporting the stay; and (4) the delay resulting from the stay is not outweighed by public health or other public interests.

Full copies of the stay requests may be viewed in the OPP Docket under the document control number. The OPP

docket is located in the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

By this document, EPA is staying the effective date of the March 22, 1996 final rule until such time as EPA issues its responses to the stay petitions.

List of Subjects in 40 CFR Part 185

Environmental protection, Food additives, Pesticides and pest.

Dated: May 16, 1996.

Susan H. Wayland,

*Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

Therefore, 40 CFR part 185 is amended as follows:

1. The authority citation continues to read as follows:

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

**§ 185.2850 [Amended]**

1. The amendment removing § 185.2850, published at 61 FR 12009, March 22, 1996 is stayed.

**§ 185.5000 [Amended]**

2. On page 12009, in the issue for March 22, 1996, the removal from the table in § 185.5000 of "figs, dried," and "tea, dried," is stayed. The removal of the entry for raisins is not affected by this stay.

3. On page 12009, in the issue for March 22, 1996, the removal of § 185.5150 is stayed with respect to the removal of the introductory text, paragraphs (a), (b), (c), (d) and (e), and in the table, with respect to the entries for "cocoa," "gums," "processed nutmeats (except peanuts)," and "spices, processed." The removal of the entries for "glace fruit," "prunes, dried," and "starch" is not affected by this stay. For clarity and ease of use by the reader the text that remains pursuant to the stay is set forth below.

**§ 185.5150 Propylene oxide.**

The food additive propylene oxide may be safely used in or on foods in accordance with the following prescribed conditions:

(a) It is intended as a fumigant in or on bulk quantities of cocoa, gums, processed spices, and processed nutmeats (except peanuts) when such bulk foods are to be further processed into a final food form.

(b) It is applied in fumigation chambers not more than one time at a temperature not in excess of 125° F. The

maximum period of fumigation shall not exceed 4 hours for cocoa, processed nutmeats (except peanuts), and processed spices. For edible gums, the maximum duration shall be 24 hours.

(c) When used as described in paragraphs (a) and (b) of this section, residues shall not exceed the following limitations:

Food	Limitations <sup>1</sup>
Cocoa .....	300
Gums .....	300
Processed nutmeats (except peanuts) .....	300
Spices, processed .....	300

<sup>1</sup> Expressed as parts per million of propylene oxide.

(d) When used as a mixture with carbon dioxide (92 parts of carbon dioxide to 8 parts of propylene oxide on a weight/weight basis), all commodities listed in paragraph (c) of this section may be processed not more than one time for a period not to exceed 48 hours and at a temperature not to exceed 125° F.

(e) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the U. S. Environmental Protection Agency.

9. On page 12009, in the issue for March 22, 1996, the removal of § 185.6300 with respect to the introductory text and bran of oats is stayed. For clarity and ease of use by the reader the text that remains pursuant to the stay is set forth below.

**§ 185.6300 Zinc ion and maneb coordination product.**

Tolerances are established for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the following processed foods, when present therein as a result of the application of this fungicide to growing crops:

20 parts per million in the bran of oats.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 91**

RIN 1018-AD71

**Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) revises the regulations governing the conduct of the annual Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest. The amendments include the following changes: correct the common and Latin name of American Green-winged Teal; deadline August 30 for submitting entry; entrant must be 18 years of age by July 1 to participate in contest; entry fee increased to \$100.00; other living creatures, hunting scenes may be part of the design; Interior liability limited to amount of entry fee; third round of voting, judges indicate numerical score from 3 to 5 for each entry; and for tie vote use same method as round three.

**EFFECTIVE DATE:** The rule is effective July 1, 1996, the beginning of the 1996-97 contest.

**ADDRESSES:** Manager of Licensing, Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street, NW, Suite 2058, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Lita F. Edwards, (202) 208-4354.

**SUPPLEMENTARY INFORMATION:** The Service published the proposed rule to amend these regulations on March 14, 1996 (61 FR 10557).

The Federal Duck Stamp Contest is the only Federal agency-run art contest and has been in existence since 1949 with the 1950 stamp the first to be selected in open competition. The Federal Duck Stamp's main use is a revenue stamp needed by waterfowl hunters. This year's Contest and species information follows:

1. Contest schedule:  
 1996-97 Federal Duck Stamp Contest—October 15-17, 1996  
 Public viewing—Tuesday, October 15 from 10:00 a.m. to 2:00 p.m.  
 Judging—Wednesday, October 16 at 10:30 a.m. through Thursday, October 17 at 9:00 a.m.

2. The Contest will be held at the Department of the Interior building, Auditorium (C Street entrance), 1849 C Street, NW, Washington, DC.

3. The *five* eligible species for the Contest: (1) Black Duck; (2) Canada Goose; (3) Greater Scaup; (4) American Green-winged Teal; and (5) Northern Pintail.

As part of an effort to keep pace with the cost of administering and making minor improvements to the Contest, the Service makes the following changes to this year's contest:

1. The Service corrects the common and Latin name of American Green-winged Teal.

2. Persons wishing to enter this year's Contest may submit entries anytime after July 1, but *all* entries must be postmarked no later than midnight Friday, August 30, 1996.

3. The Service increases the fee for art contest entrants to \$100.00. Contest expenses have escalated each year and this increase will defray Service expenses in administering the Contest.

4. The Service requires that all entrants must be 18 years of age as of July 1 to participate in the Contest, as 18 is considered the general age of majority by most jurisdictions.

5. The Service clarifies that other living creatures, scenes, designs may be part of the design as long as living migratory birds are the dominant feature.

6. Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. The Department of the Interior is not responsible for loss or damage unless it is caused by its negligence, or willful misconduct and the amount will not exceed the amount of the entry fee.

7. The Service modifies contest procedures for the third round of judging to allow more consistent scores.

8. In case of a tie vote, judges will use the same process in voting as in the third round to ensure consistency in scoring.

This regulation was not subject to Office of Management and Budget review under Executive Order 12866. These final regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements. The Department of the Interior has determined that this regulation will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the changes/revisions to the Contest will affect individuals not businesses or other small entities as defined in the Act. The Service received 1,038 entries for the past 2 years. The fee increase to \$100.00 per entrant from \$50.00 per entrant represents a \$50.00 total increase per

entrant. The 2 year average of entries received is 519. If those figures remain constant, then approximately \$25,000.00 is the estimated annual increase to the public to participate in the program.

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

**Analysis of Public Comment**

The Service received no comments from the public on the changes to the regulations.

**List of Subjects in 50 CFR Part 91**

Hunting, Wildlife.

Accordingly, Title 50, Part 91 of the Code of Federal Regulations is amended as follows:

**PART 91—[AMENDED]**

1. The authority citation for Part 91 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701

2. Section 91.4 is amended by revising paragraph (e)(4) to read as follows:

**§ 91.4 Eligible species.**

\* \* \* \* \*  
 (e) \* \* \*

(4) American Green-winged Teal  
 (*Anas crecca carolinensis*)

\* \* \* \* \*

3. Section 91.11 is amended by revising paragraph (b) to read as follows:

**§ 91.11 Contest deadlines.**

\* \* \* \* \*

(b) Entries must be postmarked no later than midnight of August 30.

4. Section 91.12 is revised to read as follows:

**§ 91.12 Contest eligibility.**

United States citizens, nationals, or resident aliens are eligible to participate in the contest. Any person who has won the contest during the preceding three years will be ineligible to submit an entry in the current year's contest. All entrants must be 18 years of age as of July 1 to participate in the Federal Duck Stamp Contest. Contest judges and their relatives are ineligible to submit an entry. All entrants must submit a non-refundable fee of \$100.00 by a cashiers check, certified check, or money order made payable to: U.S. Fish and Wildlife Service. (Personal checks will not be accepted.) All entrants must submit signed Reproduction Rights and Display and Participation Agreements.

5. Section 91.14 is revised to read as follows:

**§ 91.14 Restrictions on subject matter of entry.**

A live portrayal of any bird(s) of the five or fewer identified eligible species must be the dominant feature of the design. The design may depict more than one of the eligible species. Designs may include, but are not limited to, hunting dogs, hunting scenes, use of waterfowl decoys, National Wildlife Refuges as the background of habitat scenes, and other designs that depict the sporting, conservation, stamp collecting and other uses of the stamp. The overall mandate will be to select the best design that will make an interesting, useful and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original creation and may not be copied or duplicated from previously published

art, including photographs. An entry submitted in a prior contest that was not selected for the Federal or a state stamp design may be submitted in the current contest if it meets the above criteria.

6. Section 91.17 is revised to read as follows:

**§ 91.17 Property insurance for entries.**

Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. The Department of the Interior will not insure the entries it receives nor is it responsible for loss or damage unless it is caused by its negligence or willful misconduct. In any event, the liability of the Department of the Interior will not exceed the amount of the entry fee as specified in § 91.12.

7. Section 91.24 is amended by revising paragraphs (h) and (i) to read as follows:

**§ 91.24 Contest procedures.**

\* \* \* \* \*

(h) In the third round of judging, the judges will vote on the remaining entries using the same method as in round two, except they would indicate a numerical score from 3 to 5 for each entry. The Contest Coordinator will tabulate the final votes and present them to the Director, U.S. Fish and Wildlife Service, who will announce the winning entry as well as the entries that placed second and third.

(i) In case of a tie vote for first, second, or third place in the third round, the judges will vote again on the entries that are tied. The judges will vote using the same method as in round three.

\* \* \* \* \*

Dated: April 25, 1996.  
George T. Frampton, Jr.,  
*Assistant Secretary for Fish and Wildlife and Parks.*

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