

not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established under FFDCA section 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might

adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted 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 General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: November 18, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.452, is amended as follows:

- i. By designating the existing text as paragraph (a) and adding a heading.
- ii. By adding new paragraph (b).
- iii. By adding and reserving new paragraphs (c) and (d) with headings to read as follows.

§180.452 Primisulfuron-methyl; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the herbicide primisulfuron-methyl in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. These tolerances will expire and are revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/revocation date
Bluegrass hay	0.10	10/31/1998

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185 and 186

[OPP-300503A; FRL-5753-1]

RIN 2070-AB78

Revocation of Tolerances for Commodities No Longer Regulated for Pesticide Residues and Other Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes tolerances for pesticide residues in or on livestock

feed commodities that have been deleted from the list of significant livestock feed commodities in Table I of Pesticide Assessment Guideline 860.1000. In implementing the Federal Food, Drug, and Cosmetic Act (FFDCA), EPA does not require data on or set individual tolerance levels for minor, non-significant livestock animal commodities. As explained in this document, EPA considers residues in minor, non-significant livestock feed commodities to be covered by the tolerances for the pesticide on the principal commodities of a crop. **DATES:** This final rule becomes effective January 16, 1998. Written objections and requests for hearing must be received by February 17, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300503A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW.,

Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "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: Public Information and Records Integrity Branch, Information Resources and Services (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. 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 in 5.1/6.1 or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300503A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Jeff Morris, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202. Telephone: (703) 308-8029; e-mail: morris.jeffrey@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Legal Authority

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq., as amended by the Food Quality Protection Act 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 pursuant to section 408 of the FFDCA (21 U.S.C. 346(a), as amended). Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore "adulterated" under section 402(a) of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 342). For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances or exemptions under the FFDCA, but also must be registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136a(3)(a)).

II. Regulatory Background

A. Revisions to Table I

Most agricultural crops and their corresponding raw agricultural and processed commodities can be, and are, fed to livestock. EPA, however, only requires pesticide residue data on, and sets individual tolerances for, significant livestock feed commodities. EPA considers a livestock feed commodity to be significant if it has the

potential to contribute to the human diet (through the consumption of livestock commodities) more than a negligible quantity of pesticide residue. EPA's listing of significant food and feed commodities (raw and processed) can be found in Table I of Guideline 860.1000. Because of minor nomenclature variations, the tolerances as written in 40 CFR may not coincide precisely with the commodity names as listed in Table I.

EPA revised Table I (formerly Table II) in June of 1994 because of the significant changes in agricultural, processing, and feeding practices that had occurred over the past decade. The June 1994 update was further revised in September of 1995 in order to reflect the most recent data and to address comments received in response to the June 1994 update. This September 1995 revision of table I resulted in the removal of numerous commodities from the table. Data used to update Table I came from such sources as Office of Pesticide Programs' (OPP) files, the U.S. Department of Agriculture (USDA), academia, industry, and trade associations throughout the United States.

In the June 1994 revisions, EPA used the following criteria to decide what feedstuffs are considered "significant:" (1) The annual U.S. production of a particular raw agricultural commodity (RAC) (e.g., wheat grain, or wheat straw) is greater than or equal to 250,000 tons and the maximum amount in the livestock diet is greater than or equal to 10 percent, or (2) the commodity is grown mainly as a feedstuff. (Processed commodities with less than 250,000 tons annual U.S. production were considered significant feeds in the 1994 revisions if the RAC from which they were derived exceeded 250,000 tons.) For the September 1995 revisions to Table I, EPA, in response to comments and in consultation with USDA and industry representatives, amended the criteria as follows: The amount of a commodity (raw agricultural or processed) produced or diverted for use as a feedstuff is at least 0.04 percent of the total annual tonnage of all feedstuffs available for livestock utilization in the United States. For feedstuffs less than 0.04 percent of the total estimated annual tonnage of all feedstuffs available, the 1995 revisions stated that those feedstuff are to be included in Table I, and therefore considered to be significant, if: (a) The feedstuff is listed and routinely traded on the commodities exchange markets; (b) there is regional production, seasonal considerations, or an incident history for use of the feedstuff or (c) the

feedstuff is grown exclusively for livestock feeding in quantities greater than 10,000 tons (0.0015 percent of the total estimated annual tonnage of all feedstuffs available in the United States). EPA determined that any livestock feed commodities that met these criteria for exclusion from the list of significant feed commodities were likely to contribute no greater than a negligible amount of pesticide residue to the human diet. Moreover, EPA believes that the residue contribution from livestock feed commodities judged to be insignificant will contribute a negligible amount of pesticide residue to the human diet relative to the residues contributed by other portions of the same crop.

EPA expects that Table I after being revised based on the above criteria, now accounts for greater than 99 percent of the available tonnage (on a dry-matter basis) of feedstuffs used in the domestic production of greater than 95 percent of beef and dairy cattle, poultry, swine, milk, and eggs.

B. Proposed Revocations

EPA published a proposed rule to revoke the tolerances listed in this document on July 2, 1997 (62 FR 35760) (FRL-5722-3). EPA proposed these revocations because the livestock feed commodities associated with the tolerances have been removed from Table I of Pesticide Assessment Guideline 860.1000.

C. Comments and Corrections

EPA received one comment from the California Citrus Quality Council in support of the proposed rule. In addition, EPA became aware that the proposed rule was in error by proposing to remove peppermint hay and spearmint hay wherever they appear in 40 CFR part 180, because mint hay is used in the production of mint commodities and is not a livestock feed item. Rather, only references to "spent mint hay" should be removed from part 186, since spent mint hay is a commodity that EPA no longer considers to be a significant livestock feed item. In addition, EPA noted that the references to the removal of the term "peanut hulls" from §§ 180.230 and 180.236 are duplicative of the proposal to delete "peanut hulls" from wherever the term appears in part 180. These corrections have been made to the regulatory text of this document.

III. Final Action

This rule revokes the tolerances listed herein. Each of the tolerances revoked are for specific livestock feed items dropped from Table I due to a

determination that they were not a significant livestock feed commodity.

It is not EPA's intention that these revocations should have the effect of rendering the affected commodities adulterated due to the absence of a tolerance. Rather, EPA interprets its tolerance regulation for the principal RAC as covering any insignificant livestock feed commodities (i.e. those not on Table I) of that crop as provided below. Pesticide residues in an insignificant livestock feed commodity would be in compliance with the tolerance for the RAC of the same crop if the residues in the RAC from which the feedstuff is derived or with which it is associated (e.g., straw harvested at the same crop stage as grain, the RAC) are at or below the appropriate tolerance level. If no information is available regarding the residue level in the RAC from which the feedstuff is derived or with which it is associated, then pesticide residues in an insignificant livestock feed commodity would be considered in compliance with the RAC tolerance of that crop if the residue level in the insignificant livestock feed commodity is consistent with the RAC from which the feedstuff is derived or with which it is associated containing residues at or below the appropriate tolerance. This interpretation applies only to insignificant livestock feed commodities.

IV. Effective Date

These revocations will become effective January 16, 1998.

V. Objections and Hearing Request

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person adversely affected by this regulation may, by February 17, 1998, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the

Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VI. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket number [OPP-300503A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper

record maintained at the address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

This action, which revokes tolerances previously established under FFDCA section 408(e), is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993), or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). In addition, this action does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency hereby certifies that, absent extraordinary circumstances, the revocation of a tolerance after the use of the related pesticide becomes illegal in this country will not have a significant impact on a substantial number of small entities. Because the following factual basis is applicable to all tolerance revocations, it will also serve as the generic certification for the promulgation of any future tolerance revocation unless otherwise stated, and EPA will incorporate it by reference in future individual tolerance revocations.

The certification presented above is based on the following rationale. In the case of domestically grown food, the tolerance revocations contained in this notice, as is generally the case, will have no economic impact. The associated pesticide registered uses have already been canceled. Since U.S. growers may no longer use the pesticide in those ways, revoking the tolerance should have no effect on food grown in the

United States. after cancellation of the registered uses of the pesticide. As for food grown before the cancellation occurred, it will not be considered adulterated if it was treated in a way that complied with the tolerance in effect at the time of treatment.

The revocation of a pesticide tolerance generally has a greater potential to affect foreign-grown food, since the uses of the pesticide prohibited in the United States may still be lawful in other countries. If foreign growers use the pesticide in the ways prohibited in the United States, the food they grow will be considered adulterated once the tolerance is revoked. However, while revocation may have an economic effect on foreign growers that import food to the United States, the RFA is concerned only with the effect of U.S. regulations on domestic small entities.

The revocation of a pesticide tolerance may also have an effect on domestic importers of foreign-grown food, to the extent their suppliers use pesticides in ways that result in residues no longer allowed in the United States. However, EPA believes that the effect on U.S. importers will generally be minimal. Theoretically, U.S. importers could face higher food prices and transactions costs. The revocation of a particular tolerance, however, is unlikely to have a significant impact on the price of a commodity on the international market. Transaction costs may occur as a result of having to find alternative suppliers of food untreated with pesticides for which tolerances were revoked.

Affected importers would have the options of finding other suppliers in the same country or in other countries, or inducing the same supplier to switch to alternative pest controls. Given the existence of these options, EPA expects that any price increases or transaction costs resulting from revocations will be minor. Any such impacts will be further reduced by the FDA's enforcement policy of not considering imported foods with residues adulterated until, in most cases, three years after the effective date of the revocation. EPA has reviewed its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with the revoked pesticides, generally within the same countries from which the relevant commodities are currently imported.

Moreover, whatever the effect on U.S. importers of foreign-grown food, EPA believes that it would be inappropriate and inconsistent with the purpose of the

RFA to ameliorate that effect. To the extent any adverse effect occurs, it will be the result of foreign growers using pesticides in ways not allowed in the United States. Domestic growers have no choice but to refrain from using pesticides in ways prohibited by U.S. law. U.S. growers and those who follow them in the chain of commerce — distributors and consumers — will bear the cost of complying with U.S. law. For EPA to somehow address the economic effect of the revocation on U.S. distributors of foreign-grown food would potentially give those distributors a competitive advantage over distributors of U.S.-grown food, and that advantage could potentially translate to a competitive advantage for foreign growers over domestic growers. The RFA was enacted in part to preserve competition in the marketplace, and it would be perverse to implement it in a way that creates competitive inequities, particularly between U.S. and foreign products.

Finally, EPA notes that potential increased costs to importers would not be cognizable as grounds for not revoking the tolerance. Because no extraordinary circumstances exist as to the present revocation that would change EPA's above analysis, the Agency hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This certification and the above rationale has been provided to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted 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 General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental protection, Food additives, pesticides and pests.

40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: November 14, 1997.

Jack E. Housinger,

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

Therefore, 40 CFR parts 180, 185 and 186 are 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. Part 180 is amended as follows:
 - i. By removing the phrase "barley, forage," wherever it appears in part 180.
 - ii. By removing the phrases "barley, forage, green," and "barley green forage," wherever they appear in part 180.
 - iii. By removing the phrases "peanuts, hulls," "peanut vine hulls," "peanut hulls," or "peanuts (hulls) pre-H," wherever they appear in part 180.
 - C. Section 180.111 is amended as follows:
 - i. By designating the existing text as paragraph (a)(1), and adding a paragraph (a) heading.
 - ii. By removing the phrases "lupine, hay (PRE-H)" and "lupine, straw (Pre-H)" from the table in newly designated paragraph (a)(1).
 - iii. By adding and reserving new paragraphs (b), (c) and (d) with paragraph headings.

The additions read as follows:

§ 180.111 Malathion; tolerances for residues.

- (a) *General.* (1) * * *
- (b) *Section 18 emergency exemptions.* [Reserved]
- (c) *Tolerances with regional registrations.* [Reserved]
- (d) *Indirect or inadvertent residues.* [Reserved]

§ 180.205 [Amended]

D. Section 180.205 is amended by removing the phrase "lentil, forage" wherever it appears.

§ 180.277 [Removed]

- E. By removing § 180.277.
- F. By revising § 180.288 to read as follows:

§ 180.288 2-(Thiocyanomethylthio)benzothiazole; tolerances for residues.

(a) *General.* Tolerances are established for negligible residues of the fungicide 2-(thiocyanomethylthio) benzothiazole in or on barley (fodder, grain and straw), corn (fodder, forage, and grain), cotton forage, cottonseed, oats (fodder, forage, grain, and straw), rice (grain and straw) safflower (seed), sorghum (fodder, forage, and grain), sugarbeets (roots and tops), and wheat (fodder, forage, grain, and straw) at 0.1 part per million.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

G. Section 180.314 is amended as follows:

i. By designating the existing text as paragraph (a) and adding a paragraph heading.

ii. By removing the phrase "lentils, forage" wherever it appears in § 180.314.

iii. By adding and reserving new paragraphs (b), (c) and (d) with paragraph headings.

The additions read as follows:

§ 180.314 S-2,3,3-Trichloroallyl diisopropylthiocarbamate; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

H. Section 180.330 is amended as follows:

i. In paragraph (a) by adding a paragraph heading.

ii. By removing the phrase "alfalfa, chaff, or seed" from the table in paragraph (a).

iii. By adding an entry in alphabetical order to the table in paragraph (a) for "sorghum milled fractions (except flour)."

iv. By redesignating paragraph (b) as paragraph (c), and adding a paragraph heading to newly designated paragraph (c).

v. By adding and reserving new paragraphs (b) and (d) with paragraph headings.

The additions read as follows:

§ 180.330 S-[2-(Ethylsulfanyl)ethyl] O, O-dimethyl phosphorothioate; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
* * * * *	*
Sorghum milled fractions (except flour)	2.0
* * * * *	*

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* * * *

(d) *Indirect or inadvertent residues.* [Reserved]

I. Section 180.332 is amended as follows:

i. By designating the existing text as paragraph (a) and adding a paragraph heading.

ii. By removing the phrase "lentils, forage" wherever it appears in § 180.332.

iii. By adding and reserving new paragraphs (b), (c) and (d) with paragraph headings.

The additions read as follows:

§ 180.332 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 180.368 [Amended]

J. Section 180.368 is amended by removing from the table in paragraph (a) the phrases "barley, forage," "buckwheat, fodder," and "buckwheat, forage."

§ 180.379 [Amended]

K. In § 180.379, in paragraph (a)(3) by removing from the table the entries for dried apple pomace, dried tomato pomace, sugarcane bagasse, and sunflower hulls.

L. By revising 180.408 to read as follows:

§ 180.408 Metalaxyl; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methylester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxy methyl-6-methylphenyl)-*N*-(methoxyacetyl)-alanine methyl ester, each expressed as

metalaxyl equivalents, in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa, forage	6.0
Alfalfa, hay	20.0
Almonds	0.5
Almonds, hulls	10.0
Apples	0.2
Apple, pomace (wet)	0.4
Asparagus	7.0
Avocados	4.0
Beets	0.1
Beet, tops	0.1
Blueberries	2.0
Brassica (cole) leafy vegetables group [except broccoli, cabbage, cauliflower, brussels sprouts, and mustard greens]	0.1
Broccoli	2.0
Brussels sprouts	2.0
Cabbage	1.0
Cattle, fat	0.4
Cattle, kidney	0.4
Cattle, liver	0.4
Cattle, meat	0.05
Cattle, mby (except kidney and liver)	0.05
Cauliflower	1.0
Cereal grains (except wheat, barley, and oats)	0.1
Citrus fruit	1.0
Citrus, pulp	7.0
Clover, forage	1.0
Clover, hay	2.5
Cottonseed	0.1
Cranberry	4.0
Cucurbit vegetables group	1.0
Eggs	0.05
Fruiting vegetables (except cucurbits) group	1.0
Ginseng	3.0
Goats, fat	0.4
Goats, kidney	0.4
Goats, liver	0.4
Goats, meat	0.05
Goats, mby (except kidney and liver)	0.05
Grain, crops	0.1
Grapes	2.0
Grass, forage	10.0
Grass, hay	25.0
Hogs, fat	0.4
Hogs, kidney	0.4
Hogs, liver	0.4
Hogs, meat	0.05
Hogs, mby (except kidney and liver)	0.05
Hops, dry	2.0
Hops, green	2.0
Horses, fat	0.4
Horses, kidney	0.4
Horses, liver	0.4
Horses, meat	0.05
Horses, mby (except kidney and liver)	0.05
Leafy vegetables (except brassica) group (except spinach)	5.0

Commodity	Parts per million
Leaves of root and tuber vegetables (human food or animal feed) group	15.0
Legume vegetable, cannery waste	5.0
Legume vegetable foliage	8.0
Legume vegetable group (dry or succulent)	0.2
Lettuce, head	5.0
Milk	0.02
Mustard greens	5.0
Onions, dry bulb	3.0
Onions, green	10.0
Peanut, hay	20.0
Peanut, meal	1.0
Peanut, nuts	0.2
Peanut, shells	2.0
Peanut, vines	20.0
Pineapples	0.1
Pineapple fodder	0.1
Pineapple forage	0.1
Potato waste, dried, processed	4.0
Poultry, fat	0.4
Poultry, kidney	0.4
Poultry, liver	0.4
Poultry, meat	0.05
Poultry, mby (except kidney and liver)	0.05
Potatoes	0.5
Raspberries	0.5
Root and tuber vegetables group	0.5
Sheep, fat	0.4
Sheep, kidney	0.4
Sheep, liver	0.4
Sheep, meat	0.05
Sheep, mby (except kidney and liver)	0.05
Soybean, grain	1.0
Soybean, hulls	2.0
Soybean, meal	2.0
Spinach	10.0
Stonefruit group	1.0
Strawberries	10.0
Sugar beets	0.1
Sugar beet molasses	1.0
Sugar beet (roots)	0.5
Sugar beet (tops)	10.0
Sunflowers	0.1
Sunflower, forage	0.1
Walnuts	0.5

(b) Section 18 emergency exemptions. [Reserved]

(c) Tolerances with regional registrations. Tolerances with regional registration (refer to § 180.1(n)) are established for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxy methyl-6-methyl)-*N*-(methoxyacetyl)-alanine methylester, each expressed as metalaxyl, in or on the following raw agricultural commodity:

Commodity	Parts per million
Papaya	0.1

(d) *Indirect or inadvertent tolerances.* Tolerances are established for indirect or inadvertent residues of metalaxyl in or on the raw agricultural commodities when present therein as a result of the application of metalaxyl to growing crops listed in paragraph (a) of this section and other non-food crops to read as follows:

Commodity	Part per million
Barley, grain	0.2
Barley, fodder	2.0
Barley, straw	2.0
Cereal grains group (except wheat, barley, and oats), fodder	1.0
Cereal grains group (except wheat, barley, and oats), forage	1.0
Cereal grains group (except wheat, barley, and oats), straw	1.0
Oat, fodder	2.0
Oat, forage	2.0
Oat, grain	0.2
Oat, straw	2.0
Wheat, fodder	2.0
Wheat, forage	2.0
Wheat, grain	0.2
Wheat, straw	2.0

M. Section 180.422 is amended by adding paragraph (a)(3) to read as follows:

§ 180.422 Tralomethrin; tolerances for residues.

(a) * * *

(3) A feed additive tolerance of 0.02 part per million is established for the combined residues of the insecticide tralomethrin [(*S*)-*alpha*-cyano-3-phenoxybenzyl-(1*R*,3*S*)-2,2-dimethyl-3-[(*RS*)-1,2,2,2-tetrabromoethyl] cyclopropanecarboxylate) and its metabolites *cis*-deltamethrin [(*S*)-*alpha*-cyano-3-phenoxybenzyl-(1*R*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate] and *trans*-deltamethrin [(*S*)-*alpha*-cyano-3-phenoxybenzyl (1*S*,3*R*)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate as follows:

- (i) In or on all feed items (other than those covered by a higher tolerance as a result of use on growing crops) in feed-handling establishments.
- (ii) The insecticide may be present as a residue from application of tralomethrin in feed-handling establishments, including feed manufacturing and processing

establishments in accordance with the following prescribed conditions:

(A) Application shall be limited to a general surface and spot and/or crack and crevice treatment in feed-handling establishments where feed and feed products are held or processed. General surface application may be used only when the facility is not in operation provided exposed feed has been covered or removed from the area being treated. All feed-contact surfaces and equipment must be thoroughly cleaned after general surface applications. Spot and/or crack and crevice application may be used while the facility is in operation provided exposed feed is covered or removed from the area being treated prior to application. Spray concentration shall be limited to a maximum of 0.06 percent active ingredient. Contamination of feed and feed-contact surfaces shall be avoided.

(B) To assure safe use of the insecticide, its label and labelling shall conform to that registered with the U.S. Environmental Protection Agency and shall be used in accordance with such label and labelling.

* * * * *

PART 185—[AMENDED]

2. In part 185:

A. The authority citation for part 185 is revised to read as follows:
Authority: 21 U.S.C. 346a and 348.

§ 185.3850 [Partially Redesignated and Removed]

B. Section 185.3850 is amended as follows:

i. By transferring the text of § 185.3850 to § 180.111, and redesignating it as paragraphs (a)(2) introductory text, (a)(2)(i), (a)(2)(ii), (a)(2)(iii), and (a)(3), respectively.

ii. By removing the remainder of § 185.3850.

PART 186—[AMENDED]

3. In part 186:

A. The authority citation for part 186 is revised to read as follows:
Authority: 21 U.S.C. 342, 348, and 371.

§ 186.250 [Partially Redesignated and Removed]

B. Section 186.250 is amended as follows:

i. By removing from the table the entries for "Sugarcane bagasse" and "Tomato pomace, dried."

ii. By transferring the remaining entries in the table and adding them alphabetically into the table in § 180.332(a).

iii. By removing the remainder of § 186.250.

§ 186.350 [Amended]

C. Section 186.350 is amended by removing the entry beginning with “70 parts per million in dried apple pomace...”.

§ 186.450 [Amended]

D. Section 186.450 is amended by removing the phrase “citrus molasses and”.

§§ 186.600 [Removed]

E. By removing § 186.600.

§ 186.1000 [Amended]

F. Section 186.1000 is amended by removing from the table in paragraph (a) the entry for “apple pomace, dried,” “corn soapstock,” “grape, pomace, dried,” and “sunflower seed hulls.”

§ 186.1075 [Amended]

G. Section 186.1075 is amended by removing from the table in paragraph (a) the entry for “soybean soapstock.”

§ 186.1350 [Amended]

H. Section 186.1350 is amended by removing the entry in the table for “apple pomace, dried.”

I. Section 186.1650 is revised to read as follows:

§ 186.1650 Dialifor.

Tolerances are established for combined residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate) and its oxygen analog *S*-(2-chloro-1-phthalimido-ethyl) *O,O*-diethyl phosphorothioate in or on the following processed foods when present therein as a result of application to the following growing citrus:

Commodity	Parts per million
Dried citrus pulp	15

§ 186.2000 [Amended]

J. Section 186.2000 is amended by removing the entry in the table for “Soybean soap stock.”

§ 186.2400 [Removed]

K. Section 186.2400 is removed.

§ 186.2700 [Amended]

L. Section 186.2700 is amended by removing from the table in paragraph (a) the entry for “raisin waste.”

§ 186.2950 [Amended]

M. Section 186.2950 is amended by removing from the table the entries “apple pomace (dried),” “citrus

molasses,” “grape pomace,” and “raisin waste.”

§ 186.3050 [Removed]

N. Section 186.3050 is removed.

O. Section 186.3250 is revised to read as follows:

§ 186.3250 Fluazifop-butyl.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following feeds:

Food	Parts per million
Soybean, meal	2.0

§ 186.3350 and 186.3450 [Removed]

P. Sections 186.3350 and 186.3450 are removed.

§ 186.3550 [Amended]

Q. Section 186.3550 is amended by removing from the table in paragraph (a) the entries “apple pomace, dried,” “grape pomace, dried,” and “raisin waste.”

§ 186.3750 [Amended]

R. Section 186.3750 is amended by removing from the table the entries “grape, pomace, dry,” “raisin waste,” and “soapstock.”

§§ 186.4000 and 186.4800 [Removed]

S. Sections 186.4000, 186.4800 are removed.

T. Section 186.4975 is revised to read as follows:

§ 186.4975 Profenofos.

A regulation is established permitting residues of the insecticide profenofos [*O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolites converted to 4-bromo-2-chlorophenol and calculated as profenofos in cottonseed hulls at 6.0 ppm.

§ 186.5000 [Amended]

U. Section 186.5000 is amended by removing the entries in the table for “apple pomace, dried” and “grape pomace, dried.”

§ 186.5450 [Removed]

V. Section 186.5450 is removed.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067-AC73

National Flood Insurance Program (NFIP); Standard Flood Insurance Policy

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule increases the amount of the deductible under the Standard Flood Insurance Policy—from \$750 to \$1,000—for structures with subsidized coverage.

EFFECTIVE DATE: May 1, 1998.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 202-646-3422, (facsimile) 202-646-4327.

SUPPLEMENTARY INFORMATION: On October 7, 1997, FEMA published in the **Federal Register**, 62 FR 52304, a proposed rule to amend the regulations of the National Flood Insurance Program (NFIP) to increase the deductible from \$750 to \$1,000 for structures with subsidized coverage. The proposal also described a buy-back feature that would permit insureds to ‘buy back,’ in consideration of additional premium, a reduced deductible under the Standard Flood Insurance Policy (SFIP).

During the comment period, comments were received from: The Flood Insurance Producers National Committee (FIPNC), a staff underwriter from one of the insurance companies participating in the NFIP’s Write Your Own (WYO) program, and the Association of State Flood Plain Managers (ASFPM).

FIPNC agreed with the proposed change in its entirety and recommended that the amount of the reduced deductible that a policyholder could buy back be set at \$500. While the policy language itself will remain silent on the amount of the reduced buy-back, the \$500 figure is the amount contemplated by the Federal Insurance Administration in implementing this rule.