experimental classification and fees take effect on June 8, 1999; they will expire on February 29, 2000, or when the permanent classification and fees for weight averaged nonletter-size BRM are implemented, whichever comes first.

b. If the application does not appear to meet the conditions required for the weight averaging method, the manager of Mail Preparation and Standards denies the application and sends written notice to the applicant, with the reasons for denial. The applicant has 10 days after receipt of the notice to file a written appeal to the BRM Experiment Review Board, U.S. Postal Service Headquarters. Decisions of the Review Board are final.

[Remove renumbered 3.4, Renewal, in its entirety.]

[Re-designate current 4.0 as 3.0.]

3.0 REVOCATION

[Amend renumbered 3.1 to change the manager who may revoke a participant's authorization and remove the reference to a manifest to read as follows:]

3.1 Reasons

The manager of Mail Preparation and Standards may revoke a BRM participant's authorization for the experiment if that participant:

a. Provides incorrect data on the required documentation and appears unable or unwilling to correct the problems.

b. Neglects to perform required quality control procedures.

c. No longer meets the criteria in this standard and the service agreement.

* * * * *

[Revise 3.3 to shorten the appeal period to 10 days to read as follows:]

3.3 Appeal

Revocation proceeds if the participant is unable or unwilling to correct the discrepancies found. The participant may file a written appeal of revocation within 10 days from the date of receipt of the notice, with evidence explaining why the authorization should not be revoked. The appeal must be filed with the BRM Experiment Review Board, which issues the final agency decision. The participant may continue to accept BRM under the authorization, pending a decision on appeal. The revocation decision takes effect 7 days after receipt by the participant.

[Re-designate current 5.0 as 4.0:]

4.0 RATES AND FEES

[Amend 4.1 to change references from ''5.2'' and ''5.3 and 5.4'' to ''4.2'' and ''4.3 and 4.4,'' respectively, to read as follows:]

4.1 Rate Application

Each BRM piece received under G092 is charged the applicable per piece fee in 4.2 and the appropriate single-piece First-Class Mail rate or Priority Mail rate. In addition to the fees in 4.3 and 4.4, the required BRM permit fee and BRM advance deposit account fee must be paid every 12 months.

[Amend 4.2 by removing 4.2b and revising 4.2 to read as follows:]

4.2 Per Piece Fee

Per piece, in addition to single-piece rate First-Class Mail or Priority Mail postage for nonletter-size experimental (weight averaging): $0.01.

[Amend 4.3 by removing 4.3b and revising 4.3 to read as follows:]

4.3 Monthly Maintenance Fee

Monthly fee for nonletter-size experimental (weight averaging): $600.00.

5.4 [Removed]

[Remove current 5.4. There is no longer a one-time set-up/qualification fee.]

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. As provided by 39 CFR 111.3, notice of issuance will be published in the **Federal Register**.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–14636 Filed 6–8–99; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300858; FRL–6080–4]

RIN 2070–AB78

Aminoethoxyvinylglycine; Temporary Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a temporary tolerance for residues of aminoethoxyvinylglycine in or on food commodities of the stone fruit crop group. Abbott Laboratories requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire on April 1, 2001.

DATES: This regulation is effective May 13, 1999. Objections and requests for hearings must be received by EPA on or before August 9, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300858], must 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 identified by the docket control number, [OPP–300858], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

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@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300858]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Denise Greenway, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 902W43, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–8263, greenway.denise@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 10, 1999 (64 FR 11872) (FRL–6067–5), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of

1996 (FQPA) (Pub. L. 104–170) announcing the filing of a pesticide petition (PP 9G5048) for a temporary tolerance by Abbott Laboratories, 1401 Sheridan Road, North Chicago, IL 60064. The notice included a summary of the petition prepared by Abbott Laboratories, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.502 be amended by establishing a temporary tolerance for residues of the biochemical plant regulator aminoethoxyvinylglycine, in or on food commodities of the stone fruit crop group. The proposed temporary tolerance level of 0.170 part per million (ppm) was inadvertently not stated in the notice of filing. This tolerance will expire on April 1, 2001.

Under section 408(g)(1) of the FFDCA, a regulation issued under subsection (d)(4) shall take effect upon publication unless the regulation specifies otherwise. In this case, the temporary tolerance will be effective on May 13, 1999.

Section 801 of the Congressional Review Act (CRA), 5 U.S.C. 801, generally requires that, before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding. EPA has determined that there is good cause for making today's rule final prior to submission to Congress because the timing is such that immediate action was necessary to allow farmers to sell and distribute certain stone fruit produce with residues of this product this year. This pesticide is only applied once during the growing season, and this must be done 7-14 days prior to the beginning of the harvest period. The harvest season for certain stone fruits is very early in the year. Many of the tests sites for these stone fruits are located in the Southern region of the United States. Thus, in order to provide for the sale and distribution of certain stone fruit produce with residues of this pesticide in 1999 and to optimize the benefits of the experimental use of the pesticide, approval of the use was necessary in May of this year. Furthermore, the Agency has provided notice and comment for this rulemaking action and no comments were received. The Agency has also provided a 60–day objection period in this final rule as required by section (g)(2) of the FFDCA. See Unit V. of this preamble for further information. Thus, further notice and public procedure are unnecessary. The Agency finds that this constitutes good cause to provide for an immediate effective date pursuant to 5 U.S.C. 808(2).

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of aminoethoxyvinylglycine and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a temporary tolerance for residues of aminoethoxyvinylglycine on food commodities of the stone fruit crop group at 0.170 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

Because the technical active ingredient being evaluated in the associated Experimental Use Permit (275–EUP–82) is a conditionally registered section 3 pesticide product, EPA has previously evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by aminoethoxyvinylglycine are discussed in this unit, and presented in the **Federal Register** of May 7, 1997 (62 FR 24835) (FRL–5713–5) and in a subsequent correction to the Final Rule, which appeared in the **Federal Register** of October 29, 1997 (62 FR 56089) (FRL–5751–5).

B. Toxicological Endpoints

1. *Acute toxicity.* A battery of acute toxicity studies placed technical aminoethoxyvinylglycine in Toxicity Categories III and IV.

2. *Chronic toxicity.* Using an uncertainty factor of 1,000, EPA has established the reference dose (RfD) for aminoethoxyvinylglycine at 0.002 milligrams/kilogram of body weight/day (mg/kg bwt/day). This RfD is based on a no observed adverse effect level (NOAEL) of 2.2 mg/kg bwt/day from a subchronic toxicity study that demonstrated reduced body weight gain, food consumption, and food efficiency; increased severity and incidence of reversible kidney and liver effects; and discoloration of the liver.

C. Exposures and Risks

1. *From food and feed uses.* Time-limited tolerances, to expire April 1, 2001, were previously established at 0.08 ppm (40 CFR 180.502) for the residues of aminoethoxyvinylglycine, in or on the food commodities apples and pears. This rule establishes a temporary tolerance at 0.170 ppm, to expire April 1, 2001, for the residues of aminoethoxyvinylglycine in or on food commodities of the stone fruit crop group. Risk assessments were conducted by EPA to assess dietary exposures from the additional stone fruit uses of aminoethoxyvinylglycine proposed for the Experimental Use Permit 275–EUP-82 via PP 9G5048 as follows:

A worst-case scenario (using tolerance level residues for both the existing apple/pear use and for the experimental stone fruit use, and 100% crop treated) aggregate risk assessment was prepared. The reported assessment includes exposure to aminoethoxyvinylglycine through food.

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological

study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. In the case of aminoethoxyvinylglycine, because there were no acute toxic endpoints, no acute dietary risk assessments were required or performed.

ii. *Chronic exposure and risk.* The endpoint and dose level selected for assessment of chronic dietary risks are based on a 90-day feeding study with an uncertainty factor of 1,000 and use a RfD of 0.002 mg/kg bwt/day determined from a NOAEL of 2.2 mg/kg bwt/day. In considering the sensitivity of infants and children the thousand-fold safety factor includes an additional uncertainty factor of 10 for incompleteness of data until a 2-generation reproduction study in rats is completed. The study was a condition of registration of the subject active ingredient, and interim data have been submitted to the Agency. The results of the chronic dietary exposure analysis indicate a reasonable certainty of no harm to the U.S. population or subpopulations, including infants and children, as the result of the pesticidal uses of aminoethoxyvinylglycine on apples, pears, and stone fruits.

2. *From drinking water.* Studies of the potential for aminoethoxyvinylglycine to be present in water have not yet been conducted. As a worst-case scenario, residue levels in water were calculated to be 0.0012 ppm by assuming that 10% of the applied treatment could drift into nearby drinking water sources. This conservative approach is consistent with a worst-case exposure scenario.

i. *Acute exposure and risk.* In the case of aminoethoxyvinylglycine, because there were no acute toxic endpoints, no acute risk assessments based on drinking water exposure were required or performed.

ii. *Chronic exposure and risk.* Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water-related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfD's or acute dietary NOAEL's) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for exposure from contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause aminoethoxyvinylglycine to exceed the RfD if the temporary tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with aminoethoxyvinylglycine in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the temporary tolerance is granted.

3. *From non-dietary exposure.* Aminoethoxyvinylglycine is currently not registered for use on residential non-food sites.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether aminoethoxyvinylglycine has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, aminoethoxyvinylglycine does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that aminoethoxyvinylglycine has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* For risk assessment purposes, there were no acute endpoints identified for aminoethoxyvinylglycine.

2. *Chronic risk.* Using the Theoretical Maximum Residue Contribution (TMRC) exposure assumptions described in this unit, EPA has concluded that aggregate exposure to aminoethoxyvinylglycine from food (the current section 3 apple and pear uses plus the experimental stone fruit use) will utilize 6.9% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is discussed below. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to aminoethoxyvinylglycine in drinking water (there is no non-dietary, non-occupational exposure because neither the Experimental Use Permit nor the section 3 registrations involve residential use), EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to aminoethoxyvinylglycine residues.

3. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of aminoethoxyvinylglycine.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of aminoethoxyvinylglycine, EPA considered data from developmental toxicity studies in the rat. A 2-generation reproduction study in the rat is pending and was a condition of the section 3 registration for the subject active ingredient. Interim data on the first generation have been received by the Agency. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional ten-fold margin of safety for infants and children in the case of threshold effects to account for pre-and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no

appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional ten-fold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor. In this case, due to the incompleteness of the data, the Agency used a thousand-fold uncertainty factor in the RfD calculations, and previously imposed a requirement for a 2-generation reproduction study in rats. The thousand-fold uncertainty factor includes an additional uncertainty factor of 10 to protect infants and children.

ii. *Developmental toxicity studies.* In a developmental toxicity study in rats by oral gavage, a NOAEL of 1.77 mg active ingredient/kg bwt/day was determined for both developmental and maternal toxicity.

iii. *Reproductive toxicity study.* Two-generation rat reproduction data are pending, as a condition of the section 3 registration. Interim data on the first generation have been submitted to the Agency.

iv. *Conclusion.* Due to the incomplete data set (2-generation rat reproduction data, a condition of registration for the active ingredient are pending), the Agency used a thousand-fold uncertainty factor in the RfD calculations. The thousand-fold uncertainty factor includes an additional uncertainty factor of 10 to protect infants and children. The data adequately support the conditional 1997 registration of the active ingredient and also adequately support the temporary tolerance level of 0.170 ppm proposed for the experimental stone fruit use.

2. *Acute risk.* For risk assessment purposes, there were no acute endpoints identified for aminoethoxyvinylglycine.

3. *Chronic risk.* Using the conservative exposure assumptions described in this unit, EPA has concluded that aggregate exposure to aminoethoxyvinylglycine from food will utilize 50.9% of the RfD for infants and children. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to aminoethoxyvinylglycine in drinking water (there is no non-dietary, non-occupational exposure because neither the Experimental Use Permit nor the section 3 registered products are for residential use), EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to aminoethoxyvinylglycine.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to aminoethoxyvinylglycine residues.

III. Other Considerations

A. Metabolism In Plants and Animals

The metabolism of aminoethoxyvinylglycine in plants and animals is adequately understood for the purposes of these temporary tolerances.

B. Analytical Enforcement Methodology

The submitted analytical method, High Performance Liquid Chromatography (HPLC)/Fluorescence detector, is acceptable; it is also verified and validated.

Adequate enforcement methodology is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. Magnitude of Residues

The experimental program (275–EUP–82) specifies a single application of 50 grams of active ingredient be applied 7–14 days prior to anticipated harvest. For the purposes of the temporary tolerance, the magnitude of residues was evaluated in/on peaches at proposed and exaggerated label rates. After application of proposed label rates, residue levels were below the level of quantitation, if detectable at all, within 5 days of application. Exaggerated rates (up to 4 times the proposed label rates) demonstrated rapid decline of residues to below quantifiable levels by 14 days after application. The limit of quantitation (LOQ) is 0.170 ppm and the limit of detection (LOD) is 0.050 ppm.

D. International Residue Limits

There are no Codex Alimentarius Commission (Codex) Maximum Residue Levels (MRLs) for residues of aminoethoxyvinylglycine.

IV. Conclusion

Therefore, the temporary tolerance, to expire April 1, 2001, is established for residues of aminoethoxyvinylglycine in or on food commodities of the stone fruit crop group at 0.170 ppm.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation 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 may, by August 9, 1999, file written objections to any aspect of this 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 under ''ADDRESSES'' section (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). EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions

on such issues, and a summary of any evidence relied upon by the requestor (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 issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential 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 information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300858] (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 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit 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 record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does 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 specficed 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 tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the temporary 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 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.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

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

C. Executive Order 13084

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 officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action

does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of May 13, 1999. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: May 13, 1999.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention 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. 321(q), 346a, and 371.

2. In § 180.502, in paragraph (a), by alphabetically adding the following commodity to the table:

§ 180.502 Aminoethoxyvinylglycine; tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration/ Revocation Date
* * *		* *
Stone fruit crop group	0.170	04/01/01

* * * * *

[FR Doc. 99–14760 Filed 6–9–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300873; FRL–6085–4]

RIN 2070–AB78

Kresoxim-methyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of kresoxim-methyl and its metabolites in or on pome fruit, grapes, pecans, apple pomace, raisins, and meat byproducts of cattle, sheep and goats. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective June 10, 1999. Objections and requests for hearings must be received by EPA on or before August 9, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300873], must 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 identified by the docket control number, [OPP–300873], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@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 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300873]. 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: Mary L. Waller, Product Manager 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 249, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9354, waller.mary@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 10, 1999 (64 FR 11874) (FRL–6063–3), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) 7F4880 for tolerances by BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. This notice included a summary of the petition prepared by BASF Corporation, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing tolerances for the combined residues of the fungicide kresoxim-methyl, (BAS 490F) or (methyl (*E*)-2-[2-(2-methylphenoxy)-methyl]phenyl-2-(methoxyimido)acetate) and its metabolites as follows: (BF 490–1) or (*E*)-2-[2-(2-methylphenoxy)methyl]-phenyl-2-(methoxyimido)acetic acid; (BF 490–2) or (*E*)-2-[2-(2-hydroxymethylphenoxy)methyl]-phenyl-2-(methoxyimido)acetic acid (free and glucose conjugated); and (BF 490–9) or (*E*)-2-[2-(4-hydroxy-2-methylphenoxy)-methyl]phenyl-2-(methoxyimido)acetic acid (free and glucose conjugated) in or on pome fruit at 0.5 parts per million (ppm), grapes at 1.0 ppm, pecans, at 0.15 ppm, apple pomace at 1.0 ppm, and raisins at 1.5