4. Label claims "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or, "to aid in the control of."

5. Labeling should carry a warning pertaining to the development of resistant organisms.

6. Dosage levels recommended in the labeling are low.

FDA concurs with the NAS/NRC DESI evaluation.

The NAS/NRC evaluation concerns the drug's safety and effectiveness to the treated animal. It does not concern the safety for food use of treated animals.

Veterinary Service, Inc., filed a supplement which reflected compliance with the results of the NAS/NRC DESI review and FDA's conclusions based on that review.

Veterinary Service, Inc., filed an additional supplement to revise the tolerances for residues of streptomycin in the uncooked, edible tissues of chickens, swine, and calves to 2.0 ppm in kidney and 0.5 ppm in all other tissues. The current tolerance of zero is an outmoded expression of an intent to regulate residues at the sensitivity of the existing analytical method. The revised tolerances are supported by available toxicological data relating to streptomycin.

The supplements are approved as of August 5, 1993, and the regulations are amended in 21 CFR 520.2158a and 21 CFR 556.610 to reflect the approvals. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), these approvals do not qualify for an exclusivity period because the supplements do not contain reports of new clinical or field investigations (other than bioequivalence or residue studies) and, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) essential to approval of the supplements and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520 and 556 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.2158a is amended by removing paragraph (d)(3), and by revising paragraphs (d)(1) and (d)(2) to read as follows:

§ 520.2158a Streptomycin sulfate oral solution.

* * * * *

(d) * * *

(1) *Calves and swine*—(i) *Amount.* 10 to 15 milligrams per pound (mg/pound) of body weight (1.0 to 1.5 grams per gallon).

(ii) *Indications for use.* Treatment of bacterial enteritis caused by *Escherichia coli* and *Salmonella* spp. susceptible to streptomycin.

(iii) *Limitations.* Calves: Do not administer for more than 5 days. Swine: Do not administer for more than 4 days. Prepare fresh solution daily. Calves: Withdraw 2 days before slaughter. As sole source of streptomycin. Warning: Certain strains of bacteria may develop a tolerance for streptomycin. Consult a veterinarian or animal pathologist for diagnosis.

(2) *Chickens*—(i) *Amount.* 10 to 15 mg/pound of body weight (0.6 to 0.9 grams per gallon).

(ii) *Indications for use.* Treatment of nonspecific infectious enteritis caused by organisms susceptible to streptomycin.

(iii) *Limitations.* Chickens: Do not administer for more than 5 days. Withdraw 4 days before slaughter. Do not administer to chickens producing eggs for human consumption. Prepare fresh solution daily. As sole source of streptomycin. Warning: Certain strains of bacteria may develop a tolerance for streptomycin. Consult a veterinarian or animal pathologist for diagnosis.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: Secs. 402, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 360b, 371).

4. Section 556.610 is revised to read as follows:

§ 556.610 Streptomycin.

Tolerances are established for residues of streptomycin in uncooked, edible tissues of chickens, swine, and calves of 2.0 parts per million (ppm) in kidney and 0.5 ppm in other tissues.

Dated: August 31, 1993.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 93-21797 Filed 9-7-93; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH4-1-5062; FRL-4701-2]

Approval and Promulgation of Air Quality Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Final rulemaking.

SUMMARY: U.S. EPA is today announcing limited approval of a revision to the Ohio New Source Review (NSR) State Implementation Plan (SIP). This approval relates to the State's revised NSR regulations, which were developed to satisfy U.S. EPA's earlier conditional approval of Ohio's Part D NSR Program.

U.S. EPA's action is based upon a revision request which was submitted to satisfy the requirements of Part D of the Clean Air Act (CAA). As a result of this action, the original condition of approval of the State's NSR program at 40 CFR 52.1879(e) is removed.

U.S. EPA has evaluated the proposed revision to the plan and is granting limited approval under Sections 110(k)(3) and 301(a) of the Clean Air Act, as amended in 1990. Even though there are two new deficiencies relating to offsets requirements in the plan, U.S.

EPA is approving the plan because it is substantially better than the underlying October 31, 1980, Ohio NSR plan.

EFFECTIVE DATES: This action will be effective November 8, 1993, unless notice is received by October 8, 1993, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the SIP revision, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Maggie Greene, at (312) 886–6088, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Air Enforcement Branch, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Copies of this revision to the Ohio SIP are available for inspection at: U.S. Environmental Protection Agency, Jerry Kurtzweg (ANR–443), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Maggie Greene, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION: In 1977 the Clean Air Act was amended to address, *inter alia*, the continued nonattainment of the National Ambient Air Quality Standards (NAAQS) found in certain areas of the United States. Part D of the Act set forth the SIP requirements for nonattainment areas. Part D includes Section 173, which governs the review and issuance of construction permits for new and modified sources in nonattainment areas. The Clean Air Act Amendments of 1990 also require the States to revise their SIPs to provide approvable nonattainment area New Source Review plans. Requirements for approvable Part D SIPs are described in a "General Preamble for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979). The requirements for SIP revisions mandated by the Clean Air Act Amendments of 1990 are set forth in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992), Appendix D.

On July 25, 1980, and September 25, 1980, Ohio submitted its NSR plan designed to meet the requirements of Part D. After review and public comment, U.S. EPA conditionally approved this plan on October 31, 1980 (codification corrected on December 17, 1980 at 45 FR 82927). (For more detail on "conditional approvals" see 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979).) The conditional approval (40 CFR 52.1879(e)) required the State to submit a Part D NSR plan which refined the criteria under which permits were to be issued and assured that the requirements of Section 172 (b)(11) (Section 173(a)(5) of the 1990 Amendments enacted on November 15, 1990) and Section 173 were met.

On October 4, 1982, and January 24, 1983, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the Ohio Administrative Code (OAC), Rules 3745–31–01 through 3745–31–08, to satisfy the October 31, 1980, conditional approval of Ohio's Part D NSR plan. Additional clarification was submitted on June 30, 1987, and October 28, 1987. Ohio's revised NSR rule essentially incorporates the Federal NSR provisions at 40 CFR Part 51, Appendix S, as the Ohio NSR plan. The Ohio Rule meets the requirements of U.S. EPA's conditional approval of Ohio's earlier Part D NSR plan for all source categories in Ohio, except for temporary emission sources and resource recovery facilities.

Two provisions of Ohio's NSR plan (OAC Rule 3745–31–01 (H)(1)(b) and (M)) are not required by U.S. EPA's NSR rules, and they are not included as part of this SIP revision. Also, the current Appendix S differs from Ohio's original Part D NSR plan in that it uses a "plantwide" definition of source which U.S. EPA approves without restriction.[1]

Prior to the passage of the Clean Air Act, U.S. EPA imposed certain restrictions on the adoption of a plantwide definition of source for nonattainment areas with an inadequate SIP. See J. Potter, "Plantwide Definition of Major Stationary Sources for Air Pollution" (February 27, 1987). However, with passage of the Clean Air Act Amendments of 1990, Congress has mandated a new set of attainment strategies and given areas new deadlines to eliminate NAAQS violations. In addition, while the existence of U.S. EPA's plantwide definition was well known by 1990, nothing in the Clean Air Act Amendments overturns U.S. EPA's position on this issue. To the contrary, several new nonattainment provisions employ a plantwide source definition. See, *e.g.*, CAA section 182(c)(6). For this reason, U.S. EPA finds that the Ohio plantwide source definition may be approved without any restrictions.

U.S. EPA evaluated Ohio's revised plan with respect to the Agency's Part D NSR policy applicable at that time and found that the plan was approvable. Since the State had yet to submit and receive approval of an attainment demonstration for the relevant areas, U.S. EPA did not rely on any reductions from the operation of the new NSR program in an approved attainment demonstration[2]. This rulemaking includes approval of a plantwide definition of source for Ohio in accordance with U.S. EPA's 1981 action, inasmuch as the State has shown that it is making and will continue to make

[1] On October 14, 1981, the U.S. EPA revised the NSR regulations in 40 CFR part 51 to give States the option of adopting the "plantwide" definition of stationary source in nonattainment areas (46 FR 50766). This definition provides that only physical or operational changes that result in a net increase in emissions at the entire plant require a NSR permit. For example, if a plant increased emissions at one piece of process equipment but reduced emissions by the same amount at another piece of process equipment at the plant, then there would be no net increase in emissions at the plant and therefore no "modification" to the "source." The plantwide definition is in contrast to the so-called "dual" definition (or a definitional construction like that in the 1979 offset ruling (44 FR 3274) which has much the same effect as the dual definition); under the dual definition, the emissions increases from physical or operational changes at an individual piece of process equipment are gauged without regard to offsetting reductions elsewhere at the plant.

In the October 14, 1981, Federal Register notice, U.S. EPA set forth its rationale for allowing use of the plantwide definition (46 FR 50766–69). In the Agency's view, allowing use of the plantwide definition was a reasonable accommodation of the conflicting goals of Part D of the Act; reasonable further progress (RFP) and timely attainment of the NAAQS versus maximum State flexibility and economic growth.

In 1984, the Supreme Court upheld U.S. EPA's position as a reasonable accommodation of the conflicting purposes of Part D of the Act within U.S. EPA's broad discretion. *Chevron U.S.A., Inc.* v. *NRDC, Inc.*, 467 U.S. 837. Specifically, the Court agreed that the plantwide definition is fully consistent with the Act's goal of maximizing State flexibility and allowing reasonable economic growth. Likewise, the Court recognized that U.S. EPA had advanced a reasonable explanation for its conclusion that the plantwide definition serves the Act's environmental objectives as well. 467 U.S. at 863.

[2] U.S. EPA ruled that a State wishing to adopt a plantwide definition generally has complete discretion to do so, and it set only one restriction on that discretion. If a State had specifically projected emission reductions from its NSR program as a result of a dual or similar definition and had relied on those reductions in an attainment strategy that U.S. EPA later approved, then the State needed to revise its attainment strategy as necessary to accommodate reduced NSR permitting under the plantwide definition (46 FR 50767 Col. 2, 50769 Col. 1).

reasonable efforts to adopt and submit the necessary additional SIP revisions.

U.S. EPA reevaluated Ohio's rule in relationship to the current 40 CFR part 51 Subpart I (formerly 40 CFR 51.18). As stated before, Ohio's NSR rule essentially incorporates the Federal NSR provisions in 40 CFR part 51, Appendix S. However, U.S. EPA has determined that Appendix S as incorporated by Ohio is deficient with respect to certain of the requirements in Subpart I and the current requirements of the Clean Air Act. U.S. EPA's review of the Ohio NSR regulation's effectiveness identified the following regulation deficiencies:

1. Appendix S exempts for resource recovery facilities from offset requirements, whereas Section 173 of the Clean Air Act and 40 CFR 51.165 do not provide for such exemption.

2. Appendix S exempts temporary sources from obtaining offsets, whereas Section 173 of the Clean Air Act and 40 CFR 51.165 do not provide for such an exemption.

In addition, it should be pointed out that Appendix S as proposed by Ohio is not as explicit as the current regulations in Subpart I (or the underlying statutory provisions of Part D of the Clean Air Act) in requiring that emissions offsets meet Reasonable Further Progress (RFP) requirements by providing actual emissions reductions. Section IV.C. of Appendix S, as amended in 1979 (44 FR 3274), explicitly requires offsets only on a short-term (i.e., pounds per hour) basis, although it also provides for annual offsets (expressed, e.g., in tons per year) "if necessary to carry out the intent of this Ruling."

However, the current U.S. EPA regulations governing approval of NSR programs, which were adopted in 1980, require that emission offsets necessary to demonstrate RFP be based in all cases on "actual emissions." See 40 CFR 51.165 (a)(3)(i)((A), 51.165 (a)(xii)(B) (45 FR 52676). Accordingly, it is U.S. EPA's position that in those areas which have still not attained the NAAQS despite the passage of the statutory deadline, the overall intent of Appendix S, to insure that major new sources and major modifications result in RFP, cannot be satisfactorily met unless all such sources obtain federally enforceable actual offsets as necessary to provide annual emission reductions as required by current U.S. EPA regulations. Thus, U.S. EPA interprets Appendix S, Section IV.B. to require, in all instances, that federally enforceable actual emissions offsets be obtained as a condition of any permit purporting to satisfy the requirements of Part D of the Act. This interpretation is hereby made an express part of today's approval of Ohio's NSR SIP, which must be met by all permits issued by Ohio pursuant to U.S. EPA's approval of the State's NSR program.

The Clean Air Act Amendments of 1990 impose additional NSR requirements for certain types of nonattainment areas. These changes include for example, in ozone nonattainment areas, decreased source thresholds and increased offset ratios and the extension of NSR requirements to certain Nitrogen Oxides sources. See Sections 182(a)-(f). The SIP changes submitted by Ohio and approved today were submitted prior to the passage of the Clean Air Act Amendments of 1990 and were not intended to satisfy the Amendments' new NSR requirements. For this reason, today's approval of Ohio's NSR SIP does not relieve Ohio of its responsibility to submit additional nonattainment NSR SIP revisions in accordance with the deadlines Congress established in Title I of the Act.

Final Action: U.S. EPA is today granting limited approval of the revision to Ohio's NSR SIP. U.S. EPA is approving the revision to the regulations in the SIP because the revised regulations are a substantial enhancement of the existing SIP. However, the approval is "limited" in the sense that U.S. EPA is not granting full approval of the NSR SIP as meeting Part D requirements. Ohio's NSR regulations are deficient, in that they exempt resource recovery facilities and temporary sources from offset requirements. Nevertheless, U.S. EPA is not today taking action to disapprove Ohio's NSR SIP. Ohio has made a submittal with respect to NSR regulations to meet the requirements of the Clean Air Act Amendments of 1990 (CAAA). That submittal is under review. U.S. EPA will require that any regulations intended to satisfy those CAAA requirements shall also address the deficiencies identified here. Therefore, U.S. EPA intends to complete action on the approvability of Ohio's NSR SIP when it takes action on the NSR regulations submitted to satisfy the 1990 CAAA requirements.

Because U.S. EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on November 8, 1993. However, if we receive notice by October 8, 1993, that someone wishes to submit critical comments, then U.S. EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 et. seq., U.S. EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, U.S. EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Sections 110 and 103, and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The CAA forbids U.S. EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

U.S. EPA has reviewed this request for revision of the SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. These Amendments require extensive changes to nonattainment SIPs for new source permitting. The Agency has set forth the new NSR requirements in the General Preamble to Title I and is preparing a rulemaking incorporating these requirements into Federal regulations. As has been discussed, U.S. EPA's actions today do not in any way relieve Ohio of the new requirements for NSR SIP submittals imposed by the 1990 Amendments.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 8, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note: Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: August 24, 1993.

Carol M. Browner,

Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1870 is amended by adding paragraph (c)(83) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(83) On October 4, 1982, and January 24, 1983, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the Ohio Administrative Code (OAC) Chapter 3745–31–01 through 3745–31–08 to satisfy the New Source Review conditional approval of October 31, 1980 (45 FR 72119). U.S. EPA is granting limited approval of the revision to Ohio's New Source Review State Implementation Plan (SIP) because the revised regulations strengthen the SIP.

(i) Incorporation by reference.

(A) OAC Rule 3745–31 through 3745–31–03—Permits to Install New Sources of Pollution (Adopted June 30, 1982, effective August 15, 1982), as found in the State of Ohio Environmental Protection Agency Laws and Regulations.

(ii) Additional material.

(A) A June 30, 1987, letter from OEPA certified that the State did not rely upon additional reductions through the offset policy to attain or maintain the National Ambient Air Quality Standards.

§ 52.1879 [Amended]

3. Section 52.1879 is amended by removing paragraph (e).

[FR Doc. 93–21783 Filed 9–7–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[OPP–300252A; FRL–4628–8]

RIN No. 2070–AB78

Acetic Acid and Sodium Diacetate; Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document revokes the exemptions from the requirement of a tolerance for residues resulting from postharvest use as a fungicide, as follows: (1) all raw agricultural commodities (RACs) listed in 40 CFR 180.1029 for residues of acetic acid; and (2) certain RACs listed in 40 CFR 180.1058 for residues of sodium diacetate. EPA is initiating this action because all registered uses of acetic acid and sodium diacetate on these commodities have been canceled.

EFFECTIVE DATE: This regulation becomes effective September 8, 1993.

ADDRESSES: Written objections, identified by document control number, [OPP-300252A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Downing, Registration Division (H-7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8319.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule in the Federal Register of August 12, 1992 (57 FR 36046), which proposed revoking exemptions from the requirement of a tolerance established under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, for residues of acetic acid and sodium diacetate resulting from postharvest use of these chemicals as fungicides, as follows: (1) acetic acid in or on the RACs alfalfa, barley grain, Bermuda grass, bluegrass, brome grass, clover, corn grain, cowpea hay, fescue hay, lespedeza, lupines, oat grain, orchard grass, peanut hay, peavine hay, rye grass, sorghum grain, soybean hay, sudan grass, timothy, vetch hay, and wheat grain listed in 40 CFR 180.1029; and (2) sodium diacetate in or on the RACs barley grain, cowpea hay, fescue hay, lespedeza hay, lupines, peanut hay, peavine hay, soybean hay, vetch hay, and wheat grain listed in 40 CFR 180.1058.

EPA's decision to revoke these exemptions from the requirement of a tolerance for acetic acid and sodium diacetate was based on the fact that before February 1991, all registrations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of pesticide products ingredients that were registered for these uses on food or animal feed commodities were canceled. In the case of acetic acid these registrations were canceled for failure by affected registrants to respond to a January 1987 generic data call-in, and also for nonpayment of required annual pesticide registration maintenance fees. In the case of sodium diacetate, these registrations were canceled for nonpayment of required annual pesticide registration maintenance fees.

No significant comments or requests for referral to an advisory committee were received in response to the proposed rule.

Therefore, based on the information considered by EPA and discussed in detail in the August 12, 1992 proposal and in this final rule, EPA is hereby revoking the exemptions from the requirement of a tolerance listed in 40 CFR 180.1029 for acetic acid since acetic acid is no longer registered in the U.S. as a pesticide-active ingredient for use on any food or animal feed commodities. EPA is hereby revoking the exemptions from the requirement of a tolerance listed in 40 CFR 180.1058 for sodium diacetate since sodium diacetate also is no longer registered as an active ingredient for use on any food or animal feed commodities, except alfalfa, clover, field corn, grasses, oats sorghum, and timothy.

The registered postharvest applications of acetic acid and sodium diacetate to livestock feed crops were primarily within farm facilities so there was limited environmental exposure. Exposure to aquatic environments from runoff would have resulted only in short-term pH changes that would have been counteracted by the natural buffering capacity of the water. Thus, there is no anticipation of a residue problem due to environmental contamination. Consequently, no action levels will be recommended to replace the acetic acid and sodium diacetate exemptions upon their revocation.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). 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 each such issue, 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 a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, 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).

Executive Order 12291

As explained in the proposal published in the **Federal Register** of August 12, 1992, EPA has determined, pursuant to the requirements of Executive Order 12291, that the removal of these exemptions from the requirement of a tolerance will not cause adverse economic impact on significant portions of U.S. enterprises.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164; 5 U.S.C. 601 et seq.), and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the August 12, 1992 proposal.

List of Subjects in 40 CFR Part 180

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

Dated: August 26, 1993.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 180 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.

§ 180.1029 [Removed]

2. Section 180.1029 *Acetic acid; exemption from the requirement of a tolerance* is removed.

3. Section 180.1058 is revised, to read as follows:

§ 180.1058 Sodium diacetate; exemption from the requirement of a tolerance.

Sodium diacetate, when used postharvest as a fungicide, is exempt from the requirement of a tolerance for residues in or on alfalfa hay, Bermuda grass hay, blue grass hay, brome grass hay, clover hay, corn grain, oat grain, orchard grass hay, sorghum grain, sudan grass hay, rye grass hay, and timothy hay.

[FR Doc. 93-21819 Filed 9-7-93; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 180

[OPP-300261A; FRL-4630-1]

RIN 2070-AB78

Dinoseb; Revocation of Tolerances

AGENCY: Environmental Protection Agency

ACTION: Final rule.

SUMMARY: This document revokes the tolerances in 40 CFR 180.281 for residues of the herbicide, insecticide, and fungicide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) from application of its phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on various raw agricultural commodities. EPA initiated this action because all registered uses of dinoseb have been canceled.

EFFECTIVE DATE: This regulation becomes effective September 8, 1993.

ADDRESSES: Written objections, identified by document control number, [OPP-300261], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Melissa Chun, Registration Division (H-7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8318.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of November 12, 1992 (57 FR 53676), which proposed revoking the tolerances for residues of the herbicide, insecticide, and fungicide dinoseb (2-*sec*-butyl-4,6 dinitrophenol) from application of its phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salts, or sodium salt) in or on various raw agricultural commodities in food or animal feed commodities established under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, listed in 40 CFR 180.281.

No public comments or requests for referral to an advisory committee were received in response to the proposed rule.

Therefore, based on the information considered by EPA and discussed in detail in the November 12, 1992 proposal and in this final rule, the Agency is hereby revoking the tolerances listed in 40 CFR 180.281 for residues of dinoseb in or on the following raw agricultural commodities: alfalfa, alfalfa hay, almonds, almond hulls, apples, apricots, barley forage, barley grain, barley straw, beans, bean forage, bean hay, birdsfoot trefoil, birdsfoot trefoil hay, blackberries, blueberries, boysenberries, cherries, citrus, clover, clover hay, corn fodder, corn forage, fresh corn (including sweet corn and corn kernels plus cob with husk removed (K+CWHR)), corn grain (including popcorn), cotton forage, cottonseed, cottonseed hulls, cucurbits, currants, dates, figs, filberts, garlic, gooseberries, grapes, hops, lentils, loganberries, nectarines, oat forage, oat grain, oat straw, olives, onions, peaches, peanuts, peanut forage, peanut hay, peanut hulls, pears, peas, pea forage, pea hay, pecans, plums (prunes), potatoes, raspberries, rye forage, rye grain, rye straw, soybeans, soybean forage, soybean hay, strawberries, vetch, vetch hay, walnuts, wheat forage, wheat grain, wheat straw, pasture grass, and pasture grass hay.

Since the sale, distribution, and shipment of existing stocks of dinoseb for use on caneberries in Washington and Oregon was prohibited after the 1989 use season, the existing stocks of those remaining products should be depleted. EPA believes there has been adequate time for legally treated agricultural commodities to have gone through channels of trade. Surveillance and compliance monitoring data on domestic commodities have shown no detectable residues of dinoseb for the past 3 years. Further, since dinoseb is not a persistent chemical, there is no anticipation of a residue problem due to environmental contamination. Consequently, no action levels will be