

public hearing relating to proposed regulations under chapter 1 of the Internal Revenue Code will be held Tuesday, February 25, 1997, beginning at 10:00 a.m. in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC and that requests to speak and outlines of oral comments should be received by Tuesday, February 4, 1997.

The location of the public hearing has changed. The hearing is being held in room 2615 on Tuesday, February 25, 1997, beginning at 10:00 a.m. The requests to speak and outlines of oral comments should have been received by Tuesday, February 4, 1997. Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

Copies of the agenda are available free of charge at the hearing.

Michael L. Slaughter,

*Acting Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 97-3655 Filed 2-12-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN-155-1-7178; TN-MEM-149-3-970; FRL-5669-4]

#### Approval and Promulgation of Implementation Plans; State of Tennessee and Memphis-Shelby County, Tennessee

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Tennessee and by Memphis-Shelby County for the purpose of establishing a federally enforceable state operating permit (FESOP) program and a federally enforceable local operating permit (FELOP) program. In order to extend the Federal enforceability of Tennessee's FESOP and Memphis-Shelby County's FELOP to hazardous air pollutants (HAP), EPA is also proposing approval of the State's FESOP and County's FELOP regulations pursuant to section 112 of the Clean Air Act as amended in 1990 (CAA). In the final rules section of this Federal Register, EPA is approving Tennessee's and Memphis-Shelby County's SIP revisions as a direct final rule without prior proposal because the Agency views this as noncontroversial

revision amendments and anticipates no adverse comments. A detailed rationale for the approvals is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this approval action. Any parties interested in commenting on this action should do so at this time.

**DATES:** To be considered, comments must be received by March 17, 1997.

**ADDRESSES:** Written comments should be addressed to: Gracy R. Danois, Air and Radiation Technology Branch, Air, Pesticides & Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 100 Alabama Street, SW., Atlanta, Georgia 30303.

Copies of the material submitted by the State of Tennessee and by Memphis-Shelby County may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4, Air and Radiation Technology Branch, Atlanta Federal Center, 100 Alabama Street, SW., Atlanta, Georgia 30303.

Tennessee Department of Environmental Protection, Tennessee Division of Air Pollution Control, 9th Floor L&C Annex, 401 Church Street, Nashville, Tennessee, 37243-1531.

Memphis and Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee, 38105.

**FOR FURTHER INFORMATION CONTACT:** Gracy R. Danois, Air and Radiation Technology Branch, Air, Pesticides & Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 100 Alabama Street, SW., Atlanta, Georgia, 30303. The telephone number is 404/562-9119. Reference files TN-155 and TN-149-3.

**SUPPLEMENTARY INFORMATION:** For additional information, refer to the direct final rule which is published in the rules section of this Federal Register.

Dated: December 16, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 97-3578 Filed 2-12-97; 8:45 am]

BILLING CODE 6560-50-F

## 40 CFR Parts 180, 185, and 186

[OPP-300432; FRL-5381-9]

RIN 2070-AC18

### Propargite; Proposed Revocation of Certain Tolerances

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

**ACTION:** Proposed Rule.

**SUMMARY:** EPA is proposing to revoke tolerances for residues of the pesticide Propargite in or on the following commodities: apples, dried apple pomace, apricots, cranberries, figs, dried figs, peaches, pears, plums (fresh prunes), strawberries, and succulent beans. EPA is proposing these revocations because the uses associated with the tolerances have been voluntarily deleted from propargite labels by Uniroyal Chemical Company. Uniroyal deleted the uses to address risk concerns raised by EPA.

**DATES:** Written comments should be submitted to EPA by April 14, 1997.

**ADDRESSES:** By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, bring comments to Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-300432]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VII. of this document.

**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. Introduction**

Propargite (trade names Omite and Comite) is a pesticide that was registered in 1969 for the control of mites on a number of agricultural commodities and ornamental plants. EPA classifies propargite as a B<sub>2</sub> (probable) human carcinogen.

**II. Legal Authorization**

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 (FQPA), 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 [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 under the FFDCA, but also must be registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

**III. Regulatory Background**

EPA published a Registration Standard for propargite in 1986, and FIFRA reregistration is ongoing. Through the reregistration process, in 1992 EPA received from Uniroyal Chemical Company, the sole propargite registrant in the United States, a voluntarily submitted market basket survey examining residue levels in selected commodities in a nation-wide cross section of grocery stores. The survey attempted to better reflect propargite residues in these commodities as purchased by consumers. Uniroyal's market basket survey, as well as other sampling data used by EPA, indicated propargite residues on certain foods such as apples and peaches that were far below tolerance levels but nevertheless resulted in dietary risks of concern for those foods. Based on this and other information, EPA conducted an

intensive dietary risk assessment and concluded that long-term exposure to propargite posed an unreasonable dietary cancer risk to persons who consume propargite-treated foods.

**A. Use Deletions**

EPA discussed its risk findings with Uniroyal, and Uniroyal responded in an April 5, 1996 letter by requesting, among other things, voluntary deletion of the following uses from all applicable propargite labels: apples, apricots, cranberries, figs, green beans, lima beans, peaches, pears, plums (including plums grown for prune production), and strawberries. EPA agreed to this request, and the deletions were announced in a Federal Register notice dated May 3, 1996 (61 FR 19936) (FRL-5367-4). EPA received comments both supporting and opposing the use deletions; those comments were considered prior to the requested use deletions taking effect on August 1, 1996. The comments are available in the public record under docket number OPP-64029. As part of its use-deletion agreement with EPA, Uniroyal also agreed not to challenge revocation of tolerances for any of the deleted uses.

**B. Previous Actions**

EPA previously proposed to revoke the apple and fig tolerances listed under 40 CFR 180.259, because apples and figs had or needed food additive regulations (FAR) that were prohibited by the Delaney clause. Under EPA's coordination policy, EPA proposed to revoke the tolerances for apples and figs (61 FR 8174, March 1, 1996) (FRL-5351-6). On March 22, 1996, EPA issued a final rule, subject to objections, revoking the FARs for dried figs and tea, also on grounds that the FARs violated the Delaney clause (61 FR 11994) (FRL-5357-7). The propargite registrant filed objections to the "induces cancer" ground for the final revocation and requested a hearing. Those revocations were stayed. In the same notice, EPA revoked the FAR for raisins because it was not needed. However, the August 3, 1996 enactment of the FQPA removed pesticides from coverage under FFDCA section 409 and the Delaney clause. Therefore, the proposed and final revocations based on Delaney clause grounds have no basis in law. Accordingly, EPA published a notice in the Federal Register (61 FR 50684, September 26, 1996) (FRL-5397-4) withdrawing the proposed and final revocations for apples and figs that were premised on the Delaney clause.

The dried apple pomace tolerance listed under 40 CFR 186.5000 was proposed for revocation on September

21, 1995 (60 FR 49142) (FRL-4977-3) on the ground that dried apple pomace is no longer listed on Table 1 of Series 860--Residue Chemistry Test Guidelines (formerly Table II of Subdivision O of EPA's Pesticide Assessment Guidelines), and therefore a tolerance is not needed.

**IV. Current Proposal**

This notice proposes to revoke the following tolerances established under sections 408 and 409 of FFDCA (as a matter of law, these tolerances are now all considered to be under section 408) for residues of the pesticide propargite (2-(*p*-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite) in or on the following commodities listed under 40 CFR 180.259, 185.5000, and 186.5000:

Under § 180.259: apples, 3 parts per million (ppm); apricots, 7 ppm; beans, succulent, 20 ppm; cranberries, 10 ppm; figs, 3 ppm; peaches, 7 ppm; pears, 3 ppm; plums (fresh prunes), 7 ppm; strawberries, 7 ppm.

Under § 185.5000: figs, dried, 9 ppm.

Under § 186.5000: apple pomace, dried, 80 ppm.

EPA is proposing these revocations because the registrant requested that the uses associated with the above tolerances be formally deleted from all of its propargite registrations, and those uses have been deleted. End-use propargite labels no longer list as registered uses the commodities associated with these tolerances. It is EPA's general practice to revoke tolerances where the associated pesticide use has been deleted from all FIFRA labels. See 40 CFR 180.32(b).

An additional ground for revoking the dried apple pomace tolerance is that dried apple pomace is no longer listed on Table 1 of Series 860--Residue Chemistry Test Guidelines, because it is no longer considered to be a significant livestock feed item and therefore does not require a feed additive regulation. Documentation explaining EPA's conclusions on what animal feeds are significant has been included in the public record.

Propargite degrades in soil with a half-life of less than 60 days. Based on this lack of persistence, there is no expectation of unavoidable residues.

Codex maximum residue limits exist for propargite. Propargite is a candidate for Codex re-evaluation, but review has not yet been scheduled. EPA requests comments on whether residues are present in or on imported commodities.

**V. Effective Dates of Proposed Tolerance Revocations**

Prior to the amendment of the FFDCA, it was generally the practice of

EPA in similar instances to establish an effective date for each tolerance revocation that takes into consideration the time needed for legally treated food to pass entirely through the channels of trade. That is no longer necessary because under section 408(l)(5), food lawfully treated will not be rendered adulterated despite the lack of a tolerance so long as the residue on the food complies with the tolerance in place at the time of treatment.

At this time, EPA estimates that legally treated commodities should clear the channels of trade within 3 years of issuance of a final order revoking these tolerances. This is based on a preliminary EPA estimate that food processors attempt to deliver their products to grocery stores within 2 years of production, and that the products in general remain on store shelves for less than 1 year. EPA also estimates that no fresh market commodities are expected to be in the channels of trade 3 years after treatment with propargite. However, because it is important to FDA as the agency that monitors residues in food to have accurate information regarding the length of time required for each affected commodity to move through commerce, EPA specifically requests comment from growers, processors, and other interested parties on this matter. The procedure for filing comments is described below in unit VI of this preamble.

#### VI. Public Comment Procedures

EPA invites interested persons to submit written comments, information, or data in response to this proposed rule. After consideration of comments, EPA will issue a final rule. Such rule will be subject to objections. Failure to file an objection within the appointed period will constitute waiver of the right to raise in future proceedings issues resolved in the final rule.

Comments must be submitted by April 14, 1997, and must bear a notation indicating the docket number [OPP-300432]. Three copies of the comments should be submitted to either location listed under **ADDRESSES** at the beginning of this notice.

Information submitted as a comment concerning this notice may be claimed confidential by marking any or all of that information as CBI. EPA will not disclose information so marked, except in accordance with procedures set forth in 40 CFR part 2. A second copy of such comments, with the CBI deleted, also must be submitted for inclusion in the public record. EPA may publicly disclose without prior notice information not marked confidential.

#### VII. Public Record

A record has been established for this notice under docket number [OPP-300432] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, that 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 Rm. 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 can 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 notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments 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 rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this notice.

#### VIII. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, since this action does not impose any information collection requirements subject to approval under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, or contain any "unfunded mandates" as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Administrator has determined that there will be no economic impacts from revocation of

the tolerances in this notice, because the registrant has cancelled the uses. Despite the revocation, commodities legally treated under FIFRA and consistent with the tolerance in place at time of treatment are allowed by the statute to clear the channels of trade. Therefore, EPA certifies that this action will not have a significant impact on a substantial number of small entities.

#### 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

Food additives, Pesticide and pest.

##### 40 CFR Part 186

Animal feeds, Pesticide and pest.

Dated: January 31, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR parts 180, 185, and 186 be amended to read 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.

#### **§ 180.259 [Amended]**

b. In § 180.259, the table in paragraph (a) is amended by removing the entries for apples; apricots; beans, succulent; cranberries; figs; peaches; pears; plums (fresh prunes); and strawberries.

#### **PART 185—[AMENDED]**

##### 2. In part 185:

a. The authority citation for part 185 continues to read as follows:  
Authority: 21 U.S.C. 348.

#### **§ 185.5000 [Amended]**

b. Section 185.5000 is amended by removing the entry for "Figs, dried."

#### **PART 186—[AMENDED]**

##### 3. In part 186:

a. The authority citation for part 186 continues to read as follows:  
Authority: 21 U.S.C. 348.

**§ 186.5000 [Amended]**

b. Section 186.5000 is amended by removing the entry for "Apple pomace, dried."

[FR Doc. 97-3518 Filed 2-12-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****49 CFR Parts 383 and 391**

[FHWA Docket No. MC-93-23]

RIN 2125-AD20

**Commercial Driver Physical Qualifications as Part of the Commercial Driver's License Process**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of meeting of negotiated rulemaking advisory committee.

**SUMMARY:** The FHWA announces the meeting date of an advisory committee (the Committee) established under the Federal Advisory Committee Act and

the Negotiated Rulemaking Act to consider the relevant issues and attempt to reach a consensus in developing regulations governing the proposed merger of the State-administered commercial driver's license (CDL) procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391. The Committee is composed of persons who represent the interests that would be substantially affected by the rule.

The FHWA believes that public participation is critical to the success of this proceeding. Participation at meetings is not limited to Committee members. Negotiation sessions are open to the public, so interested parties may observe the negotiations and communicate their views in the appropriate time and manner to Committee members.

For a listing of Committee members, see the notice published on July 23, 1996, 61 FR 38133. Please note that the United Motorcoach Association and the American Bus Association will serve as full members of the Committee. For additional background information on this negotiated rulemaking, see the

notice published on April 29, 1996, at 61 FR 18713.

**DATES:** The sixth meeting of the advisory committee will begin at 9:30 a.m. on March 24-25, 1997.

**ADDRESSES:** The sixth meeting of the advisory committee will be held at the Department of Transportation, Nassif Building, Room 3200, 400 7th Street, SW, Washington, D.C. Subsequent meetings will be held at locations to be announced.

**FOR FURTHER INFORMATION CONTACT:** Ms. Teresa Doggett, Office of Motor Carrier Research and Standards, (202) 366-4001, or the Office of Chief Counsel, (202) 366-0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

Authority: [5 U.S.C. 561-570; 5 U.S.C. App. 2 sections 1-15]

Issued on: February 7, 1997.

George L. Reagle,  
*Associate Administrator for Motor Carriers.*  
[FR Doc. 97-3665 Filed 2-12-97; 8:45 am]

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