Under 5 U.S.C. 801(a)(1)(A) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 180, 185, and 186

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

Dated: April 16, 1997.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.472 is revised to read as follows:

§ 180.472 Imidacloprid; tolerances for residues.

(a) *General.* Tolerances are established permitting the combined residues of the insecticide imidacloprid (1-[6-chloro-3-pyridinyl) methyl]-*N*-nitro-2-imidazolidinimine) and its metabolites containing the 6-chloropyridinyl moiety, all expressed as 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine, in or on the following food commodities:

Commodities	Parts per million	Expiration/ Revocation date
Apples	0.5	None
Apples, pomace (wet)	3.0	None
Barley, forage	1.5	November 28, 1998
Barley, grain	0.05	November 28, 1998
Barley, straw	0.2	November 28, 1998
Beet roots	0.3	November 29, 1997
Beet tops	3.5	November 29, 1997
Beets, sugar (roots)	0.05	August 24, 1998
Beets, sugar (tops)	0.1	August 24, 1998
Beets, sugar, molasses	0.3	August 24, 1998
Brassica vegetables crop group	3.5	None
Canola	0.05	None
Cattle, fat	0.3	None
Cattle, mbyp	0.3	None
Cattle, meat	0.3	None
Cotton, gin by-products	4.0	None
Cottonseed	6.0	None
Cottonseed meal	8.0	None
Eggs	0.02	None
Fruiting vegetables crop group	1.0	None
Goats, fat	0.3	None
Goats, mbyp	0.3	None
Goats, meat	0.3	None
Grape, juice	1.5	None
Grape, pomace (wet or dried)	5.0	None
Grape, raisin	1.5	None
Grape, raisin waste	15.0	None
Grapes	1.0	None
Hogs, fat	0.3	None
Hogs, mbyp	0.3	None
Hogs, meat	0.3	None
Hops, dried	6.0	None
Horses, fat	0.3	None
Horses, mbyp	0.3	None
Horses, meat	0.3	None
Leafy greens subgroup	3.5	None
Lettuce, head and leaf	3.5	None
Mango	0.2	None
Milk	0.1	None
Pome fruits crop group	0.6	None
Potato, chip	0.4	None
Potato, waste	0.9	None
Potatoes	0.3	None
Poultry, fat	0.05	None
Poultry, mbyp	0.05	None
Poultry, meat	0.05	None
Sheep, fat	0.3	None
Sheep, mbyp	0.3	None
Sheep, meat	0.3	None
Sorghum, forage	0.1	November 17, 1997
Sorghum, straw	0.1	November 17, 1997
Sorghum, grain	0.05	November 17, 1997
Tomato, paste	6.0	None
Tomato, pomace (wet or dried)	4.0	None
Tomato, puree	3.0	None
Turnip roots	0.3	November 29, 1997
Turnip tops	3.5	November 29, 1997
Wheat, forage	7.0	August 24, 1998
Wheat, grain	0.05	August 24, 1998
Wheat, straw	0.3	August 24, 1998

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

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

(d) *Indirect or inadvertent residues.* Tolerances are established for indirect or inadvertent combined residues of the insecticide imidacloprid (1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine) and its metabolites containing the 6-chloropyridinyl moiety, all expressed as 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine, when present therein as a result of the application of the pesticide to growing crops listed in this section and other non-food crops as follows:

Commodities	Parts per million	Expiration/ Revocation date
Vegetables, cucurbit	0.2	December 31, 1997

PART 185—[AMENDED]

1. The authority citation for part 185 continues to read as follows:

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

§ 185.900 [Removed]

2. Section 185.900 is removed.

PART 186—[AMENDED]

1. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

§ 186.900 [Removed]

2. Section 186.900 is removed.

[FR Doc. 97–10725 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5814–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Conklin Dumps site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Conklin Dumps site from the National Priorities List (NPL). The NPL is codified as Appendix B of 40 CFR Part 300. It is part of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund (Fund)-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: May 2, 1997.

ADDRESSES: Arnold R. Bernas, P.E., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007–1866.

FOR FURTHER INFORMATION CONTACT: Arnold R. Bernas at (212) 637–3964.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Conklin Dumps site, Town of Conklin, New York. The closing date for comments on the Notice of Intent to Delete the site from the NPL was March 12, 1997. EPA did not receive any comments during the comment period; therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 7, 1997.

Jeanne Fox,

Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.: p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.: p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing ''Conklin Dumps'', the site for Conklin, New York.

[FR Doc. 97–10512 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket No. 93–240; FCC 97–80]

Accounting for Judgments and Other Costs Associated With Litigation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On March 13, 1997, the Commission adopted a Report and Order (''Order'') (FCC 97–80, CCB released March 13, 1997) establishing what accounting rules and ratemaking policies should apply to litigation costs incurred by carriers subject to the Commission's rules.

A fundamental requirement of Title II of the Communications Act of 1934, as amended, is that ''all charges * * * for and in connection with [interstate] communication service, shall be just and reasonable.'' This provision safeguards consumers against rates that are unreasonably high and guarantees carriers that they will not be required to charge rates that are so low as to be confiscatory. Carriers under the Commission's jurisdiction must be allowed to recover the reasonable costs of providing service to ratepayers, including reasonable and prudent expenses and a fair return on investment. This fundamental requirement is unchanged by the Telecommunications Act of 1996.

The Commission has proposed and adopted accounting rules that would: Require carriers to account for adverse antitrust judgments and post-judgment antitrust settlements below the line in Account 7370, a nonoperating account for special charges; defer other antitrust litigation expenses during the pendency of antitrust litigation; and account for the expenses below the line in the event of an adverse judgment of a post-judgment settlement.

EFFECTIVE DATE: May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas David, Attorney/Advisor, Accounting and Audits Division, Common Carrier Bureau, (202) 418–7116.

SUPPLEMENTARY INFORMATION: We conclude that rules are still needed for federal antitrust judgments and settlements that exceed the avoided costs of litigation of the case, but not for litigation expenses. We further conclude that extension of the rules to litigation unrelated to federal antitrust litigation is not warranted at this time.

Regulatory Flexibility Analysis

In the *NPRM* (50 FR 19421, May 8, 1985) Amendment of the Uniform System of Accounts for Class A and Class B Telephone Carriers to Account for Judgments and Other Costs Associated with Antitrust Lawsuits, and Conforming Amendments to the Annual Report Form M, CC Docket No. 85–64, *Notice of Proposed Rulemaking,* 2 FCC Rcd 3241 (1985), the Commission certified that the Regulatory Flexibility Act (RFA) of 1980 did not apply to this rulemaking because the rules it proposed to adopt in this proceeding would not have a significant impact on a substantial number of small businesses. The Commission's RFA in this Report and Order (Accounting for Judgments and Other Costs Associated with Litigation, *Report and Order,* CC Docket No. 93–240, FCC 97–80 (1997)) conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996). No comments were received specifically concerning the proposed certification. However, some comments were received generally concerning the impact of the proposed rules on small entities. For the reasons stated below, we certify that the rules adopted herein will not have a significant economic impact on a substantial number of small entities. This certification conforms to the Regulatory Flexibility Act (''RFA''), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA'').

The *NPRM* certified that no regulatory flexibility analysis was required because