

with oxytetracycline in a common liquid feed supplement. Melengestrol acetate as provided by 000009, oxytetracycline by 000069, in § 510.600(c) of this chapter.

3. Section 558.450 is amended by adding paragraph (d)(3)(iii) to read as follows:

**§ 558.450 Oxytetracycline.**

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(iii) Melengestrol acetate as in

§ 558.342.

Dated: June 30, 1998.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 98-20535 Filed 7-31-98; 8:45 am]

BILLING CODE 4160-01-F

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 159**

[OPP-60010K; FRL-6016-2]

RIN 2070-AB50

**Pesticide Reporting Requirements for Risk/Benefit Information**

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

**ACTION:** Deferral of compliance date; amendment to final rule.

**SUMMARY:** EPA is amending its recent reporting requirements for risk/benefit information for pesticides to defer the compliance date. EPA is taking this action because it recently published technical corrections to the final rule as well as detailed guidance on reporting procedures. EPA believes that registrants who are required to comply with the rule should have time to adjust their procedures and train personnel to comply with the rule, the corrections, and new guidance in their entirety. Registrants who wish to comply with the final rule immediately may do so after notifying the Agency.

**DATES:** Effective August 3, 1998. The compliance date for the final rule amending 40 CFR part 159, issued on September 19, 1997 at 62 FR 49388 is deferred from June 16, 1998 until August 17, 1998.

**FOR FURTHER INFORMATION CONTACT:** By mail: Kathryn Bouve, Office of Pesticide Programs (7502C), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, Room 224, 1921 Jefferson Davis Highway, Arlington, VA

22202; (703) 305-5032; Bouve.Kate@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Does This Document Apply to You?**

You are affected by this action if you are a pesticide producer who is now or ever has been the registrant of a pesticide product. Regulated categories and entities may include, but is not limited to:

Category	Examples of regulated entities
Industry .....	Pesticide producers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether you or your business is regulated by this action, you should carefully examine the applicability provisions in the rule at 40 CFR 159.152.

**II. Background**

On September 19, 1997, EPA published in the **Federal Register** (62 FR 9388 *et seq.*) (FRL-5739-1) new regulations governing the reporting by pesticide registrants of information under section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). That section requires registrants to report to EPA additional factual information in their possession related to whether a pesticide causes unreasonable adverse effects in the environment. Among other things, the new regulations provided registrants with detailed instructions on whether, when, and how to report information in the possession of the registrant or its agents. Until the new rule is effective, registrants are required to comply with Agency guidance issued in 1979 (44 FR 40716, July 12, 1979).

At the time the regulations were promulgated, the Agency was sensitive to the significant need for training and other implementation issues raised by the regulations. The Agency therefore established an effective date for the regulations of June 16, 1998. At the time the regulations were published, the Agency also announced its intention to provide assistance to registrants in implementing the regulations. In addition to providing speakers at seminars and conferences, the Agency commenced preparation of guidance documents to help explain to registrants their responsibilities under the new regulations.

On April 3, 1998, the Agency issued Pesticide Registration (PR) Notice 98-3 which provided guidance to registrants

on a broad range of issues. In addition, the Agency promulgated a direct final rule and technical corrections to the regulations, which were published on June 19, 1998 in the **Federal Register** (63 FR 33580) (FRL-5792-2). The June 1998 document corrects the definition of registrants which identifies the parties subject to the regulations, specifies time frames for reporting certain types of adverse effects information, and specifies information to be submitted to the Agency about reportable detections of pesticides in food, feed, and water.

On June 10, 1998, seven pesticide trade associations requested that the effective date of the regulation be deferred for 120 days after issuance of the technical corrections and other guidance. The seven trade associations observed that the new regulations impose extensive new reporting obligations on pesticide registrants which must train numerous individuals to implement their compliance programs. Because of Agency delays in issuing all needed technical corrections and guidance, the trade associations believed that registrants did not have sufficient time to address all requirements before the effective date of the regulations.

The Agency has considered the issues raised by the trade associations and has determined that, given the timing of the issuance of the guidance documents and the technical corrections, it would be appropriate to defer the compliance date of the regulations for an additional 60 days in order to allow registrants the opportunity to incorporate the material included in the guidance documents into their training and implementation programs in an orderly fashion. Accordingly, the Agency is hereby extending the adjustment period and changing the compliance date of the final rule published at 62 FR 49388, September 19, 1997 from June 16, 1998, to August 17, 1998. EPA is also modifying § 159.159 to reflect this new date.

While EPA is deferring the compliance date for the new regulations for a brief period, EPA is also aware that some registrants may wish to comply with the new regulations immediately rather than continue to comply with the pre-existing requirements for another 2 months. Any registrant that wishes to comply with the new regulations immediately may do so provided that the registrant first informs the Agency in writing of its desire to be bound by the new regulations effective June 16, 1998. Such notice should be submitted to Kathryn Bouve, the Agency contact person, at the address given above

under FOR FURTHER INFORMATION CONTACT.

### III. Regulatory Assessment Requirements

This action does not impose any new requirements. It only defers the effective date of a previously issued final rule. Any assessments necessary for the final rule are discussed in that final rule and are not affected by today's action. In fact, this action does not require review by the Office of Management and Budget under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the *Unfunded Mandates Reform Act of 1995* (Pub. L. 104-4), Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### IV. 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 the Comptroller General of the United States. EPA will submit a report containing this action 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 action in the **Federal Register**. This is a deferral of the compliance date of a rule, and is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 159

Environmental protection, Pesticides and pests, Policy statements, Reporting and recordkeeping requirements.

Dated: July 16, 1998.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

Therefore, 40 CFR part 159 is amended as follows:

#### PART 159—[AMENDED]

1. The authority citation for part 159 continues to read as follows:

**Authority:** 7 U.S.C. 136–136y.

2. Section 159.159 is amended by revising the introductory text of paragraph (a) to read as follows:

#### § 159.159 Information obtained before promulgation of the rule.

(a) Notwithstanding any other provision of this part, information held by registrants on August 17, 1998 which has not been previously submitted to the Agency, but which is reportable under the terms of this part, must be submitted to the Agency if it meets any of the following criteria:

\* \* \* \* \*

[FR Doc. 98-20615 Filed 7-31-98; 8:45 am]

BILLING CODE 6560-50-F

### LEGAL SERVICES CORPORATION

#### 45 CFR Part 1602

#### Procedures for Disclosure of Information Under the Freedom of Information Act

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule substantially revises the Legal Services Corporation's (LSC or Corporation) regulation on the disclosure of information under the Freedom of Information Act. This revised rule implements the 1996 amendments to the FOIA regarding electronic records, time limits, and standards for processing requests for records. In addition, the rule is restructured for clarity, titles are revised to better identify the purpose of the sections, and revisions are made to incorporate procedures for Office of Inspector General records.

**DATES:** This final rule is effective September 2, 1998.

**FOR FURTHER INFORMATION CONTACT:** Suzanne B. Glasow, 202-336-8817.

**SUPPLEMENTARY INFORMATION:** The Legal Services Corporation revised and published its Freedom of Information Act (FOIA) rule as final in 1993, principally to include the Office of Inspector General (OIG) in the FOIA process. However, the rule was

withdrawn before it became effective. In 1996, Congress amended the FOIA. See "Electronic Freedom of Information Act Amendments of 1996." Pub. L. 104-231. The Office of Information and Privacy of the Department of Justice has issued a final rule and guidances on the 1996 amendments, which LSC has relied on for many of this rule's revisions. See 63 FR 29591 (June 1, 1998). Generally, the 1996 amendments deal with electronic records, but changes were also made to time limits and to procedures and standards for processing requests. On February 6, 1998, the Corporation's Operations and Regulations Committee (Committee) of the Corporation's Board of Directors (Board) met to consider a draft proposed rule to revise 45 CFR Part 1602, which sets out the Corporation's procedures for the disclosure of information under the FOIA. After making changes to the draft rule, the Committee adopted a proposed rule that was published in the **Federal Register** on March 9, 1998. See 63 FR 11303 (March 9, 1998).

The Corporation received only one comment on the proposed rule from the Public Citizen Litigation Group (Public Citizen), a nonprofit consumer advocacy organization. Public Citizen disagreed with the rule's interpretation of a provision in Sec. 552(a)(2) of FOIA which requires agencies to make their public reading room records created after November 1, 1996, available electronically. Section 1602.5 of the proposed rule applied this requirement only to records "created" by the Corporation. Public Citizen argued that the requirement should also apply to records obtained by the Corporation from outside sources, such as recipient reports and grant applications. Public Citizen was specifically concerned about the new category of reading room records included in the 1996 FOIA amendments, that is, records released pursuant to a request for records that the Corporation determines are likely to become the subject of subsequent requests (subsequent request records). See § 1602.8.

The Board did not agree and the final rule continues to apply the electronic record requirement only to records "created by the Corporation" after November 1, 1996. This is consistent with the interpretation of the Office of Information and Privacy of the Department of Justice (DOJ) and applicable case law. The Office of Information and Privacy, which specializes in FOIA and the Privacy Act, advised Federal agencies in 1997 that records generated from outside the agency "are not created by the agency and should not be regarded as subject to