

Commodity	Parts per million	Expiration/Revocation date
Potatoes	0.1	12/31/00
Sugarcane	0.1	12/31/00
Tomato	0.5	12/31/00
Tomato, concentrated products	2.0	12/31/00

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

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

(d) *Indirect or inadvertent residues.*
[Reserved]

2. In part 185:

PART 185— [AMENDED]

a. The authority citation for part 185 is revised to read as follows:

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

§ 185.2250 [Removed]

b. By removing § 185.2250 *Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide; tolerance for residues.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 186

[OPP-300719A; FRL-6075-7]

RIN 2070-AB78

Mepiquat Chloride; Pesticide Tolerances for Emergency Exemptions, Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule, correction.

SUMMARY: This document corrects a tolerance regulation which established time-limited tolerances for residues of mepiquat chloride, (*N,N*-dimethylpiperidinium chloride) in or on grapes and raisins.

DATES: This correction is effective September 29, 1998.

FOR FURTHER INFORMATION CONTACT: By mail: Andrew Ertman, 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: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9367, e-mail: ertman.andrew@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. What Action is EPA Taking?

EPA is making a minor correction to a tolerance regulation that it issued in the **Federal Register** on September 29, 1998 (63 FR 51841; FRL-6032-6). The tolerance regulation established time-limited tolerances for residues of mepiquat chloride (*N,N*-dimethylpiperidinium chloride) in or on grapes at 1.0 part per million (ppm) and raisins at 6.0 ppm. The regulation amended 40 CFR 180.384 and 186.2275. EPA established this time-limited tolerance on its own initiative pursuant to sections 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6).

This document corrects the amendatory instructions that were provided for § 186.2275 in the September 29, 1998 **Federal Register** document. Specifically, on page 51848, in the first column, under part 186, the amendatory instruction "b" is corrected to read as follows:

"b. In § 186.2275, by transferring the entry for 'cottonseed meal' from the table and adding it alphabetically to the table in newly designated paragraph (a) of § 180.384, and by removing the remainder of § 186.2275."

II. Why Is this Technical Correction Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, the corrections contained in this action will simply correct the erroneous instructions for amending § 186.2275 contained in the September 29, 1998 **Federal Register** document. These instructions do not in any way impact the action presented in the September 29, 1998 **Federal Register** document. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to make this amendment without prior notice and comment.

III. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This final rule does not impose any new requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 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). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

EPA's compliance with these statutes and Executive Orders for the issuance of the underlying rule is discussed in the preamble for that rule (63 FR 51841, September 29, 1998).

IV. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. 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 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). EPA has made such a good cause finding for this final rule, and established an effective date of September 29, 1998. Pursuant to 5 U.S.C. 808(2), this determination is

supported by the brief statement in Unit II. of this preamble. 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 is not a "major rule" as defined by 5 U.S.C. 804(2).

V. Correction

In FR Doc. 98-25984, in the September 29, 1998 issue of the **Federal Register**, on page 51848, in the first column, under part 186, correct amendatory instruction "b." to read as follows:

"b. In § 186.2275 by transferring the entry for 'cottonseed meal' from the table and adding it alphabetically to the table in newly designated paragraph (a) of § 180.384, and by removing the remainder of § 186.2275."

List of Subjects 40 CFR Parts 180 and 186

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

Dated: April 2, 1999.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[SW-FRL-6319-5]

Texas; Final Full Program Adequacy Determination of State Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination of full program adequacy for the State of Texas.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive household hazardous waste or conditionally exempt small quantity generator waste, comply with the revised Federal MSWLF Criteria (40

CFR part 258). Section 4005(c)(1)(C) of RCRA requires the EPA to determine whether States have "adequate" permit programs for MSWLFs, but does not mandate issuance of a rule for such determinations.

Texas applied for a determination of adequacy under section 4005 of RCRA. The EPA reviewed Texas' application and made a tentative determination that Texas' MSWLF permit program is adequate to ensure compliance with the revised MSWLF criteria. After allowing for public comment, EPA today is granting final approval to Texas' full solid waste program.

EFFECTIVE DATE: The determination of the adequacy of the Texas program shall be effective on April 21, 1999.

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, UST/Solid Waste Section (6PD-U), EPA Region 6, 1445 Ross Ave, Dallas, Texas 75202-2733, phone 214/665-6454.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the HSWA of 1984, requires States to develop permitting programs to ensure that facilities comply with the Federal criteria in 40 CFR part 258. Subtitle D also requires, in section 4005, that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal criteria at 40 CFR part 258. As the first step to fulfill this requirement, the Agency drafted a State/Tribal Implementation Rule (STIR), in 1991, and published in 1996 (61 FR 2584, Jan. 26, 1996), which States used to apply for a determination of program adequacy and which EPA would use to approve, partially approve, or disapprove State landfill permit programs. Since 1992, the Agency has approved adequate State MSWLF permit programs as applications are submitted. Approved State permit programs provide interaction between the State and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State permit program allows such flexibility. The EPA notes that regardless of the approval status of a State and the permit status of any facility, the Federal criteria will apply to all permitted and unpermitted MSWLFs. Due to a recent decision by the U.S. Court of Appeals for the District of Columbia Circuit

(*Backcountry Against Dumps* versus EPA, 100 F.3d 147 (DC Cir. 1996)), tribes are viewed as municipalities rather than as states under RCRA and therefore, the Agency cannot approve tribal landfill permitting programs. To reflect the court decision, references to tribes have been deleted from the final rule. Thus, although the proposed rule was titled STIR we refer to the final rule as the State Implementation Rule (SIR). On October 23, 1998, EPA published SIR (63 FR 57025) that provides procedures by which EPA will approve, partially approve, or disapprove State landfill permit programs.

Part 40 CFR 239 (63 FR 57040) outlines several minimum requirements for "adequate" permit programs. These requirements include that states must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Additionally, the State must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, the State must show it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

The EPA Regions will determine whether a State has submitted an "adequate" program based on the interpretation outlined above. The EPA has provided specific criteria for this evaluation in the SIR. The EPA expects States to meet all of these requirements for all elements of an MSWLF program before it gives full approval to an MSWLF program.

On September 27, 1993, the EPA Administrator signed the final rule extending the effective date of the landfill criteria for certain classifications of landfills (proposed rule 58 FR 40568, July 28, 1993). Thus, for certain small landfills that fit the small landfill exemption as defined in 40 CFR part 258.1(f), the Federal criteria were effective on October 9, 1995, rather than on October 9, 1993. The final rule on the effective date extension was published in the **Federal Register** October 1, 1993 (58 FR 51536).

On August 10, 1995, the EPA published a proposed rule to solicit comments on a two-year delay, until October 9, 1997, of the general compliance date of the MSWLF criteria for qualifying small MSWLFs (60 FR 40799). This allowed EPA time to finalize the proposed alternatives. The final rule granting the delay of the