

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[Docket# MA-068-7203c; FRL-6430-6]

**Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Massachusetts; Plan for Controlling MWC Emissions From Existing MWC Plants****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** On July 14, 1999, EPA published a direct final rule (64 FR 37851) approving, and an accompanying proposed rule (64 FR 37923) proposing to approve, a State Plan submitted by the Commonwealth of Massachusetts on January 11, 1999. This State Plan, which is under sections 129 and 111(d) of the Clean Air Act, proposes provisions that are at least as protective as EPA's Emission Guidelines (EG). The EG are applicable to existing Municipal Waste Combustor (MWC) units with a capacity to combust more than 250 tons/day of municipal solid waste. See 40 CFR part 60, subpart Cb. EPA is withdrawing this direct final rule because adverse comments have been received. EPA will now consider, summarize and respond to any comments received before taking final action on the State Plan.

**DATES:** As of September 1, 1999, EPA withdraws the direct final rulemaking published on July 14, 1999.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA.

**FOR FURTHER INFORMATION CONTACT:** John J. Courcier, (617) 918-1659.

Dated: August 23, 1999.

**John P. DeVillars,**

*Regional Administrator, Region I.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP-300904; FRL-6094-3]

RIN 2070-AB78

**Difenoconazole; Pesticide Tolerances for Emergency Exemptions****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for residues of difenoconazole [(2S,4R)/(2R,4S)/(2R,4R)/(2S,4S)]1-[2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl]-1H-1,2,4-triazole] in or on sweet corn commodities. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on sweet corn seed. This regulation establishes a maximum permissible level for residues of difenoconazole in these food and feed commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire and are revoked on January 31, 2001.

**DATES:** This regulation is effective September 1, 1999. Objections and requests for hearings must be received by EPA on or before November 1, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number [OPP-300904], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300904], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP-300904]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** By mail: Andrea Beard, 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: Rm. 271, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9356, beard.andrea@epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA, on its own initiative, pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing tolerances for residues of the fungicide difenoconazole, in or on sweet corn seed, forage, and stover at 0.1 part per million (ppm). These tolerances will expire and are revoked on January 31, 2001. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

**I. Background and Statutory Findings**

The Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) was signed into law August 3, 1996. FQPA amends both the FFDCA, 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described in this preamble and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL-5572-9).