

occurred in a critical developmental study. On July 31, 1998, EPA requested both NRDC and BASF to comment on whether these developments affected the revised hearing requests. In separate letters dated September 9, 1998, BASF and NRDC took opposite positions on the viability of the hearing requests. NRDC contended that these developments "have virtually no effect on the pending objections and hearing request." BASF argued that the hearing requests were either moot or not justified.

In August 1999, NRDC filed two declarations that NRDC asserted "substantiated the data gaps described in NRDC's submissions." In a letter accompanying these declarations, NRDC stated that the declarations made an evidentiary hearing on its objections unnecessary. Accordingly, by that letter, NRDC withdrew its hearing requests and asked that EPA rule on its objections as submitted.

IV. Order Responding to Objections

The tolerance for vinclozolin on succulent beans to which NRDC filed objections has now expired. NRDC's objections to that tolerance are thus moot and are therefore denied.

The fact that EPA did not substantively respond to NRDC's objections during the existence of the tolerance does not mean that EPA did not consider these objections. To the contrary, NRDC's objections related directly to changes in the way EPA now assesses the risk vinclozolin poses. For example, the centerpiece of NRDC's objections was a challenge to EPA's decision in approving the tolerance that the additional tenfold factor for the protection of infants and children was unnecessary to assure to safety to infants and children. Following NRDC's objections, that decision has been revised on two occasions since the issuance of the succulent bean tolerance. First, as detailed in EPA's July 31, 1998 letter to NRDC, EPA scientists recommended that EPA use the additional tenfold safety factor for the protection of children in conducting its assessment of *in utero* acute risk to

the human fetus. That position remained unsatisfactory to NRDC and its August 1999 declarations, in essence, argued that the tenfold factor should be applied more broadly. After considering the declarations and the attached scientific literature, EPA scientists recommended that due to, among other things, the lack of neurotoxicity data, the additional tenfold factor should be used in all risk assessments for vinclozolin.

V. Regulatory Assessment Requirements

As indicated previously, this action announces the Agency's final decision regarding an objection filed under section 408 of FFDCA. As such, this action is an adjudication and not a rule. The regulatory assessment requirements imposed on rulemakings do not, therefore, apply to this action.

VI. 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, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

List of Subjects in 40 CFR Part 180

Environmental protection.

Dated: May 19, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00-12962 Filed 5-22-00; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 209 and 230

[FRA Docket No. RSSL-98-1, Notice No. 5]

Inspection and Maintenance Standards for Steam Locomotives

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: On November 17, 1999, FRA published the final rule on inspection and maintenance of steam locomotives (65 FR 62828). The Inspection and Maintenance Standards for Steam Locomotives, Title 49, Code of Federal Regulations (CFR), parts 209 and 230, which took effect on January 18, 2000, sets forth new inspection and implementation requirements. FRA is holding a public meeting to explain the implementation schedule and general requirements for inspection and maintenance of steam locomotives under the rule. This meeting will also provide interested parties with the opportunity to discuss the rule and ask questions of the presenters. All parties interested in the new rule on inspection and maintenance of steam locomotives are invited to attend this meeting.

DATES: The meeting will be held on July 27, 2000, at 8 a.m.

ADDRESSES: The meeting will be held on July 27, 2000, in room 570 of the Bishop Henry Whipple Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111-4007.

FOR FURTHER INFORMATION CONTACT:

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Grady C. Cothen,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00-12950 Filed 5-22-00; 8:45 am]

BILLING CODE 4910-06-P