

regulation was not considered a major rule.

#### Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 19, 2000.

**Brent Wahlquist,**

*Regional Director, Western Regional Coordinating Center.*

[FR Doc. 00-24580 Filed 9-22-00; 8:45 am]

BILLING CODE 4310-05-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 152 and 156

[OPP-250129; FRL-6747-1]

RIN 2070-AC46

### Ground Water Pesticide Management Rule; Notification to the Secretary of Agriculture

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

**ACTION:** Notification to the Secretary of Agriculture.

**SUMMARY:** This document notifies the public that the Administrator of EPA has forwarded to the Secretary of Agriculture a draft final rule under section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The draft final rule establishes a program whereby States and Tribes will develop and implement plans to manage the use of pesticides determined to leach to ground water. The rule also identifies four pesticides of concern to be managed under this program initially. The four pesticides can continue to be used if States and Tribes develop plans which will ensure they do not leach to ground water at concentrations that may be harmful to human health and the environment.

The rule designates the four chemicals as Restricted Use pesticides under section 3(d)(1)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The restriction prohibits all outdoor use of the pesticides unless used in accordance with a Pesticide Management Plan (PMP) developed by States and Tribes and approved by EPA. If a State or Tribe fails to submit or obtain approval of its PMP by a date 36

months from the effective date of the Rule, users in that State or Tribal land are prohibited from using the pesticide.

**FOR FURTHER INFORMATION CONTACT:** By mail: Arthur Jean B. Williams, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5239; e-mail address: williams.arty@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are involved in the production, sale, use, or regulation of one or more of the four chemicals or formulations specified in this regulation. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Producers	32532	Pesticide Registrants; Pesticide Formulators
Distributors	444	Farm Supplies Retail, Lawn and Garden Supply Stores, Farm Supplies Wholesale
Regulators	921 92115	State Legislative and Executive Bodies Tribal Governments
Users	111 56171 71391 81411	Crop Production (Growers) Lawn Pesticide Applicators Golf Course Applicators Homeowners

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-250129. The official record consists of the documents specifically referenced in this action, and other information related to this action found in docket numbers OPP-36190 and 36190A, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which

includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

## II. What Action is EPA Taking?

Section 25(a)(2) of FIFRA provides that the Administrator must provide the Secretary of Agriculture with a copy of any regulation at least 30 days before signing it for publication in the **Federal Register**. The draft final rule is not available to the public until after it has been signed by EPA. If the Secretary comments in writing regarding the draft final rule within 15 days after receiving it, the Administrator shall include in the final rule when published in the **Federal Register** the comments of the Secretary and the Administrator's response to those comments. If the Secretary does not comment in writing within 15 days after receiving the draft final rule, the Administrator may sign the final rule for publication in the **Federal Register** anytime after the 15-day period.

## III. Do Any Regulatory Assessment Requirements Apply to this Notification?

No. This document is not a rule, merely a notification of submission to the Secretary of Agriculture. As such, none of the regulatory assessment requirements apply to this document.

## IV. Will EPA Submit this Notification to Congress and the Comptroller General?

No. This action is not a rule for purposes of the Congressional Review Act (CRA), 5 U.S.C. 804(3), and will not be submitted to Congress and the Comptroller General. EPA will submit the final rule to Congress and the Comptroller General as required by the CRA.

## List of Subjects in Parts 152 and 156

Environmental protection, Administrative Practice and Procedure, Environmental Protection Agency, Labeling, Occupational Safety and Health, Pesticides and Pests, Reporting and Recordkeeping Requirements

Dated: September 13, 2000

**Joseph Merenda,**

Acting Director, Office of Pesticide Programs.  
[FR Doc. 00-24209 Filed 9-22-00; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 20

RIN 1018-AH67

#### Migratory Bird Hunting; Temporary Approval of Tin Shot as Nontoxic for Hunting Waterfowl and Coots During the 2000-01 Season

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service or we) proposes to grant temporary approval of tin shot as nontoxic for hunting waterfowl and coots during the 2000-2001 season. Acute toxicity studies reveal no adverse effects over a 30-day period on mallards (*Anas platyrhynchos*) dosed with tin shot. Reproductive/chronic toxicity testing over a 150-day period indicated that tin administered to adult mallards did not adversely affect them or the offspring they produced. Tin shot is produced by the International Tin Research Institute, Ltd. (ITRI) of Uxbridge, Middlesex, England.

**DATES:** Comments on the proposed rule must be received no later than November 24, 2000.

**ADDRESSES:** Comments may be sent to the Chief, Division of Migratory Bird Management (DMBM), U.S. Fish and Wildlife Service, 1849 C Street, NW., ms 634-ARLSQ, Washington, DC 20240. The public may inspect comments during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Jon Andrew, Chief, Division of Migratory Bird Management, (703) 358-1714.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of 1918 (Act) (16 U.S.C. 703-712 and 16 U.S.C. 742a-j) implements migratory bird treaties between the United States and Great Britain for Canada (1916 and 1996 as amended), Mexico (1936 and 1972 as amended), Japan (1972 and 1974 as amended), and Russia (then the Soviet Union, 1978). These treaties protect certain migratory birds from take, except as permitted under the Act. The Act authorizes the Secretary of the Interior to regulate take of migratory birds in the United States. Under this authority, the Fish and Wildlife Service controls the hunting of migratory game birds through regulations in 50 CFR part 20.

The purpose of this proposed rule is to allow the hunting public to use tin shot for hunting migratory birds.

Accordingly, we are proposing to amend 50 CFR 20.21, which describes illegal hunting methods for migratory birds. Paragraph (j) of § 20.21 pertains to prohibited types of shot. We are proposing to amend § 20.21(j) to allow the use of tin shot (99.9 percent tin with <1 percent residual lead) as nontoxic shot for waterfowl and coot hunting for the 2000-01 hunting season only.

Since the mid-1970s, we have sought to identify shot that does not pose a significant toxic hazard to migratory birds or other wildlife. Currently, only steel, bismuth-tin, tungsten-iron, and tungsten-polymer shot are approved as nontoxic. On September 5, 2000 (65 FR 53936) we published a final rule that grants permanent approval to tungsten-matrix shot. We previously granted temporary approval for tin shot during the 1999-2000 hunting season (August 19, 1999; 64 FR 45400). Compliance with the use of nontoxic shot has increased over the last few years (Anderson *et al.* 2000). We believe that compliance will continue to increase with the approval and availability of other nontoxic shot types.

ITRI's candidate shot is made from commercially pure tin; no alloying or other alterations are intentionally made to the chemical composition of the shot. This shot material has a density of approximately 7.29 g/cm<sup>3</sup>, and is 99.9 percent tin, with a low level of iron pickup due to the steel production equipment. The tin shot application from ITRI contains a description of the shot, a toxicological report (Thomas 1997), results of a 30-day toxicity study (Wildlife International, Ltd. 1998), and results of a 150-day reproductive/chronic toxicity study (Gallagher *et al.* 2000). The toxicological report incorporates known toxicity information (a synopsis of acute and chronic toxicity data for mammals and birds, potential for environmental concern, and toxicity to aquatic and terrestrial invertebrates, amphibians and reptiles) and information on environmental fate and transport (shot alteration, environmental half-life, and environmental concentration). On August 19, 1999 (64 FR 45400) we published a detailed literature review on toxicity, environmental fate, and known effect of tin on birds, as well as results from ITRI's 30-day toxicity testing of tin shot.

ITRI's chronic toxicity/reproductive study revealed no adverse effects when mallards were dosed with eight No. 4 size tin shot and monitored over a 150-day period (Gallagher *et al.* 2000). At initiation of the test (day 0), and on days 31, 60, and 90, 21 male and 22 female adult mallards were orally dosed with eight No. 4 tin shot. On the same days,