

Regulations is amended as set forth below:

## PART 920—MARYLAND

1. The authority citation for part 920 continues to read as follows:

Original amendment submission date	Date of final publication	Citation/description
*	*	*
May 7, 2001 .....	October 5, 2001 .....	Section 15–204 (4)(5) of the Annotated Code of the Public General Laws of Maryland, Environment.

3. § 920.16 is amended by removing and reserving paragraph (l).

[FR Doc. 01–25006 Filed 10–4–01; 8:45 am]

BILLING CODE 4310–05–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA–4139a; FRL–7061–2]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO<sub>x</sub> RACT Determinations for Five Individual Sources Located in the Pittsburgh–Beaver Valley Area; Withdrawal of Direct Final Rule; Republication**

**Editorial Note:** On Thursday, September 27, 2001, this rule document FR Doc. 01–23630 appeared at 66 FR 49292–49293. Due to numerous errors it is being reprinted in its entirety.

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

**ACTION:** Withdrawal of Direct final rule.

**SUMMARY:** Due to receipt of a letter of adverse comment, EPA is withdrawing the direct final rule to approve revisions which establish reasonably available control technology (RACT) requirements for five major sources of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) located in the Pittsburgh–Beaver Valley ozone nonattainment area. In the direct final rule published on August 21, 2001 (66 FR 43779), EPA stated that if it received adverse comment by September 20, 2001, the rule would be withdrawn and not take effect. EPA subsequently received adverse comments from the Citizens for Pennsylvania's Future (PennFuture). EPA will address the comments received in a subsequent final action based upon the proposed action also published on August 21, 2001 (66 FR 43822). EPA will not institute a second comment period on this action.

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 920.15 is amended in the table by adding a new entry in chronological order by “Date of Final Publication” to read as follows:

## § 920.15 Approval of Maryland regulatory program amendments.

\* \* \* \* \*

**DATES:** The Direct final rule is withdrawn as of September 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford at (215) 814–2108.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: September 14, 2001.

**James W. Newson,**  
*Acting Regional Administrator, Region III.*

Accordingly, the addition of § 52.2020(c)(173) is withdrawn as of September 27, 2001.

[FR Doc. 01–23630 Filed 9–26–01; 8:45 am]  
BILLING CODE 6560–50–M

**Editorial Note:** On Thursday, September 27, 2001, this rule document FR Doc 01–23630 appeared at 66 FR 49292–49293. Due to numerous errors it is being reprinted in its entirety.

[FR Doc. R1–23630 Filed 10–5–01; 8:45 am]

BILLING CODE 1505–01–D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP–300985A; FRL–6795–8]

RIN 2070–AB78

**Fenthion, Methidathion, Naled, Phorate, and Profenofos; Tolerance Revocations**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule revokes specific tolerances listed in the regulatory text for 67 meat, milk, poultry, and egg (MMPE) tolerances for residues of the organophosphate pesticides fenthion, methidathion, naled, phorate, and profenofos. EPA determined that there are no reasonable

expectations of finite residues in or on meat, milk, poultry, or eggs for the aforementioned organophosphate pesticides and therefore, these tolerances are not necessary. EPA announced on August 2, 1999, that those tolerances were reassessed under the Federal Food, Drug, and Cosmetic Act (FFDCA). The regulatory actions in this document are part of the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the tolerance reassessment requirements of the FFDCA. By law, EPA is required to reassess 66% of the tolerances in existence on August 2, 1996, by August 2002, or about 6,400 tolerances. Since those 67 tolerances were previously reassessed, those reassessments were counted at that time. Consequently, no reassessments are counted here toward the August 2002 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

**DATES:** This regulation is effective January 3, 2002. Objections and requests for hearings, identified by docket control number OPP–300985A, must be received by EPA on or before December 4, 2001.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit IV. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300985A in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8037; and e-mail address: nevola.joseph@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. General Information****A. Does this Action Apply to Me?**

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311  32532	Crop production Animal production Food manufacturing Pesticide manufacturing

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/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_180/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_180/Title_40/40cfr180_00.html), a beta site currently under development.

2. **In person.** The Agency has established an official record for this action under docket control number OPP-300985A. The official record consists of the documents specifically referenced in this action, and other information related to this action, 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. Background****A. What Action is the Agency Taking?**

In this final rule, EPA is revoking the FFDCA tolerances for residues of the organophosphate pesticides fenthion, methidathion, naled, phorate, and profenofos in or on 67 specific meat, milk, poultry, and egg (MMPE) commodities.

EPA is revoking these 67 tolerances because they are not necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but imported into the United States. Based on feeding studies submitted since the time that the tolerances were originally established, the Agency had concluded that there is no reasonable expectation of finite residues in or on meat, milk, poultry, and egg commodities associated with those tolerances for fenthion, methidathion, naled, phorate, and profenofos. These feeding studies used exaggerated amounts of the compound (10x the dietary burden) and did not show measurable residues of the pesticides tested. Because there is no reasonable expectation of finite residues, these 67 tolerances are not required under the FFDCA and can be revoked. The Agency originally made the determination that there is no reasonable expectation of finite residues of fenthion, methidathion, naled, phorate, or profenofos for the 67 commodities listed below on July 11, 1999. EPA published a notice in the **Federal Register** on August 2, 1999 (64 FR 41933) (FRL-6097-3) that these 67 tolerances were considered as reassessed and have already been counted toward meeting the tolerance reassessment requirements listed in FFDCA section 408(q).

EPA is not issuing today a final rule to revoke those tolerances for which EPA received comments stating a need for the tolerance to be retained.

Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed above if: (1) Prior to EPA's issuance of a section 408(f) order requesting additional data or issuance of a section 408(d) or (e) order revoking the tolerances on other grounds, commenters retract the comment identifying a need for the tolerance to be retained, (2) EPA independently verifies that the tolerance is no longer needed, or (3) the tolerance is not supported by data that demonstrate that the tolerance meets the requirements under FQPA.

In the **Federal Register** of March 31, 2000 (65 FR 17236) (FRL-6497-7), EPA issued a proposed rule to revoke the tolerances listed in this final rule. Also, the March 31, 2000 proposal invited public comment. In response to the document published in the **Federal Register** of March 31, 2000, no comments were received by the Agency.

1. **Fenthion.** EPA is revoking the tolerances in 40 CFR 180.214(a) for residues of fenthion and its cholinesterase-inhibiting metabolites in or on poultry, fat; poultry, meat byproducts (mbyp); and poultry, meat. In 40 CFR 180.214(a), EPA is also removing the "(N)" designation from all entries to conform to current Agency administrative practice ("N" designation means negligible residues).

2. **Methidathion.** EPA is revoking the tolerances for residues of methidathion and its metabolites in or on cattle, fat; cattle, mbyp; cattle, meat; goats, fat; goats, mbyp; goats, meat; hogs, fat; hogs, mbyp; hogs, meat; horses, fat; horses, mbyp; horses, meat; poultry, fat; poultry, mbyp; poultry, meat; sheep, fat; sheep, mbyp; sheep, meat; milk; and eggs by removing 40 CFR 180.298(a)(2) in its entirety. In 40 CFR 180.298, EPA is also redesignating paragraph (a)(1) as paragraph (a) and removing the "(N)" designation from all entries in the table under newly designated paragraph (a) to conform to current Agency administrative practice ("N" designation means negligible residues).

3. **Naled.** EPA is revoking the tolerances in 40 CFR 180.215(a)(1) for residues of naled and its conversion product 2,2-dichlorovinyl dimethyl phosphate in or on cattle, fat; cattle, mbyp; cattle, meat; goats, fat; goats, mbyp; goats, meat; hogs, fat; hogs, mbyp; hogs, meat; horses, fat; horses, mbyp; horses, meat; poultry, fat; poultry, mbyp; poultry, meat; sheep, fat; sheep, mbyp; sheep, meat; milk; and eggs.

4. **Phorate.** EPA is revoking the tolerances in 40 CFR 180.206(a) for combined residues of phorate and its cholinesterase-inhibiting metabolites in or on cattle, fat; cattle, mbyp; cattle,

meat; goats, fat; goats, mbyp; goats, meat; hogs, fat; hogs, mbyp; hogs, meat; horses, fat; horses, mbyp; horses, meat; poultry, fat; poultry, mbyp; poultry, meat; sheep, fat; sheep, mbyp; sheep, meat; milk; and eggs.

**5. Profenofos.** Since the proposed rule, § 180.404 was revised and paragraphs (a), (b), (c), and (d) were designated on May 24, 2000 (65 FR 33691) (FRL-6043-1). EPA is revoking the tolerances in 40 CFR 180.404(a) for combined residues of profenofos and its metabolites converted to 4-bromo-2-chlorophenyl in or on poultry, fat; poultry, mbyp; poultry, meat; and eggs.

#### B. What is the Agency's Authority for Taking this Action?

When EPA establishes tolerances for pesticide residues in or on raw agricultural commodities, the Agency gives consideration to possible pesticide residues in meat, milk, poultry, and/or eggs produced by animals that are fed agricultural products (for example, grain or hay) containing pesticide residues (40 CFR 180.6). If there is no reasonable expectation of finite pesticide residues in or on meat, milk, poultry, or eggs, then tolerances do not need to be established for these commodities (40 CFR 180.6(b) and 180.6(c)).

#### C. When Do These Actions Become Effective?

These actions become effective 90 days following publication of this final rule in the **Federal Register**. EPA has delayed the effectiveness of these revocations for 90 days following publication of a final rule to ensure that all affected parties receive notice of EPA's actions. Consequently, the effective date is January 3, 2002. For this particular final rule, the actions will affect uses which have been canceled for more than a year.

#### D. What is the Contribution to Tolerance Reassessment?

By law, EPA is required to reassess 66% or about 6,400 of the tolerances in existence on August 2, 1996, by August 2002. EPA is also required to assess the remaining tolerances by August 2006. As of September 25, 2001, EPA has reassessed over 3,780 tolerances. In this document, EPA is revoking 67 tolerances and/or exemptions; however, since all were previously counted as reassessed, none are counted here toward the August 2002 review deadline of FFDCA section 408(q), as amended by FQPA in 1996.

### III. Are There Any International Trade Issues Raised by this Final Action?

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual Reregistration Eligibility Documents (REDs). EPA has developed guidance concerning submissions for import tolerance support (65 FR 35069, June 1, 2000) (FRL-6559-3). This guidance will be made available to interested persons. Electronic copies are available on the internet at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," then select "Regulations and Proposed Rules" and then look up the entry for this document under **Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

### IV. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

#### A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP-300985A in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before December 4, 2001.

**1. Filing the request.** Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260-4865.

**2. Objection/hearing fee payment.** If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the

waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

**3. Copies for the docket.** In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP-300985A, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

#### B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

#### V. Regulatory Assessment Requirements

This final rule will revoke tolerances established under FFDCA section 408.

The Office of Management and Budget (OMB) has exempted this type of action; i.e., a tolerance revocation for which extraordinary circumstances do not exist, from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). 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), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this rule, I certify that this action will not

have a significant economic impact on a substantial number of small entities. Specifically, as per the 1997 notice, EPA has reviewed its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with canceled pesticides. Furthermore, the Agency knows of no extraordinary circumstances that exist as to the present revocations that would change EPA's previous analysis.

In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the pre-exemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175 requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the

relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### **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, 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. 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects in 40 CFR Part 180**

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

Dated: September 20, 2001.

**James Jones,**

*Acting Director, Office of Pesticide Programs.*

Therefore, 40 CFR part 180 is amended as follows:

#### **PART 180—[AMENDED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

#### **§ 180.206 [Amended]**

2. Section 180.206 is amended by removing from the table in paragraph (a) the entries for cattle, fat; cattle, mbyp; cattle, meat; eggs; goats, fat; goats, mbyp; goats, meat; hogs, fat; hogs, mbyp; hogs, meat; horses, fat; horses, mbyp; horses, meat; milk (negligible residue); poultry, fat; poultry, mbyp; poultry, meat; sheep, fat; sheep, mbyp; and sheep, meat.

#### **§ 180.214 [Amended]**

3. Section 180.214 is amended by removing from the table in paragraph (a), the entries for poultry, fat; poultry, (mbyp); and poultry, meat; and by removing the "(N)" designation from the entry "milk" in the table under paragraph (a).

#### **§ 180.215 [Amended]**

4. Section 180.215 is amended by removing from the table in paragraph (a)(1), the entries for cattle, fat; cattle, mbyp; cattle, meat; eggs; goats, fat; goats, mbyp; goats, meat; hogs, fat; hogs, mbyp; hogs, meat; horses, fat; horses, mbyp; horses, meat; milk; poultry, fat; poultry, mbyp; poultry, meat; sheep, fat; sheep, mbyp; and sheep, meat.

#### **§ 180.298 [Amended]**

5. Section 180.298 is amended by redesignating paragraph (a)(1) as (a), and by removing the "(N)" designation wherever it appears in the "parts per million" column in the table under newly designated paragraph (a) and by removing paragraph (a)(2).

#### **§ 180.404 [Amended]**

6. Section 180.404 is amended by removing the entries for poultry, fat; poultry, mbyp; poultry, meat; and eggs from the table in paragraph (a).

[FR Doc. 01-25020 Filed 10-4-01; 8:45 am]

**BILLING CODE 6560-50-S**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 271**

**[FRL-7074-2]**

#### **Idaho: Final Authorization of State Hazardous Waste Management Program Revision**

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

**ACTION:** Withdrawal of immediate final rule.

**SUMMARY:** We are withdrawing the immediate final rule for Idaho: Final Authorization of State Hazardous Waste Management Program Revision published on August 22, 2001, 66 FR 44071, which approved revisions to Idaho's Hazardous Waste Regulations. We stated in the immediate final rule that if we received comments that oppose this authorization, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received comments that oppose this action. We will address these comments in a subsequent final action based on the proposed rule also published on August 22, 2001, at 66 FR 44107.

**DATES:** As of October 5, 2001, we withdraw the immediate final rule published on August 22, 2001, 66 FR 44071.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hunt, (206) 553-0256, US EPA Region 10, Mailstop WCM-122, 1201 Sixth Ave, Seattle, Washington 98101.

**SUPPLEMENTARY INFORMATION:** Because we received comments that oppose this authorization, we are withdrawing the immediate final rule for Idaho: Final Authorization of State Hazardous Waste Management Program Revisions published on August 22, 2001, at 66 FR 44071, which intended to grant authorization for the revisions to Idaho's Hazardous Waste Regulations. We stated in the immediate final rule that if we received comments that opposed this action, we would publish a timely notice of withdrawal in the **Federal Register**. We received comments that opposed this action. We will address all comments in a subsequent final action based on the proposed rule previously published on August 22, 2001, at 66 FR 44107, and will not provide for additional public comment during the final action.

Dated: September 24, 2001.

**Charles E. Findley,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 01-24905 Filed 10-4-01; 8:45 am]

**BILLING CODE 6560-50-P**

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 0**

**[DA 01-2255]**

#### **Change in Board on Contract Appeals**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Commission's rules to reflect a change in the Board of Contract Appeals to which appeals of final decisions regarding procurement contracts will be referred. The Managing Director will refer such appeals to the Armed Services Board of Contract Appeals. Previously, such appeals were referred to the General Services Board of Contract Appeals. Appeals will be handled in accordance with the Rules of the Armed Services Board of Contract Appeals.

**DATES:** Effective October 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sonna Stampone, Office of the Managing Director, (202) 418-0992.

#### **SUPPLEMENTARY INFORMATION:**

1. By this order, we amend 0.231(e) of the Commission's rules, 47 CFR 0.231(e), to reflect the change of Board of Contract Appeals to which contract appeals shall be referred. The Managing Director will refer all appeals of final decisions regarding procurement