§ 180.287 Amitraz; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide amitraz (N′-[2,4-dimethylphenyl]-N- [[(2,4-dimethylphenyl)imino] methyl]]- N-methylmethanimidamide) and its metabolites containing the 2,4-dimethylaniline moiety (calculated as the parent) in or on the following food commodities:

Commodity	Parts per million
Cattle, fat	0.1
Cattle, meat	0.02
Cattle, meat byproducts	0.2
Cotton, undelinted seed[1]	1.0
Hog, fat	0.1
Hog, kidney	0.1
Hog, liver	0.1
Hog, meat	0.05
Hog, meat byproducts	0.3
Milk	0.03
Milk, fat	0.2
Pear	3.0

[1]There are no U.S. registrations on cottonseed as of May 3, 2006.

* * * * *

■ 8. Section 180.300 is amended by revising the table in paragraph (a) to read as follows:

§ 180.300 Ethephon; tolerances for residues.

(a) * * *

Commodity	Parts per million
Apple	5.0
Apple, juice	10.0
Barley, bran	5.0
Barley, grain	2.0
Barley, straw	10.0
Blackberry	30.0
Blueberry	20.0
Cantaloupe	2.0
Cattle, fat	0.02
Cattle, kidney	1.0
Cattle, meat	0.02
Cattle, meat byproducts, except kidney	0.2
Cherry	10.0
Coffee, bean, green	0.5
Cotton, gin byproducts	180.0
Cotton, undelinted seed	6.0
Cucumber	0.1
Egg	0.002
Goat, fat	0.02
Goat, kidney	1.0
Goat, meat	0.02
Goat, meat byproducts, except kidney	0.2
Grape	2.0
Grape, raisin	12.0
Hazelnut	0.80
Hog, fat	0.02
Hog, kidney	1.0
Hog, meat	0.02
Hog, meat byproducts, except kidney	0.2
Horse, fat	0.02
Horse, kidney	1.0
Horse, meat	0.02
Horse, meat byproducts, except kidney	0.2
Milk	0.01
Nut, macadamia	0.5
Pepper	30.0
Pineapple	2.0
Poultry, fat	0.02
Poultry, liver	0.05
Poultry, meat	0.01
Poultry, meat byproducts, except liver	0.01
Sheep, fat	0.02
Sheep, kidney	1.0
Sheep, meat	0.02
Sheep, meat byproducts, except kidney	0.2
Sugarcane, molasses	1.5
Tomato	2.0
Walnut	0.5
Wheat, bran	5.0
Wheat, germ	5.0
Wheat, grain	2.0
Wheat, middlings	5.0
Wheat, shorts	5.0
Wheat, straw	10.0

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[FR Doc. E7–18508 Filed 9–18–07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–0036; FRL–8143–2]

Chloroneb, Cypermethrin, Methidathion, Nitrapyrin, Oxyfluorfen, Pirimiphos-methyl, Sulfosate, Tebuthiuron, Thiabendazole, Thidiazuron, and Tribuphos; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking certain tolerances for the fungicides chloroneb and thiabendazole; the herbicide sulfosate; the defoliant thidiazuron; the insecticides cypermethrin, methidathion, and pirimiphos-methyl; and the soil microbiocide nitrapyrin. Also, EPA is modifying certain tolerances for the fungicides chloroneb and thiabendazole; the herbicides oxyfluorfen and tebuthiuron; the defoliants thidiazuron and tribuphos; the insecticides cypermethrin, methidathion, and pirimiphos-methyl; and the soil microbiocide nitrapyrin. In addition, EPA is establishing new tolerances for the fungicides chloroneb and thiabendazole; the herbicide oxyfluorfen; the defoliants thidiazuron and tribuphos; the insecticides cypermethrin, methidathion, and pirimiphos-methyl; and the soil microbiocide nitrapyrin. The regulatory actions finalized in this document are in follow-up to the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and tolerance reassessment program under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(q).

DATES: This regulation is effective September 19, 2007. Objections and requests for hearings must be received on or before November 19, 2007, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0036. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Joseph Nevola, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308–8037; e-mail address: *nevola.joseph@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 an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

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 this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at *http://www.regulations.gov*, you may access this ''**Federal Register**'' document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the FFDCA, as amended by the Food Quality Protection Act (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. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2007–0036 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 November 19, 2007.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2007–0036, by one of the following methods.

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

II. Background

A. What Action is the Agency Taking?

In the **Federal Register** of May 2, 2007 (72 FR 24198) (FRL–8120–3), EPA issued a proposal to revoke, remove, modify, and establish certain specific tolerances for residues of the fungicides chloroneb and thiabendazole; the herbicides oxyfluorfen, sulfosate, and tebuthiuron; the defoliants thidiazuron and tribuphos; the insecticides cypermethrin, methidathion, and pirimiphos-methyl; and the soil microbiocide nitrapyrin. Also, the proposal of May 2, 2007 (72 FR 24198) provided a 60–day comment period which invited public comment for consideration and for support of tolerance retention under the Federal Food, Drug, and Cosmetic Act (FFDCA) standards.

In this final rule, EPA is revoking, removing, modifying, and establishing specific tolerances for residues of chloroneb, cypermethrin, methidathion, nitrapyrin, oxyfluorfen, pirimiphos-methyl, sulfosate, tebuthiuron, thiabendazole, thidiazuron, and tribuphos in or on commodities listed in the regulatory text of this document.

EPA is finalizing these tolerance actions in order to implement the tolerance recommendations made during the reregistration and tolerance reassessment processes (including follow-up on canceled or additional uses of pesticides). As part of these processes, EPA is required to determine whether each of the amended tolerances meets the safety standard of the FFDCA. The safety finding determination of ''reasonable certainty of no harm'' is discussed in detail in each Reregistration Eligibility Decision (RED) and Report of the Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision (TRED) for the active ingredient. REDs and TREDs recommend the implementation of certain tolerance actions, including modifications, to reflect current use patterns, to meet safety findings and change commodity names and groupings in accordance with new EPA policy. Printed copies of many REDs and TREDs may be obtained from EPA's National Service Center for Environmental Publications (EPA/NSCEP), P.O. Box 42419, Cincinnati, OH 45242–2419, telephone number: 1–800–490–9198; fax: 1–513–489–8695; Internet at *http://www.epa.gov/ncepihom* and from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone number: 1–800–553–6847 or (703) 605–6000; Internet at *http://www.ntis.gov*. Electronic copies of REDs and TREDs are available on the Internet at *http://www.regulations.gov* and *http:// www.epa.gov/pesticides/reregistration/status.htm*.

In this final rule, EPA is revoking certain tolerances because either they are no longer needed or are associated with food uses that are no longer registered under FIFRA in the United States. Those instances where registrations were canceled were because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily requested cancellation of one or more registered uses of the pesticide active ingredient. The tolerances revoked by this final rule are no longer necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but

imported into the United States. It is EPA's general practice to issue a final rule revoking those tolerances and tolerance exemptions for residues of pesticide active ingredients on crop uses for which there are no active registrations under FIFRA, unless any person in comments on the proposal indicates a need for the tolerance or tolerance exemption to cover residues in or on imported commodities or legally treated domestic commodities.

EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States.

Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed in Unit II.A. if one of the following conditions applies:

1. Prior to EPA's issuance of a FFDCA section 408(f) order requesting additional data or issuance of a FFDCA 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.

3. The tolerance is not supported by data that demonstrate that the tolerance meets the requirements under FQPA.

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

In response to the proposal published in the **Federal Register** of May 2, 2007 (72 FR 24198), EPA received one comment during the 60–day public comment period, as follows:

Comment by a private citizen. A private citizen stated that only zero tolerance levels should be acceptable. In addition, the commenter expressed a concern for pesticide use in general and their possible toxic effects on wildlife and humans.

Agency response. The private citizen's comments did not take issue with any of the Agency's specific conclusions to modify, revoke, or establish certain tolerances. Also, the commenter did not refer to any specific studies which pertained to those conclusions. EPA believes that the tolerance actions finalized herein meet the safety standard of FFDCA section 408, 21 U.S.C. 346a. In developing REDs and TREDs, EPA worked with stakeholders, pesticide registrants, growers and other pesticide users, environmental and public health interests, the States, the U.S. Department of Agriculture (USDA), other Federal agencies, and others to develop voluntary measures or regulatory controls needed to effectively reduce risks of concern. Such options include voluntary cancellation of pesticide products or deletion of uses, declaring certain uses ineligible or not yet eligible, restricting use of products to certified applicators, limiting the amount or frequency of use, improving use directions and precautions, adding more protective clothing and equipment requirements, requiring special packaging or engineering controls, requiring no-treatment buffer zones, employing environmental and ecological safeguards, and other measures.

The Agency did not receive any specific comments, during the 60–day comment period, on the following chemicals: Chloroneb, cypermethrin, methidathion, nitrapyrin, oxyfluorfen, pirimiphos-methyl, sulfosate, tebuthiuron, thiabendazole, thidiazuron, and tribuphos. Therefore, the Agency is finalizing the amendments proposed in the **Federal Register** of May 2, 2007 (72 FR 24198). For a detailed discussion of the Agency's rationale for the establishments, revocations, and modifications to the tolerances, refer to the proposed rule of May 2, 2007.

In addition, the Agency is making the following revisions in this final rule.

- *Oxyfluorfen*. The Agency did not propose in a notice for comment to revise the tolerance nomenclature for oxyfluorfen in 40 CFR 180.381(a) from cocoa bean, dried bean to cacao bean, dried bean, as is current Agency practice. However, section 553(b)(3)(B) of the Administrative Procedure Act provides that notice and comment is not necessary ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Consequently, for good cause, EPA is revising the commodity terminology in 40 CFR 180.381(a) from cocoa bean, dried bean to cacao bean, dried bean. The reason for taking this action is because such action has no practical impact on the use of or exposure to the pesticide active ingredient, oxyfluorfen, in or on that commodity and is made such that the tolerance terminology will conform to current Agency practice.
- *Thiabendazole*. The Agency did not propose in a notice for comment to revise the tolerance nomenclature for thiabendazole in 40 CFR 180.242(a)(1) from ''sweet potato (POST-H to sweet potato intended only for use as seed)'' to ''sweet potato (postharvest to sweet potato intended only for use as seed),'' as is current Agency practice. However, section 553(b)(3)(B) of the Administrative Procedure Act provides that notice and comment is not necessary ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Consequently, for good cause, EPA is revising the commodity terminology in 40 CFR 180.242(a)(1) from ''sweet potato (POST-H to sweet potato intended only for use as seed)'' to ''sweet potato (postharvest to sweet potato intended only for use as seed).'' The reason for taking this action is because such action has no practical impact on the use of or exposure to the pesticide active ingredient, thiabendazole, in or on that commodity and is made such that the tolerance terminology will conform to current Agency practice.

Note: Sugar beet commodities were not included in the human dietary risk assessment for thiabendazole because the use was not supported by the technical registrant. (Metabolic fate data of thiabendazole in sugar beets had been submitted to EPA and reviewed by the Agency as acceptable. Efficacy, storage, foliar use and post-harvest use data had also been submitted some years ago, but some of that data was incomplete.) Therefore, the thiabendazole RED recommended revocation of the tolerances on sugar beet commodities. Currently, there is an active end use registration for thiabendazole use on sugar beets. Since the thiabendazole RED, based on the estimated acute and chronic dietary risks of thiabendazole, which are 77% of the acute population adjusted dose (aPAD) and 2% of the chronic population adjusted dose (cPAD), the Agency determined that the addition of sugar beet commodities to the dietary risk assessment for thiabendazole would not significantly contribute to dietary or drinking water risk estimates. Consequently, the Agency did not propose to take action on the sugar beet tolerances in 40 CFR 180.242(a) on May 2, 2007 (72 FR 24198), but is in the process of getting the sugar beet use removed from the one remaining active registration and does expect to address the sugar beet tolerances in a future publication in the **Federal Register**.

- *Zeta-cypermethrin*. The Agency also did not propose in a notice for comment to revise the tolerance nomenclature for zeta-cypermethrin in 40 CFR 180.418(a)(2) from ''food/feed items (other than those covered by a higher tolerance as a result of use on growing crops) in food/feed handling

establishments'' to ''food commodities/ feed commodities (other than those covered by a higher tolerance as a result of use on growing crops) in food/feed handling establishments'' and from ''sunflower'' to ''sunflower, seed,'' as is current Agencv practice. However, section 553(h)(3)(B) of the Administrative Procedure Act provides that notice and comment is not necessary ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable. unnecessary, or contrary to the public interest.'' Consequently, for good cause, EPA is revising the commodity terminolgy in 40 CER 180.418(a)(2) from ''food/feed items (other than those covered by a higher tolerance as a result of use on growing crops) in food/feed handling establishments'' to ''food commodities/ feed commodities (other than those covered by a higher tolerance as a result of use on growing crops) in food/feed handling establishments'' and from ''sunflower'' to ''sunflower, seed.'' The reason for taking this action is because such action has no practical impact on the use of or exposure to the pesticide active ingredient, zeta-cypermethrin, in or on these commodities and is made such that the tolerance terminology will conform to current Agency practice.

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

EPA may issue a regulation establishing, modifying, or revoking a tolerance under FFDCA section 408(e). In this final rule, EPA is establishing, modifying, and revoking tolerances to implement the tolerance recommendations made during the reregistration and tolerance reassessment processes, and as follow-up on canceled uses of pesticides. As part of these processes, EPA is required to determine whether each of the amended tolerances meets the safety standards under FFDCA. The safety finding determination is found in detail in each post-FQPA RED and TRED for the active ingredient. REDs and TREDs recommend the implementation of certain tolerance actions, including modifications to reflect current use patterns, to meet safety findings, and change commodity names and groupings in accordance with new EPA policy. Printed and electronic copies of the REDs and TREDs are available as provided in Unit II.A.

EPA has issued post-FQPA REDs for chloroneb, cypermethrin, methidathion, nitrapyrin, oxyfluorfen, pirimiphos-methyl, thiabendazole, thidiazuron, and tribuphos, and a TRED for tebuthiuron, whose RED was completed prior to FQPA. A RED for sulfosate was not needed because it was registered after November 1, 1984, and not subject to reregistration eligibility, and its tolerances were reassessed prior to completion of a TRED, such that a TRED for sulfosate was no longer needed because EPA made a safety finding which reassessed its tolerances according to the FFDCA standard, maintaining them when new tolerances were established as noted in Unit II.A.). REDs and TREDs contain the Agency's evaluation of the data base for these pesticides, including statements regarding additional data on the active ingredients that may be needed to confirm the potential human health and environmental risk assessments associated with current product uses, and REDs state conditions under which these uses and products will be eligible for reregistration. The REDs and TREDs recommended the establishment, modification, and/or revocation of specific tolerances. RED and TRED recommendations such as establishing or modifying tolerances, and in some cases revoking tolerances, are the result of assessment under the FFDCA standard of ''reasonable certainty of no harm.'' However, tolerance revocations recommended in REDs and TREDs that are made final in this document do not need such assessment when the tolerances are no longer necessary.

EPA's general practice is to revoke tolerances for residues of pesticide active ingredients on crops for which FIFRA registrations no longer exist and on which the pesticide may therefore no longer be used in the United States. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as ''import tolerances,'' are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

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 pesticides 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) and180.6(c)).

C. When Do These Actions Become Effective?

With the exception of regional tolerances for methidathion on alfalfa forage, alfalfa hay, timothy forage, and timothy hay, which EPA is revoking with specific expiration/revocation dates, the Agency is revoking, modifying, and establishing specific tolerances, and revising specific commodity terminologies effective September 19, 2007. With the exception of the revoked four regional tolerances for methidathion, the Agency believes that existing stocks of pesticide products labeled for the uses associated with the revoked tolerances have been completely exhausted and that treated commodities have had sufficient time for passage through the channels of trade. EPA is revoking certain methidathion tolerances with an expiration/revocation date of March 31, 2008, for alfalfa forage, alfalfa hay, timothy forage, and timothy hay. The Agency believes that, because their regional registrations expire on December 31, 2007, the revocation date of March 31, 2008, allows sufficient time for passage of treated commodities through the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by the FQPA. Under this unit, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA.

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from a tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

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

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international Maximum Residue Limits (MRLs) established by the Codex Alimentarius Commission, as required by section 408(b)(4) of the FFDCA. The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level in a notice published for public comment. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual REDs and TREDs, and in the Residue Chemistry document which supports the RED and TRED, as mentioned in the proposed rule cited in Unit II.A. Specific tolerance actions in this rule and how they compare to Codex MRLs (if any) are discussed in Unit II.A. of the proposal.

IV. Statutory and Executive Order Reviews

In this final rule EPA establishes tolerances under FFDCA section 408(e), and also modifies and revokes specific tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions (i.e., establishment and modification of a tolerance and 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 as required by 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). 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 104–13, 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 establishment of tolerances, exemptions from tolerances, raising of tolerance levels, expansion of exemptions, or revocations 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. These analyses for tolerance establishments and modifications, and for tolerance revocations were published on May 4, 1981 (46 FR 24950) and on December 17, 1997 (62 FR 66020) (FRL–5753–1), respectively, and were 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, the Agency hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In a memorandum dated May 25, 2001, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. (This Agency document is available in the docket, as mentioned in Unit II.A.) Furthermore, for the pesticides named in this final rule, 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 preemption provisions of section 408(n)(4) of FFDCA. 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.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report 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 11, 2007.

Anne E. Lindsay,

Acting Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I 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), 346a and 371.

■ 2. Section 180.242 is amended by revising paragraphs (a)(1) and (a)(2) and the introductory text to paragraph (b) to read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) and its metabolite benzimidazole (free and conjugated) in or on the following food commodities:

Commodity	Parts per million
Apple, wet pomace	12.0
Avocado[1]	10.0
Banana, postharvest	3.0
Bean, dry, seed	0.1
Beet, sugar, dried pulp	3.5
Beet, sugar, roots	0.25
Beet, sugar, tops	10.0
Cantaloupe[1]	15.0
Carrot, roots, postharvest	10.0
Citrus, oil	15.0
Fruit, citrus, group 10, postharvest	10.0
Fruit, pome, group 11, postharvest	5.0
Mango	10.0
Mushroom	40.0
Papaya, postharvest	5.0
Potato, postharvest	10.0
Soybean	0.1
Strawberry[1]	5.0
Sweet potato (postharvest to sweet potato intended only for use as seed)	0.05
Wheat, grain	1.0
Wheat, straw	1.0

[1]There are no U.S. registrations on the indicated commodity.

(2) Tolerances are established for the combined residues of thiabendazole (2-(4-thiazolyl)benzimidazole) and its metabolites 5-hydroxythiabendazole (free and conjugated) and benzimidazole in or on the following food commodities:

Commodity	Parts per million
Cattle, meat	0.1
Cattle, meat byproducts	0.4
Goat, meat byproducts	0.4
Hog, meat byproducts	0.3
Horse, meat byproducts	0.4
Milk	0.1
Sheep, meat byproducts	0.4

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for the combined residues of thiabendazole (2-(4-thiazolyl)benzimidazole) and its metabolite benzimidazole (free and conjugated), in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances are specified in the following table. The tolerances will expire on the dates specified in the table.

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■ 3. Section 180.257 is amended by revising paragraph (a) to read as follows:

§ 180.257 Chloroneb; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide chloroneb (1,4-dichloro-2,5-dimethoxybenzene) and its metabolite 2,5-dichloro-4-methoxyphenol (free and conjugated), calculated as chloroneb, in or on the following raw agricultural commodities:

Commodity	Parts per million
Bean, dry, seed	0.2
Bean, succulent	0.2
Beet, sugar, roots	0.2
Beet, sugar, tops	0.2
Cowpea, forage	2.0
Cowpea, hay	2.0
Cattle, fat	0.2
Cattle, meat	0.2
Cattle, meat byproducts	0.2
Cotton, gin byproducts	1.0
Cotton, undelinted seed	0.2
Goat, fat	0.2
Goat, meat	0.2
Goat, meat byproducts	0.2
Hog, fat	0.2
Hog, meat	0.2
Hog, meat byproducts	0.2
Horse, fat	0.2
Horse, meat	0.2
Horse, meat byproducts	0.2
Milk	0.05
Sheep, fat	0.2
Sheep, meat	0.2
Sheep, meat byproducts	0.2
Soybean, forage	2.0
Soybean, hay	2.0
Soybean, seed	0.2

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■ 4. Section 180.272 is amended by revising the table in paragraph (a) to read as follows:

§ 180.272 Tribuphos; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Cattle, fat	0.15
Cattle, meat	0.02
Cattle, meat byproducts	0.02
Cotton, gin byproducts	40.0
Cotton, undelinted seed	4.0
Goat, fat	0.15
Goat, meat	0.02
Goat, meat byproducts	0.02
Hog, fat	0.15
Hog, meat	0.02
Hog, meat byproducts	0.02
Horse, fat	0.15
Horse, meat	0.02
Horse, meat byproducts	0.02
Milk	0.01
Sheep, fat	0.15
Sheep, meat	0.02
Sheep, meat byproducts	0.02

* * * * *

■ 5. Section 180.298 is amended by revising the tables in paragraphs (a) and (c) to read as follows:

§ 180.298 Methidathion; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Almond, hulls	6.0
Artichoke, globe	0.05
Citrus, oil	420.0
Cotton, undelinted seed	0.2
Fruit, citrus, group 10, except tangerine	4.0
Fruit, pome, group 11	0.05
Fruit, stone, group 12	0.05
Mango	0.05
Nut, tree, group 14	0.05
Olive	0.05
Safflower, seed	0.5
Sorghum, forage, forage	2.0
Sorghum, grain, forage	2.0
Sorghum, grain, grain	0.2
Sorghum, grain, stover	2.0

Commodity	Parts per million
Sunflower, seed	0.5
Tangerine	6.0

* * * * *

(c) * * *

Commodity	Parts per million	Expiration/ Revocation Date
Alfalfa, forage	5.0	3/31/2008
Alfalfa, hay	5.0	3/31/2008
Kiwifruit	0.1	None
Longan	0.1	None
Starfruit	0.1	None
Sugar apple	0.2	None
Timothy, forage	5.0	3/31/2008
Timothy, hay	5.0	3/31/2008

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■ 6. Section 180.350 is amended by revising the table in paragraph (a) to read as follows:

§ 180.350 Nitrapyrin; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Corn, field, forage	1.0
Corn, field, grain	0.1
Corn, field, milled byproducts	0.2
Corn, field, stover	1.0
Corn, pop, grain	0.1
Corn, pop, stover	1.0
Corn, sweet, forage	1.0
Corn, sweet, kernel plus cob with husks removed	0.1
Corn, sweet, stover	1.0
Sorghum, forage, forage	0.5
Sorghum, grain, forage	0.5
Sorghum, grain, grain	0.1
Sorghum, grain, stover	0.5
Wheat, bran	3.0
Wheat, forage	2.0
Wheat, grain	0.5
Wheat, milled byproducts, except flour	2.0
Wheat, straw	6.0

* * * * *

■ 7. Section 180.381 is amended by revising the tables in paragraphs (a) and (c) to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Almond, hulls	0.1
Artichoke, globe	0.05
Avocado	0.05
Banana	0.05
Broccoli	0.05
Cabbage	0.05
Cacao bean, dried bean	0.05
Cattle, fat	0.01
Cattle, meat	0.01
Cattle, meat byproducts	0.01
Cauliflower	0.05
Coffee, bean, green	0.05
Corn, field, grain	0.05
Corn, pop, grain	0.05
Cotton, undelinted seed	0.05
Date	0.05
Egg	0.03
Feijoa	0.05
Fig	0.05
Fruit, pome, group 11	0.05
Fruit, stone, group 12	0.05
Goat, fat	0.01
Goat, meat	0.01
Goat, meat byproducts	0.01
Grape	0.05
Hog, fat	0.01
Hog, meat	0.01
Hog, meat byproducts	0.01
Horse, fat	0.01
Horse, meat	0.01
Horse, meat byproducts	0.01
Horseradish	0.05
Kiwifruit	0.05
Milk	0.01
Nut, tree, group 14	0.05
Olive	0.05
Onion, bulb	0.05
Peppermint, tops	0.05
Persimmon	0.05
Pistachio	0.05
Pomegranate	0.05
Poultry, fat	0.2
Poultry, meat	0.01
Poultry, meat byproducts	0.01
Sheep, fat	0.01
Sheep, meat	0.01
Sheep, meat byproducts	0.01
Soybean	0.05
Spearmint, tops	0.05

* * * * *

(c) * * *

Commodity	Parts per million
Blackberry	0.05
Chickpea, seed	0.05
Grass, forage	0.05
Grass, hay	0.05
Grass, seed screenings	0.05
Guava	0.05
Papaya	0.05
Raspberry	0.05
Taro, corm	0.05
Taro, leaves	0.05

* * * * *

■ 8. Section 180.390 is revised to read as follows:

§ 180.390 Tebuthiuron; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the herbicide tebuthiuron (N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea) and its metabolites N-(5-(2-hydroxy-1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea, N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N-methylurea, and N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N'-hydroxymethyl-N-methylurea in or on the following raw agricultural commodities:

Commodity	Parts per million
Grass, forage	10.0
Grass, hay	10.0

(2) Tolerances are established for the combined residues of the herbicide tebuthiuron (N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea) and its metabolites N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N-methylurea, N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)urea, 2-dimethylethyl-5-amino-1,3,4-thiadiazole, and N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N'-hydroxymethyl-N-methylurea in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	1.0
Cattle, meat	1.0
Cattle, meat byproducts	5.0
Goat, fat	1.0
Goat, meat	1.0
Goat, meat byproducts	5.0
Horse, fat	1.0
Horse, meat	1.0
Horse, meat byproducts	5.0
Sheep, fat	1.0
Sheep, meat	1.0
Sheep, meat byproducts	5.0

(3) A tolerance is established for the combined residues of the herbicide tebuthiuron (N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea) and its metabolites N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N-methylurea, N-(5-(2-hydroxy-1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N-methylurea, N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)urea, N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N'-hydroxymethyl-N-methylurea, and N-(5-(2-hydroxy-1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N'-hydroxymethyl-N-methylurea in or on the following raw agricultural commodities:

Commodity	Parts per million
Milk	0.8

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

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

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

■ 9. Section 180.403 is amended by revising the table in paragraph (a) to read as follows:

§ 180.403 Thidiazuron; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
Cattle, fat	0.4
Cattle, meat	0.4
Cattle, meat byproducts	0.4
Cotton, gin byproducts	24.0
Cotton, undelinted seed	0.3
Goat, fat	0.4
Goat, meat	0.4
Goat, meat byproducts	0.4
Hog, fat	0.4
Hog, meat	0.4
Hog, meat byproducts	0.4
Horse, fat	0.4
Horse, meat	0.4
Horse, meat byproducts	0.4
Milk	0.05
Sheep, fat	0.4
Sheep, meat	0.4
Sheep, meat byproducts	0.4

* * * * *

■ 10. Section 180.409 is amended by revising paragraph (a) to read as follows:

§ 180.409 Pirimiphos-methyl; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide pirimiphos-methyl (O-(2-diethylamino-6-methyl-4-pyrimidinyl) O,O-dimethyl phosphorothioate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Cattle, fat	0.02
Cattle, meat byproducts	0.02
Corn, field, grain	8.0
Corn, pop, grain	8.0
Goat, fat	0.02
Goat, meat byproducts	0.02
Grain, aspirated fractions	20.0
Hog, fat	0.02
Hog, meat byproducts	0.02
Horse, fat	0.02
Horse, meat byproducts	0.02
Poultry, fat	0.02
Sheep, fat	0.02
Sheep, meat byproducts	0.02
Sorghum, grain, grain	8.0

* * * * *

■ 11. Section 180.418 is amended by revising the tables in paragraphs (a)(1), (a)(2), and (b) to read as follows:

§ 180.418 Cypermethrin and an isomer zeta-cypermethrin; tolerances for residues.

(a) *General.* (1) * * *

Commodity	Parts per million
Brassica, head and stem, subgroup 5A	2.0
Brassica, leafy greens, subgroup 5B	14.0
Cattle, fat	1.0
Cattle, meat	0.2
Cattle, meat byproducts	0.05
Cotton, gin byproducts	11.0
Cotton, undelinted seed	0.5
Egg	0.05
Goat, fat	1.0
Goat, meat	0.2
Goat, meat byproducts	0.05
Hog, fat	0.1
Hog, meat	0.05
Horse, fat	1.0
Horse, meat	0.2
Horse, meat byproducts	0.05
Lettuce, head	4.0
Milk, fat (reflecting 0.10 in whole milk)	2.5
Onion, bulb	0.1
Onion, green	6.0
Pecan	0.05
Poultry, fat	0.05
Poultry, meat	0.05
Sheep, fat	1.0
Sheep, meat	0.2
Sheep, meat byproducts	0.05

(2) * * *

Commodity	Parts per million
Alfalfa, hay	15.00
Alfalfa, forage	5.00
Alfalfa, seed	0.50
Almond, hulls	6
Animal feed, nongrass, group 18, forage	8
Animal feed, nongrass, group 18, hay	40
Beet, sugar, roots	0.05
Beet, sugar, tops	0.20
Berry, group 13	0.8
Brassica, head and stem, subgroup 5A	2.00
Brassica, leafy greens, subgroup 5B	14.00
Cabbage	2.00
Cattle, fat	1.00
Cattle, meat	0.2
Cattle, meat byproducts	0.05
Cilantro, leaves	10
Corn, field, forage	0.20
Corn, field, grain	0.05
Corn, field, stover	3.00
Corn, pop, grain	0.05
Corn, pop, stover	3.00
Corn, sweet, forage	15.00
Corn, sweet, kernel plus cob with husks removed	0.05
Corn, sweet, stover	15.00
Cotton, undelinted seed	0.5
Egg	0.05
Food commodities/feed commodities (other than those covered by a higher tolerance as a result of use on growing crops) in food/feed handling establishments	0.05
Fruit, pome, group 11	2
Fruit, stone, group 12	1
Goat, fat	1.00
Goat, meat	0.2
Goat, meat byproducts	0.05
Grain, aspirated fractions	10.0
Grape	2
Grass, forage, group 17	10
Grass, hay, group 17	35
Hog, fat	0.1
Hog, meat	0.05
Horse, fat	1.00
Horse, meat	0.2
Horse, meat byproducts	0.05
Milk, fat (reflecting 0.10 in whole milk)	2.50
Nut, tree, group 14	0.05
Onion, bulb	0.10
Onion, green	3.00
Pea and bean, dried shelled, except soybean, subgroup 6C	0.05
Pea and bean, succulent shelled, subgroup 6B	0.1
Peanut	0.05
Pecan	0.05
Poultry, fat	0.05
Poultry, meat	0.05
Rapeseed	0.2
Rice, grain	1.50
Rice, hulls	6.00
Rice, straw	2.00
Sheep, fat	1.00
Sheep, meat	0.2
Sheep, meat byproducts	0.05
Sorghum, grain, forage	0.1
Sorghum, grain, grain	0.5
Sorghum, grain, stover	5.0
Soybean, seed	0.05
Sugarcane, cane	0.60
Sunflower, refined oil	0.5
Sunflower, seed	0.2
Turnip, greens	14
Vegetable, cucurbit, group 9	0.2
Vegetable, fruiting, group 8	0.2
Vegetable, leafy, except brassica, group 4	10.00
Vegetable, legume, edible podded, subgroup 6A	0.5
Vegetable, root and tuber, group 1, except sugar beet	0.1
Wheat, forage	3.0
Wheat, grain	0.2
Wheat, hay	6.0
Wheat, straw	7.0

(b) * * *

Commodity	Parts per million	Expiration/ Revocation Date
Flax, meal	0.2	6/30/2008
Flax, seed	0.2	6/30/2008

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§ 180.489 [Removed]

■ 12. Section 180.489 is removed.

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