

Cancellation Order for all mevinphos registrations, effective immediately. The Agency subsequently published a Notice of Receipt of Request for Cancellation, Announcement of Cancellation Order, and FIFRA section 6(g) Notification for Mevinphos in the **Federal Register** of August 1, 1994 (59 FR 38973). The Cancellation Order was subsequently modified on January 13, 1995, to extend the distribution, sale, and use to November 30, 1995, from December 30, 1994, for sale and distribution and February 28, 1995, for use. Notice of this amendment was published on April 5, 1995 (60 FR 17357).

#### IV. Current Proposal

EPA is proposing to revoke all mevinphos tolerances. The proposed date of revocation is May 31, 1996. EPA believes that there is little likelihood, if any, that residues of mevinphos would be observed in legally treated commodities after May 31, 1996. Also, mevinphos is not persistent and the Agency does not believe that mevinphos residues will be found in processed foods. Therefore, setting action levels is not necessary.

The Agency believes that it is appropriate to initiate revocation of tolerances at this time because mevinphos is no longer registered in the U.S. In accordance with the voluntary cancellation requested by Amvac, the sole technical registrant for mevinphos, all use of mevinphos is scheduled to cease after November 30, 1995. EPA believes that it is appropriate to revoke tolerances covering residues of a pesticide for which there is no legal domestic use unless it can be shown by interested parties that there is a need for the tolerances, and that the tolerances are protective of the public health. Such tolerances may be needed, for example, if interested parties can show that the pesticide is used in foreign countries on crops that may be destined for the U.S.

It should be noted that in order for any tolerances to be retained, EPA must determine, under sections 408 and 409 of FFDCA, that the particular tolerance is protective of public health. For EPA to make this public safety finding, it must have adequate data to assess the risks that may result from exposure to mevinphos residues in or on food. EPA generally requires submission of such information (such as residue data) to support pesticide registrations under FIFRA and to maintain tolerances under FFDCA. With all domestic use of mevinphos ending November 30, 1995, EPA must have adequate data to demonstrate that imported foods treated with mevinphos are safe. Such data are

not available at this time and EPA does not anticipate the receipt of such data because the sole technical registrant for mevinphos has voluntarily canceled all of its U.S. mevinphos registrations.

Based upon available data, the Agency has completed a preliminary acute dietary risk assessment from exposure to mevinphos. The assessment indicates a concern, particularly for infants and children. EPA recognizes that the dietary risk concern may be diminished if interested parties submit adequate exposure and/or toxicity data that show that the preliminary assessment is not accurate. However, the data base currently available to EPA is inadequate and does not appear to provide a basis to conclude that the preliminary assessment is inaccurate.

This proposal serves as a notice to all parties interested in the disposition of mevinphos tolerances. If EPA does not receive comment by October 2, 1995, EPA will issue a final order revoking all mevinphos tolerances. Because EPA believes it is appropriate to preclude review of objections raising issues not provided in comments submitted in response to the proposal, EPA encourages all parties interested in the status of mevinphos tolerances to submit comments.

#### V. Public Docket

A record has been established for this rulemaking under docket number "OPP-300393" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the rulemaking as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the

official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

#### VI. Other Regulatory Requirements

##### A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1994), the Agency must determine whether the regulatory action is "significant," and therefore, subject to all the requirements of the Order, such as Regulatory Impact Assessments and review by the Office of Management and Budget (OMB). In section 3(f), the Order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the national economy of \$100 million or more, or adversely and materially affecting a sector of the national economy, such as productivity, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs; or (4) raising novel legal or policy issues out of legal mandates, the President's priorities, or the principles set forth in the Order.

Pursuant to the terms of this Order, EPA has determined that this proposed rule is not "significant" and, therefore, is not subject to the requirements of the Order, such as OMB review or other actions. EPA does not expect any significant economic impacts to result from the revocation of mevinphos tolerances, because all U.S. mevinphos registrations have been canceled and no further use of mevinphos will be permitted after November 30, 1995.

##### B. Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*), and it has been determined that it will not have any impact on small businesses, small governments, or small organizations.

This proposed rule is intended to prevent the sale of food commodities containing pesticide residues where the subject pesticide has been used in an unregistered or illegal manner, as well as to prevent food commodities containing any mevinphos residues from entering the U.S.

As stated above, because mevinphos is not registered in the U.S. and will not be used in the U.S. after November 30,