

on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action proposes technical amendments to the Code of Federal Regulations which have no substantive impact on the underlying regulations. This technical amendment will not have any negative economic impact on any entities, including small entities. 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 the FFDCA. For these same reasons, the Agency has determined that this final 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 final 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 final rule.

V. Congressional Review Act

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

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

Dated: June 26, 2003.

James Jones,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I, part 180, subpart C is amended as follows:

PART 180—[AMENDED]

- 1. The authority citation for part 180 will continue to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 374.

- 2. Section 180.113 is revised to read as follows:

§ 180.113 Allethrin (allyl homolog of cinerin I); tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide allethrin (allyl homolog of cinerin I) in or on the following food commodities:

Commodity	Parts per million
Apple, postharvest	4
Barley, grain, postharvest	2
Blackberry, postharvest	4
Blueberry, postharvest	4
Boysenberry, postharvest	4
Cherry, postharvest	4

Commodity	Parts per million
Corn, grain, postharvest	2
Crabapple, postharvest	4
Currant, postharvest	4
Dewberry, postharvest	4
Fig, postharvest	4
Gooseberry, postharvest	4
Grape, postharvest	4
Guava, postharvest	4
Huckleberry, postharvest	4
Loganberry, postharvest	4
Mango, postharvest	4
Muskmelon, postharvest	4
Oat, grain, postharvest	2
Orange, postharvest	4
Peach, postharvest	4
Pear, postharvest	4
Pineapple, postharvest	4
Plum, postharvest	4
Plum, prune, fresh, postharvest	4
Raspberry, postharvest	4
Rye, grain, postharvest	2
Sorghum, grain, grain, postharvest	2
Tomato, postharvest	4
Wheat, grain, postharvest	2

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

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

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

- 3. Section 180.116 is revised to read as follows:

§ 180.116 Ziram; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on the following food commodities:

Commodity	Parts per million
Almond	0.1
Apple	7 ¹
Apricot	7 ¹
Bean	7 ¹
Beet, garden, roots	7 ¹
Beet, garden, tops	7 ¹
Blackberry	7 ¹
Blueberry	7 ¹
Boysenberry	7 ¹