Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:
opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests 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 objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

This final rule does not contain information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 180

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

Dated: June 27, 1995.

Lois A. Rossi,

Director, Special Review and Reregistration Division, 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. 346a and 371.

§ 180.376 [Removed]

2. By removing § 180.376 *6-Benzyladenine; tolerances for residues.*

3. In subpart D, by adding new § 180.1150, to read as follows:

§ 180.1150 6-Benzyladenine; exemption from the requirement of a tolerance.

The plant growth regulator 6-benzyladenine is exempt from the requirement of a tolerance when used as a fruit-thinning agent at an application rate not to exceed 30 grams of active ingredient per acre (30 g ai/A) in or on apples.

[FR Doc. 95–16431 Filed 7–3–95; 8:45 am]
BILLING CODE 6560–50–F

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40 CFR Part 180

[OPP–300385A; FRL–4963–8]

RIN 2070–AB78

Potassium Oleate, Oxytetracycline, and S-Ethyl Diisobutylthiocarbamate; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA on its own inititative is revising 40 CFR 180.232, 180.337, and 180.1068 to change some chemical expressions, increase certain tolerances, revise certain commodity definitions, and delete certain terms. For each of the pesticides subject to this rule, EPA has completed the reregistration process and issued a Reregistration Eligibility Document. These actions are taken as a result of EPA's reregistration process involving these chemicals.

EFFECTIVE DATE: This regulation becomes effective July 5, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [OPP-300385A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP-300385A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Ben Chambliss, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive,

Arlington, VA 22202, (703)-308-8174; e-mail: chambliss.ben@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 19, 1995 (60 FR 19556), EPA issued a propose rule in which it stated that for each of the pesticides subject to the actions listed in the proposed rule, EPA had completed the reregistration process and issued a Reregistration Eligibility Document (RED). In the reregistration process, all continued registrations were reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide chemicals subject to this rule, EPA is taking the following actions: deleting the term ''potassium oleate'' from the tolerance exemption for C_{12}–C_{18} fatty acid potassium salts (40 CFR 180.1068); increasing a tolerance for oxytetracycline on peaches (40 CFR 180.337); and changing the chemical name of ''*S*-ethyl diisobutylthiocarbamate'' (40 CFR 180.232) to the common name ''butylate'', deleting certain terms from the section, and changing commodity definitions in the section.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the amendments will protect the public health. Therefore, the amendments are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). 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). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is 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 issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [OPP-300385A] (including objections and hearing requests 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 Room 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.

Written objections and hearing requests, identified by the document control number [OPP-300385A], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

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Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: June 27, 1995.

Lois A. Rossi,

Director, Special Review and Reregistration Division, 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. 346a and 371.

2. Section 180.232 is revised to read as follows:

§ 180.232 Butylate; tolerances for residues.

Tolerances are established for the herbicide butylate in or on the raw agricultural commodities corn, field, grain; corn, pop, grain; corn, sweet

(kernels, plus cob with husk removed); corn, field, fodder; corn, field, forage; corn, pop, forage; and corn, sweet, forage at 0.1 part per million.

3. Section 180.337 is revised to read as follows:

§ 180.337 Oxytetracycline; tolerance for residues.

Tolerances are established for residues of the pesticide oxytetracycline in or on the following raw agricultural commodities:

Commodity	Parts per million
Peaches	0.35
Pears	0.35

4. Section 180.1068 is revised to read as follows:

§ 180.1068 C_{12}–C_{18} fatty acid potassium salts; exemption from the requirement of a tolerance.

C_{12}-C_{18} fatty acids (saturated and unsaturated) potassium salts are exempted from the requirement of a tolerance for residues in or on all raw agricultural commodities when used in accordance with good agricultural practice.

[FR Doc. 95–16430 Filed 7–3–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 1F4025/R2148; FRL–4963–3]

RIN 2070–AB78

Pesticide Tolerance for O-[2-(1,1-Dimethylethyl)-5-Pyrimidinyl] O-Ethyl-O-(1-Methylethyl) Phosphorothioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a time-limited tolerance for residues of the insecticide *O*-[2-(1,1-dimethylethyl)-5-pyrimidinyl] *O*-ethyl-*O*-(1-methylethyl) phosphorothioate in or on the raw agricultural commodities, corn, sweet (K+CWHR); corn, grain, field, and pop; corn, forage and fodder, field, pop, and sweet at 0.01 part per million (ppm). The Agricultural Division of Miles, Inc., requested in a petition submitted pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) this regulation to establish a maximum permissible level for residues of the insecticide.

EFFECTIVE DATE: This regulation becomes effective July 5, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F4025/R2148], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [1F4025/R2148]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Robert A. Forrest, Product Manager (PM) 14, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 219, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6600; e-mail: forrest.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of April 5, 1995 (60 FR 17355), which announced that Miles, Inc., Agriculture Division, 8400 Hawthorn Road, P.O. Box 4913, Kansas City, MO 64120, had submitted a pesticide petition, PP 1F4025, to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for residues of the insecticide ''phostebupirim'' (*O*-[2-(1,1-dimethylethyl)-5-pyrimidinyl] *O*-ethyl-*O*-(1-methylethyl) phosphorothioate) in or on the raw agricultural commodities corn, fresh; corn, grain, field and pop; and corn, forage and fodder, field, pop, and sweet at 0.01 part per million (ppm). (Because the name ''phostebupirim'' was not accepted as the common name, no further reference to this name will be made.) For consistency, the raw agricultural commodity, corn, fresh is expressed as corn, sweet (K+CWHR).

There were no comments received in response to the notice. The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance include:

1. Several acute toxicological studies placing the technical grade of the insecticide in toxicity category I.

2. A 3-week subacute rabbit dermal study with a no-observed-effect level (NOEL) of 0.3 milligram/kilogram/day (mg/kg/day) for cholinesterase inhibition effects. Levels tested were 0.3, 1.0, and 3.0 mg/kg/day.

3. A subchronic (86 days) rat-feeding study with a NOEL for cholinesterase effects of 4.0 ppm and a systemic NOEL of 12.0 ppm. Levels tested were 2.0, 4.0, 12.0, and 36.0 ppm. (0.1, 0.2, 0.6, and 1.8 mg/kg/day, respectively).

4. An acute delayed neurotoxicity study in hens in which a dosage of 10 mg/kg was administered by gavage with no delayed neurotoxicity effects observed under conditions of the study.

5. A 1-year dog-feeding study with a NOEL of 0.02 mg/kg/day. Plasma, red blood cell, and brain cholinesterase inhibition effects were observed at the 5.0 ppm (0.125 mg/kg) dose level. No systemic effects were observed under the conditions of the study. Levels tested were 0.2, 0.7, and 5.0 ppm. (0.005, 0.018, and 0.125 mg/kg/day, respectively).

6. The following three studies fulfill the rat chronic/oncogenicity study requirement.

a. A 2-year rat-feeding carcinogenicity study with a NOEL of 1.0 ppm for cholinesterase inhibition and 5.0 ppm for systemic effects. The study was negative for carcinogenic effects under the conditions of the study. Systemic effects observed at the 25-ppm dose level consisted of a decrease in body weight gain for first 6 months (males); soft stools; and poor general conditions, salivation, and tremors (females). Levels tested were 1.0 ppm, 5.0 ppm, and 25.0 ppm. (0.05, 0.25, and 1.25 mg/kg/day, respectively).