

1921 Jefferson Davis Highway,
Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 4F4402/R2149], may be submitted to the Hearing Clerk (1900), 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, 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: July 3, 1995.

Daniel M. Barolo,

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. 346a and 371.

2. In subpart D, by adding new § 180.1149, to read as follows:

§ 180.1149 Inclusion bodies of the multi-nuclear polyhedrosis virus of *Anagrapha falcifera*; exemption from the requirement of a tolerance.

The microbial pest control agent inclusion bodies of the multi-nuclear polyhedrosis virus of *Anagrapha falcifera* is exempted from the requirement of a tolerance in or on all raw agricultural commodities when used to control certain lepidopteran pest species.

[FR Doc. 95-17602 Filed 7-18-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 0F3885/R2152; FRL-4966-5]

RIN 2070-AB78

Burkholderia (Pseudomonas) Cepacia Type Wisconsin; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of the biological pesticide *Burkholderia (Pseudomonas) cepacia* type Wisconsin in or on all raw agricultural commodities, resulting from use on plant roots or seedling roots. EPA is issuing this regulation on its own

initiative. The rule amends the existing tolerance exemption for this organism, which is limited to the seed treatment use.

EFFECTIVE DATE: This regulation becomes effective July 19, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 0F3885/R2152], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests 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 [PP 0F3885/R2152]. 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: Denise Greenway, Biopesticide and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. CS51L6, Crystal Station #1, Arlington, VA 22202, (703)-308-8263; e-mail: greenway.denise@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 7, 1995 (60 FR 30048), EPA issued a proposed rule that

gave notice that Stine Microbial Products, 4722 Pflaum Rd., Madison, WI 53704, had proposed a new use site, plant roots or seedling roots, for its biological pesticide *Burkholderia (Pseudomonas) cepacia* type Wisconsin for residues in or on all raw agricultural commodities. An exemption from the requirement of a tolerance had been established under 40 CFR 180.1115 for use of the chemical as a seed treatment. *Burkholderia (Pseudomonas) cepacia* type Wisconsin applied to plant roots or seedling roots will colonize the developing root system, and by producing antibiotics, protect the seedling or plant from a range of plant pathogenic fungi and nematodes. The Agency has determined that this presents no new hazard issues and that the originally submitted data can support the registration for use as a soil, seed, or seedling treatment.

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 tolerance exemption will protect the public health. Therefore, the tolerance exemption is 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 and/or request a hearing 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 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 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 [PP 0F3885/R2152] (including any 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 [0F3885/R2152], 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, 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).

List of Subjects in 40 CFR Part 180

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

Dated: July 12, 1995.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention 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 180.1115 is revised to read as follows:

§ 180.1115 *Burkholderia (Pseudomonas) cepacia* type Wisconsin; exemption from the requirement of a tolerance.

The biological pesticide *Burkholderia (Pseudomonas) cepacia* type Wisconsin is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied to plant roots and seedling roots, or as a seed treatment for growing agricultural crops

in accordance with good agricultural practices.

[FR Doc. 95-17752 Filed 7-14-95; 4:25 pm]
BILLING CODE 6560-50-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 941265-4365; I.D. 071195B]

Pacific Coast Groundfish Fishery; Miscellaneous Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment of trip limits; end of nontrawl sablefish regular season.

SUMMARY: NMFS announces inseason adjustments to the trip limits for widow rockfish and trawl-caught sablefish, and announces the ending date of the regular season for the nontrawl sablefish limited entry fishery. These actions are intended to enable the 1995 harvest guidelines for widow rockfish and trawl-caught sablefish to be achieved and to provide advance notice of the duration of the nontrawl sablefish regular season.

DATES: The trip limits for widow rockfish and trawl-caught sablefish are effective July 14, 1995, until the effective date of the 1996 annual specifications and management measures for the Pacific Coast Groundfish Fishery, which will be published in the **Federal Register**. The closing date of the nontrawl sablefish regular season and the reimposition of the daily trip limits are effective at 12 noon (local time), August 13, 1995, until the effective date of the 1996 annual specifications and management measures for the Pacific Coast Groundfish Fishery, which will be published in the **Federal Register**. Comments will be accepted until July 31, 1995.

ADDRESSES: Comments on these actions should be sent to Mr. William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Ms. Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has

been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS (Regional Director).

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206-526-6140; or Rodney R. McInnis, 310-980-4040.

SUPPLEMENTARY INFORMATION: These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California.

Adjustment to Trip Limits

On January 9, 1995, the 1995 Annual Specifications and Management Measures for Pacific Coast Groundfish Fishery were published in the **Federal Register** (60 FR 2331-2344). At its June 1995 meeting in Clackamas, OR, the Pacific Fishery Management Council (Council) considered the best available scientific information, comments from its advisory committees, and public testimony before recommending adjustments to the management measures for the commercial groundfish fishery. Because the Council meeting was held the last week in June, time constraints prevented these actions from being effective July 1, 1995, the beginning date for the next cumulative monthly trip limits. These less restrictive limits are being implemented during the month of July; however, the cumulative trip limits in effect at the beginning of July remain in effect until the effective date of this inseason adjustment. A cumulative monthly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a calendar month, without a limit on the number of landings or trips.

Widow Rockfish. The best available information through May 31, 1995, projected the total annual catch of widow rockfish to be 4,990 mt in 1995, almost 20 percent below the 6,500-mt harvest guideline. The current rate of landings would need to increase by almost 50 percent to enable the harvest guideline to be reached by the end of the year. Consequently, the Council recommended that the monthly cumulative trip limit be increased by 50 percent as quickly as possible, from 30,000 lb (13,608 kg) to 45,000 lb (20,412 kg). NMFS concurs with this recommendation to allow full achievement of the harvest guideline for widow rockfish.

Trawl-Caught Sablefish. On May 1, 1995, the cumulative monthly trip limit for trawl-caught sablefish was increased

from 6,000 lb (2,722 kg) to 7,000 lb (3,175 kg) (60 FR 22303, May 5, 1995) and the "per-trip" limit of 1,000 lb (454 kg) or 33.333 percent of the thornyheads and Dover sole remained in effect. The best available information through May 31, 1995, projects a total annual harvest of 3,412 mt in 1995, 10 percent below the revised 3,803-mt limited entry allocation for the sablefish trawl fishery.

Sablefish often are caught with thornyheads and Dover sole, which are managed together as the "DTS complex." Landings of shortspine thornyheads (one of the two thornyhead species) are higher than desired. However, a reduction in the current 3,000-lb (1361 kg) cumulative trip limit for shortspine thornyheads would most likely cause an increase in discards with little or no reduction in catch, because of thornyheads' close association in the catch with sablefish and Dover sole. The Council heard testimony that the current "per-trip" limit for sablefish could be encouraging a larger harvest of thornyheads, because fishers with more than 1,000 lb (454 kg) of sablefish on board, but less than one-third of the weight of thornyheads and Dover sole, would fish for additional amounts of the last two species to be within the percentage limit.

The Council recommended removing this "per-trip" sablefish limit (except for the 500-lb (227 kg) "per-trip" limit for sablefish smaller than 22 inches (56 cm) total length), while retaining the cumulative trip limits for sablefish and the DTS complex. Removing the "per-trip" limit will eliminate those discards that were made in excess of that limit, and will not encourage a large increase in sablefish landings because only small sablefish in very nearshore waters can be caught fairly selectively, and this harvest is constrained by the 500-lb (227-kg) trip limit on sablefish smaller than 22 inches (56 cm). NMFS concurs with the Council's recommendation, which is intended simultaneously to achieve the limited entry trawl allocation for sablefish, to eliminate the discard of sablefish caught in excess of the trip limit that now is removed, and to divert fishing effort from shortspine thornyheads.

Nontrawl Sablefish Season

The "regular season" for the limited entry nontrawl sablefish fishery begins at 12 noon on August 6, 1995, and ends when 70 percent (1,928 mt) of the 2,754-mt nontrawl allocation is projected to be taken. (The remainder of the allocation is to be taken in a mop-up fishery about 3 weeks later, if sufficient amounts remain.) The regulations at 50 CFR 663.23(b)(2)(ii) (60