impacts that this regulatory action may impose on small entities should be submitted to the Agency at the address listed under the ADDRESSES unit.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been previously approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB Control No. 2070-0060. A copy may be obtained from the Information Policy Branch (7405), EPA, 401 M St., SW., Washington, DC 20460, or by calling (202) 260-2744.

D. Unfunded Mandates

Under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), this action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and will not result in any ''unfunded mandates'' as defined by Title II. The costs associated with this action are described in the Executive Order 12866 unit above.

Under Executive Order 12875 (58 FR 58093, October 28, 1993), EPA must consult with representatives of affected State, local, and tribal governments before promulgating a discretionary regulation containing an unfunded mandate. This action does not contain any mandates on States, localities or tribes and is therefore not subject to the requirements of Executive Order 12875.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted 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 General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in Part 152

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

Dated: June 20, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR part 152 is amended as follows:

PART 152—[AMENDED]

1. The authority citation for part 152 continues to read as follows:

Authority: 7 U.S.C. 136-136y; subpart U is also issued under 31 U.S.C. 9701.

2. Section 152.44 is amended by adding new paragraph (b)(4), to read as follows:

§ 152.44 Applications for amended registration.

* * * * *

(b) * * *

(4) Permit an applicant to modify a registration by notification or non-notification in accordance with § 152.46.

3. Section 152.46 is revised to read as follows:

§ 152.46 Notification and non-notification changes to registrations.

(a) *Changes permitted by notification.* (1) EPA may determine that certain minor modifications to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished by notification to the Agency, without requiring that the registrant obtain Agency approval. If EPA so determines, it will issue procedures following an opportunity for public comment describing the types of modifications permitted by notification and any conditions and procedures for submitting notifications.

(2) A registrant may modify a registration consistent with paragraph (a)(1) of this section and any procedures issued thereunder and distribute or sell the modified product as soon as the Agency has received the notification. Based upon the notification, the Agency may require that the registrant submit an application for amended registration. If it does so, the Agency will notify the registrant and state its reasons for requiring an application for amended registration. Thereafter, if the registrant fails to submit an application the Agency may determine that the product is not in compliance with the requirements of the Act. Notification under this paragraph is considered a report filed under the Act for the purposes of FIFRA section 12(a)(2)(M).

(b) *Changes permitted without notification.* EPA may determine that certain minor modifications to registration having no potential to cause unreasonable adverse effects to the environment may be accomplished without notification to or approval by the Agency. If EPA so determines, it will issue procedures following an opportunity for public comment describing the types of amendments permitted without notification (also known as non-notification). A registrant may distribute or sell a product changed in a manner consistent with such procedures without notification to or approval by the Agency.

(c) *Effect of non-compliance.* Notwithstanding any other provision of this section, if the Agency determines that a product has been modified through notification or without notification in a manner inconsistent with paragraphs (a) or (b) of this section and any procedures issued thereunder, the Agency may initiate regulatory and/or enforcement action without first providing the registrant with an opportunity to submit an application for amended registration.

[FR Doc. 96–16335 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180 and 185

[PP 4F4380 and FAP 4H5703/R2240; FRL–5369–7]

RIN 2070–AB78

Flutolanil; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a time-limited tolerance, to expire on April 30, 1998 for combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm; and in or on the processed food commodities rice hull at 7.0 ppm and rice bran at 3.0 ppm, when present therein as a result of application of the fungicide to growing crops. The regulation to establish a maximum permissible level for residues of the fungicide was requested in a petition submitted by the AgrEvo USA Company.

EFFECTIVE DATE: This regulation became effective April 30, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4380, FAP 4H5703/R2240], may be submitted

to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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. 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.

An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 4F4380, FAP 4H5703/R2240] . No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic 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: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305-6226; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice (FRL–4926–4), published in theFederal Register of February 8, 1995 (60 FR 7539), which announced that AgrEvo USA Company had submitted pesticide petitions (PP) 4F4380 and FAP 4H5703 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 combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil, in or on the raw agricultural commodities rice grain at 2.0 ppm and rice straw at 8.0 ppm; and in or on the processed food commodities rice hull at 7.0 ppm and rice bran at 3.0 ppm, when present therein as a result of application of the fungicide to growing crops.

There were no comments received in response to the notice of filing. 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 toxicity studies that place technical flutolanil in Toxicity Category III (Caution). Data show minimal to slight irritation to the eye.

2. A 90–day rat feeding study with a systemic no-observed effect level (NOEL) of 37 mg/kg/day for males and 44 mg/kg/day for females and a systemic lowest effect level (LEL) of 299 mg/kg/day for males and 339 mg/kg/day for females based on increased absolute and relative liver weights in both the 299 mg/kg/day males and 339 mg/kg/day females and the 1,512 mg/kg/day males and 1,743 mg/kg/day females, along with a slight decrease in body weight in 1,512 mg/kg/day males.

3. A 90–day oral study in dogs with a systemic NOEL of 80 mg/kg/day and a systemic LEL of 400 mg/kg/day based on enlarged livers and increased glycogen deposition in the livers of both males and females. High dose (2,000 mg/kg/day) males and females showed increased alkaline phosphatase levels and cholesterol thyroid/parathyroid organ weights.

4. A 2–year feeding/carcinogenicity study in rats with a systemic NOEL of 86.9 mg/kg/day for males and 103.1 mg/kg/day for females and a systemic LEL of 460.5 mg/kg/day for males and 535.8 mg/kg/day for females based on reduced body weight and body weight gain in males along with decreased and absolute relative weights in females. Flutolanil was not carcinogenic under the conditions of this study.

5. A carcinogenicity study in mice with a systemic NOEL of 735 mg/kg/day for males and 1,168 mg/kg/day for females and a systemic LEL of 13,333 mg/kg/day for males and 1,839 mg/kg/day for females based on body weight gains in the high dose females which were significantly lower than those of controls during the first 24 weeks of treatment. There were no effects of biological importance on survival, clinical signs, food intake, hematology, gross pathology, or histopathology. Flutolanil was not carcinogenic under the conditions of this study.

6. A 2–year oral feeding study in dogs with a systemic NOEL of 50 mg/kg/day for males and females and a systemic LEL of 250 mg/kg/day based on increased incidence of clinical signs (emesis, salivation, soft stools, lower body weight gains and decreased food consumption in the 250 and 1,250 mg/kg group males and females.

7. A rat developmental toxicity study with a maternal NOEL of 1,000 mg/kg/day (limit dose) and a developmental toxicity NOEL of 1,000 mg/kg/day (limit dose). Developmental toxicity was not observed at any dose level.

8. A rabbit developmental toxicity study with a maternal NOEL of 40 mg/kg/day and a maternal LEL of 200 mg/kg/day based on increased resorptions in the 200 and 1,000 mg/kg group. A developmental NOEL of 40 mg/kg/day, and a developmental LEL of 200 mg/kg/day were based on increased resorptions in the 200 and 1,000 mg/kg/day group.

9. A 2–generation rat reproduction study with a parental toxicity NOEL of 1,936 mg/kg/day (limit dose) and a reproductive toxicity NOEL of 1,936 mg/kg/day (limit dose).

10. Mutagenicity studies included: An Ames Assay which was negative; Chromosome Aberration studies which showed flutolanil induced chromosomal aberrations in cultured Chinese Hamster lung cells in the presence of metabolic activation; Reverse Data which showed that flutolanil did not cause an increase in revertant colonies using Salmonella and *E.coli* strains; Micronucleus Assay data which indicated that flutolanil, up to a dose of 10 gm/kg, did not induce micronuclei in the bone marrow erythrocytes of male and female mice; Unscheduled DNA Synthesis (UDS) data which showed that flutolanil did not induce UDS because the test compound failed to induce a genotoxic response in the *in vitro* assay; and Lymphoma mutation test data which showed that flutolanil was found to be nonmutagenic in the Mammalian Cell Gene Mutation Assay.

The Reference Dose (RfD) used in the analysis is 0.2 mg/kg bwt/day, based on an LEL of 63.7 mg/kg bwt/day from a three generation rat reproductive study with an uncertainty factor of 300 that demonstrated decreased body weight gains and increased liver weights at the high dose of 661.8 mg/kg. Flutolanil is classified as a group E carcinogen, showing no evidence of cancer in rats or mice.

The Theoretical Maximum Residue Contribution (TMRC) from the current

action is estimated at 0.000810 mg/kg bwt/day and utilizes less than 1 percent of the RfD for the general population of the 48 States. The TMRCs for the most highly exposed subgroups, children (1 to 6 years old) is 0.003577 mg/kg bwt/day (1.8% of the RfD).

The residue analytical method will not be forwarded to FDA for publication at this time. This method is available for limited distribution from Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–5232. It has the following disclaimer: The method is for use only by experienced chemists who have demonstrated knowledge of the principles of trace organic analysis; and have proven skills and abilities to run a complex residue analytical method obtaining accurate results at the part per billion level. Users of this method are expected to perform additional method validation prior to using the method for either monitoring or enforcement. The method can detect gross misuse.

There are presently no actions pending against the continued registration of this chemical. The pesticide is considered useful for the purpose for which the tolerance is sought.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance 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 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 the docket number [PP 4F4380 FAP 5H5703/R2240] (including any comments and data submitted electronically). 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 22202.

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 this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making 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.

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. 9–354, 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 explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted 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 General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides

and pests, Reporting and recordkeeping requirements.

40 CFR Part 185

Food additive, Pesticide and pest.

Dated: April 30, 1996.

Stephen L. Johnson,

Director, Registration 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. In § 180.484 by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read a follows:

§ 180.484 Flutolanil N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil; tolerances for residues.

* * * * *

(b) Time-limited tolerances are established for the combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the following raw agricultural commodities:

Commodities	Parts per million	Expiration date
Rice, grain	2.0	April 30, 1998
Rice, straw	8.0	April 30, 1998

PART 185—[AMENDED]

2. In part 185

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 185.3385 by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 185.3385 Flutolanil N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil; tolerances for residues.

* * * * *

(b) A time-limited food additive regulation is established permitting the combined residues of the fungicide flutolanil *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid and calculated as flutolanil in or on the following raw processed food commodity:

Commodities	Parts per million	Expiration date
Rice, hull	7.0	April 30, 1998
Rice, bran	3.0	April 30, 1998

[FR Doc. 96–16338 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 799

[OPPTS–00173A; FRL–5379–5]

Technical Amendments to TSCA Regulations to Update Addresses; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to final rule.

SUMMARY: EPA issued a final rule document (FR Doc. 95–16287) published in the Federal Register of July 3, 1995 (60 FR 34462) (FRL–4964–5), inadvertently amending § 799.1285. This document removes that amendment. Section 799.1285 was removed at 60 FR 31924, June 19, 1995 (FRL–4955–2). Because this is a nonsubstantive change, notice and public comment are not required.

EFFECTIVE DATE: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., NW, Washington, DC 20460, telephone: (202) 554–1404, TDD: (554–0551); e-mail: TSCA Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

In FR Doc. 95–16287 published in the Federal Register of July 3, 1995 (60 FR 34462), § 799.1285 was inadvertently amended. EPA issued a document in the Federal Register of June 19, 1995 (60 FR 31924) removing § 799.1285. This document removes the amendment published on July 3, 1995.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, and Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, the publication on July 3, 1995, of the final regulation, which was the subject of FR Doc. 95–16287, is corrected as follows:

§ 799.1285 [Corrected]

In the final rule published on July 3, 1995, at 60 FR 34462, make the following correction. On page 34467, in the first column, remove amendatory instruction c. and the amendment to § 799.1285.

Dated: June 14, 1996.

William H. Sanders, III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 96–16199 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F