

or eggs from this tolerance. Based on the data and information submitted above, the Agency has determined that the establishment of tolerances by amending 40 CFR part 180 will protect the public health. Therefore, EPA is establishing the tolerance as described below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, 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 objection. 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 intentions on each issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for 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 aims 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.

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 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 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 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: January 9, 1995.

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 § 180.447, paragraph (b) is amended by revising the table therein, to read as follows:

§ 180.447 Imazethapyr, ammonium salt; tolerances for residues.

* * * * *
(b) * * *

Commodity	Parts per million
Alfalfa, forage	3.0
Alfalfa, hay	3.0
Peanuts	0.1
Peanuts, hulls	0.1

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40 CFR Part 180

[PP 1F3991/R2102; FRL-4931-1]

RIN 2070-AB78

Pesticide Tolerances for Triclopyr

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide triclopyr [(3,5,6-trichloro-2-pyridinyl)oxyacetic acid] and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine in or on the raw agricultural commodities (RACs) rice grain at 0.3 part per million (ppm) and rice straw at 10.0 ppm, and for triclopyr in poultry meat, poultry fat, and meat byproducts (except kidney) at 0.1 ppm, and eggs at 0.05 ppm. DowElanco requested this regulation that establishes the maximum permissible level for residues of the herbicide in or on the commodities.

EFFECTIVE DATE: This regulation becomes effective January 20, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F3991/R2102], 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 request 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 request 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 36277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 13, 1991 (56 FR 65080), which announced that DowElanco, 9330 Zionsville Rd.,

Indianapolis, IN 46268, had submitted pesticide petition (PP) 1F3991 to EPA proposing that 40 CFR 180.417 be amended by establishing a regulation to permit the combined residues of the herbicide triclopyr [(3,5,6-trichloro-2-pyridinyl)oxyacetic acid] and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine in or on the raw agricultural commodities (RACs) rice grain at 0.3 part per million (ppm) and rice straw at 8.0 ppm, and for triclopyr in poultry meat, poultry fat, and meat byproducts (except kidney) at 0.1 ppm, and eggs at 0.05 ppm.

The petitioner subsequently amended the petition, notice of which appeared in the **Federal Register** of October 21, 1993 (58 FR 54357), by submitting a new Section F proposing to establish a tolerance for the residues of the herbicide triclopyr [(3,5,6-trichloro-2-pyridinyl)oxyacetic acid] and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine in or on the raw agricultural commodities (RACs) rice grain at 0.3 part per million (ppm) and rice straw at 10.0 ppm, and for triclopyr in poultry meat, poultry fat, and meat byproducts (except kidney) at 0.1 ppm, and eggs at 0.05 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. An acute toxicology study placing technical-grade triclopyr in toxicity Category I.

2. A 22-month carcinogenicity study with mice fed dosages of 0, 7.1, 35.7, and 178.5 mg/kg/day with no carcinogenic effects observed under the conditions of the study. The systemic NOEL is 35.7 mg/kg/day based on decreased body weight gain observed in both sexes at the 178.5 mg/kg/day dose.

3. A 2-year chronic toxicity/carcinogenicity study in rats fed dosages of 0, 3, 12, and 36 mg/kg/day with no carcinogenic effects observed under the conditions of the study at levels up to and including 36 mg/kg/day (HDT) and a systemic NOEL of 12 mg/kg/day based on a significant increase in hemoglobin, hematocrit and erythrocyte values, and a significant increase in absolute and relative kidney weights observed at the 36 mg/kg/day dose level in male rats.

4. A 6-month feeding study in dogs fed dosages of 0.1, 0.5, and 2.5 mg/kg/day with a NOEL of 0.5 mg/kg/day based on significant reductions in PSP

excretion rate, absolute and relative kidney weight, and a significant increase in SGOT at 2.5 mg/kg/day.

5. A 1-year feeding study in dogs fed dosages of 0, 0.5, 2.5, and 5.0 mg/kg/day with a NOEL of 0.5 mg/kg/day (LDT) based on significant increases in serum urea nitrogen and creatinine at 2.5 mg/kg/day.

6. A developmental toxicity study in rats fed dosage levels of 0, 50, 100, and 200 mg/kg/day (HDT), with a maternal toxicity NOEL of less than 50 mg/kg/day and a developmental toxicity NOEL of 200 mg/kg/day (HDT).

7. A developmental toxicity study in rabbits fed dosage levels of 0, 10, and 25 mg/kg/day with no developmental effects noted at 25 mg/kg/day (HDT), and a maternal toxicity NOEL of 10 mg/kg/day based on decreases in weight gain observed at 25 mg/kg/day (HDT).

8. A three-generation reproduction study in rats fed dosages of 0, 3, 10, and 30 mg/kg/day (HDT) showed no reproductive effects up to the highest dose tested. The systemic NOEL is equal to or greater than 30 mg/kg/day.

9. Mutagenicity data included gene mutation assays with *E. coli* and *S. typhimurium* (negative); DNA damage assays with *B. subtilis* (negative); an unscheduled DNA synthesis with rat hepatocytes (negative) and a chromosomal aberration test in Chinese hamster cells (negative).

Based on the NOEL of 0.5 mg/kg bwt/day in the 1-year dog feeding study, and using a hundredfold uncertainty factor, the RfD acceptable daily intake (ADI) for triclopyr is calculated to be 0.005 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) is 0.000356 mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.000127 mg/kg bwt/day (2.54 percent of the ADI). These tolerances and previously established tolerances utilize a total of 7 percent of the ADI for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6, the current action and previously established tolerances utilize, respectively, a total of 26 percent and 16 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

There are no desirable data lacking.

This pesticide is useful for the purposes for which the tolerances are sought. The nature of the residues is adequately understood for the purposes of establishing these tolerances. Adequate analytical methodology, high-pressure liquid chromatography, is available for enforcement purposes.

Because of the long lead time from establishing this tolerance to publication, the enforcement methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response 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. 1130A, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

There are currently no actions pending against the registration of this chemical. Based on the data and information submitted above, the Agency has determined that the establishment of tolerances by amending 40 CFR part 180 will protect the public health. Therefore, EPA is establishing the tolerances as described below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, 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 each issue, 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.

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 defies 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: January 9, 1995.

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 § 180.417 by amending paragraph (b) by revising the table therein, to read as follows:

§ 180.417 Triclopyr; tolerances for residues.

*	*	*	*	*
(b)	*	*	*	

Commodity	Parts per million
Eggs	0.05
Meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, and sheep	0.05
Meat, fat, and meat byproducts (except kidney) of poultry	0.1
Milk	0.01
Liver and kidney of cattle, goats, hogs, horses, and sheep	0.5
Rice, grain	0.3
Rice, straw	10.0

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40 CFR Part 180

[PP 1F3986, PP 1F3987, and PP 1F3988/R2098; FRL-4928-6]

RIN 2070-AB78

Sodium 5-Nitroguaiacolate, Sodium O-Nitrophenolate, and Sodium P-Nitrophenolate; Exemptions from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes exemptions from the requirement of a tolerance for residues of the biochemical plant regulators sodium 5-nitroguaiacolate, sodium o-nitrophenolate, and sodium p-nitrophenolate in or on the raw agricultural commodities cottonseed, cotton gin byproducts, rice, rice straw, soybeans, and soybean forage and hay when products containing 0.1%, 0.2%, and 0.3% by weight of these active ingredients, respectively, are applied at rates of 20 grams of each active ingredient per acre or less per application in accordance with good agricultural practices. These exemptions were requested by Asahi Chemical Manufacturing Co., Ltd.

EFFECTIVE DATE: Effective on January 9, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F3986, PP 1F3987, and PP 1F3988/R2098], 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 a copy of the 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.

FOR FURTHER INFORMATION CONTACT: By mail: Leonard S. Cole, Jr., Acting 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 Hwy., Arlington, VA 22202, (703) 305-6900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 13, 1991 (56 FR 65080), which announced that Asahi Chemical Manufacturing Co., Ltd., 500 Takayasu, IkarugaCho, Ikoma-Gun, Nara Prefecture, Japan, had submitted pesticide petitions (PP) 1F3986, 1F3987, and 1F3988 proposing to amend 40 CFR part 180 by establishing a regulation pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a and 371, to exempt from the requirement of a tolerance the residues of the biochemical plant regulators sodium 5-nitroguaiacolate, sodium o-nitrophenolate, and sodium p-nitrophenolate when applied at rates of 20 grams of active ingredient or less per acre per application in or on the raw agricultural commodities from application to cotton, rice, and soybeans.

No comments were received in response to the **Federal Register** notice.

The data submitted in the petitions and all other relevant material have been evaluated. The toxicological data considered in support of the exemptions from the requirement of a tolerance include acute toxicity tests, subchronic oral toxicity tests, developmental toxicity studies, and mutagenicity studies. Acute toxicity tests place the end-use product in Toxicity Category IV. The acute toxicity tests for the individual technical chemicals indicate that sodium 5-nitroguaiacolate is in Toxicity Category I based on primary eye irritation, sodium p-nitrophenolate is in Toxicity Category II based on acute oral toxicity and primary eye irritation, and sodium o-nitrophenolate is in Toxicity Category II based on primary