

OHIO—OZONE—Continued

| Designated area | Designation | | Classification | |
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| | Date ¹ | Type | Date ¹ | Type |
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| Steubenville Area, Jefferson County | March 10, 1995 | Attainment. | | |
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¹ This date is November 15, 1990, unless otherwise noted.

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 [FR Doc. 95-3072 Filed 2-7-95; 8:45 am]
 BILLING CODE 6560-50-P

40 CFR Part 180

[PP 4F4314/R2104; FRL-4932-4]

RIN 2070-AB78

1,4-Dimethylnaphthalene; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA establishes an exemption from the requirement for a tolerance for residues of the potato sprout inhibitor 1,4-dimethylnaphthalene from the postharvest application to potatoes. D-I-1-4, Inc., requested this exemption.

EFFECTIVE DATE: This regulation becomes effective February 8, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4314/R2104], 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 (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20450. 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 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Product Manager (PM) 22, Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-5540.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of March 30, 1994 (59 FR 14854), which announced that D-I-1-4, Inc., 15401 Cartwright Rd., Boise, ID 83703, had submitted pesticide petition (PP) 4F4314 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 an exemption from the requirement of a tolerance for the plant growth regulator 1,4-dimethylnaphthalene for use on potatoes (post-harvest).

There were no comments received in response to this notice of filing. The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance include:

1. A rat acute oral study with an LD₅₀ of 2,730 milligrams (mg)/kilogram (kg).
2. A rabbit acute dermal study with an LD₅₀ greater than 2 grams (g)/kg.
3. A rat acute inhalation study with an LD₅₀ greater than 4.16 mg/Liter (L).
4. A rabbit primary eye irritation study with moderate irritation that dissipated by day 14.
5. A rabbit primary dermal irritation study with moderate irritation that dissipated by day 14.
6. A guinea pig dermal sensitization study with no apparent sensitization.
7. An Ames mutagenicity study that was negative in the presence and absence of metabolic activation homogenate.
8. An in vitro test for unscheduled DNA synthesis in rat liver primary cell culture that was negative.
9. A in vivo micronucleus assay that was negative.
10. No hypersensitivity Incidents were reported.

1,4-Dimethylnaphthalene has been classified as a biochemical as defined by 40 CFR 158.65. Biochemical pesticides

are distinguished by their unique nontoxic mode of action, low use volume, target specificity, and natural occurrence. 1,4-Dimethylnaphthalene is naturally occurring in potatoes at levels between 1 and 10 ppm. When conditions are right for sprouting, the potato metabolizes 1,4-dimethylnaphthalene to a low enough level so that sprouting can occur. 1,4-Dimethylnaphthalene is applied to potatoes at a 2.5 ppm level up to 4 applications as a plant growth regulator during the storage season, which generally runs from October to August, to keep 1,4-dimethylnaphthalene at a sufficient concentration in the potato to continue to inhibit sprouting.

The results of the toxicity studies provided, the low-volume use pattern, and the fact that use of the product will not increase levels of 1,4-dimethylnaphthalene above levels normally found in potatoes are sufficient to demonstrate that there are no foreseeable human health hazards likely to arise from the use of the product as a potato sprout inhibitor. Because no enforcement residue level is established by this exemption, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request.

1,4-Dimethylnaphthalene is considered useful for the purposes for which the exemption is sought. Based on the information and data considered, the Agency concludes that the establishment of a tolerance is not necessary to protect the public health. Therefore, the exemption from requirement of a 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 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 fees provided 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, and the requestor's contentions on each such issue, and a summary of the evidence relied upon by the objection (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 on 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 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, Recording and recordkeeping requirements.

Dated: January 27, 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 § 180.1142, to read as follows:

§ 180.1142 1,4-Dimethylnaphthalene; exemption from the requirement of tolerance.

An exemption from the requirement of a tolerance is established for residues of the plant growth regulator 1,4-dimethylnaphthalene when applied post harvest to potatoes in accordance with good agricultural practices.

[FR Doc. 95-2821 Filed 2-7-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5F3188/R2107; FRL-4933-6]

RIN 2070-AB78

Pesticide Tolerances for Paraquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the *bis*(methyl sulfate) or dichloride salt (both calculated as the cation) in or on the raw agricultural commodities (RACs) rice grain and rice straw. Zeneca Agricultural Products requested the establishment of these maximum permissible residues of the herbicide.

EFFECTIVE DATE: This regulation becomes effective February 8, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 5F3188/R2107], 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.

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. 241, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6027.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1994 (59 FR 65744), EPA issued a proposed rule that gave notice that Zeneca Agricultural Products, 1800 Concord Pike, Wilmington, DE 19897, had submitted to EPA a pesticide petition, PP 5F3188, under section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a, to establish tolerances for the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the *bis*(methyl sulfate) or dichloride salt (both calculated as the cation) in or on the raw agricultural commodities rice grain at 0.05 part per million (ppm) and rice straw at 0.06 ppm.

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

The data submitted in the petition 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 tolerances will protect the public health. Therefore, the tolerances 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 and/or request a hearing with the Hearing Clerk, at the address given